



Working Families Program

Work and Family Balance Manual

Better practices for better business

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Minister's Foreword



Rob Hulls MP,
Minister for Industrial Relations

Balancing work and family responsibility is a great challenge not just for individual employees but also for government and local communities.

Many families are finding it increasingly difficult to secure a living wage, adequate predictable family time (including shared holiday time) and workplace flexibilities to meet particular needs.

The challenge to balance responsibilities is as much about caring for young children and older dependants as it is about being able to perform much needed voluntary work, such as coaching local sporting clubs or working for the Country Fire Authority.

The Victorian Government believes that balancing work and family responsibilities makes good commercial sense for business. Cooperative workplaces are happier, productive workplaces.

That is why the Government has developed this best practice manual of model clauses and agreements to guide employers and employees in developing better work and family balance. The first of its kind in Australia, it sets out the legislative framework and outlines the steps to be taken in making the workplace more family friendly.

The manual builds on the Victorian Government's commitment to working families over the past eight years.

Through the Government's Action Agenda for Work and Family Balance, we have developed a series of programs and grants that have generated better work practices. We have also developed guidelines for quality part-time work and for employee choice rostering as part of our Better Work and Family Balance Program and commissioned groundbreaking research into work and family issues in regional Victoria. This has identified the importance of community obligations to the work and family debate.

But the challenge we face is to make the balance more achievable at the workplace level. This manual is a key step towards moving this conversation from rhetoric to reality in Victorian workplaces.

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Introduction

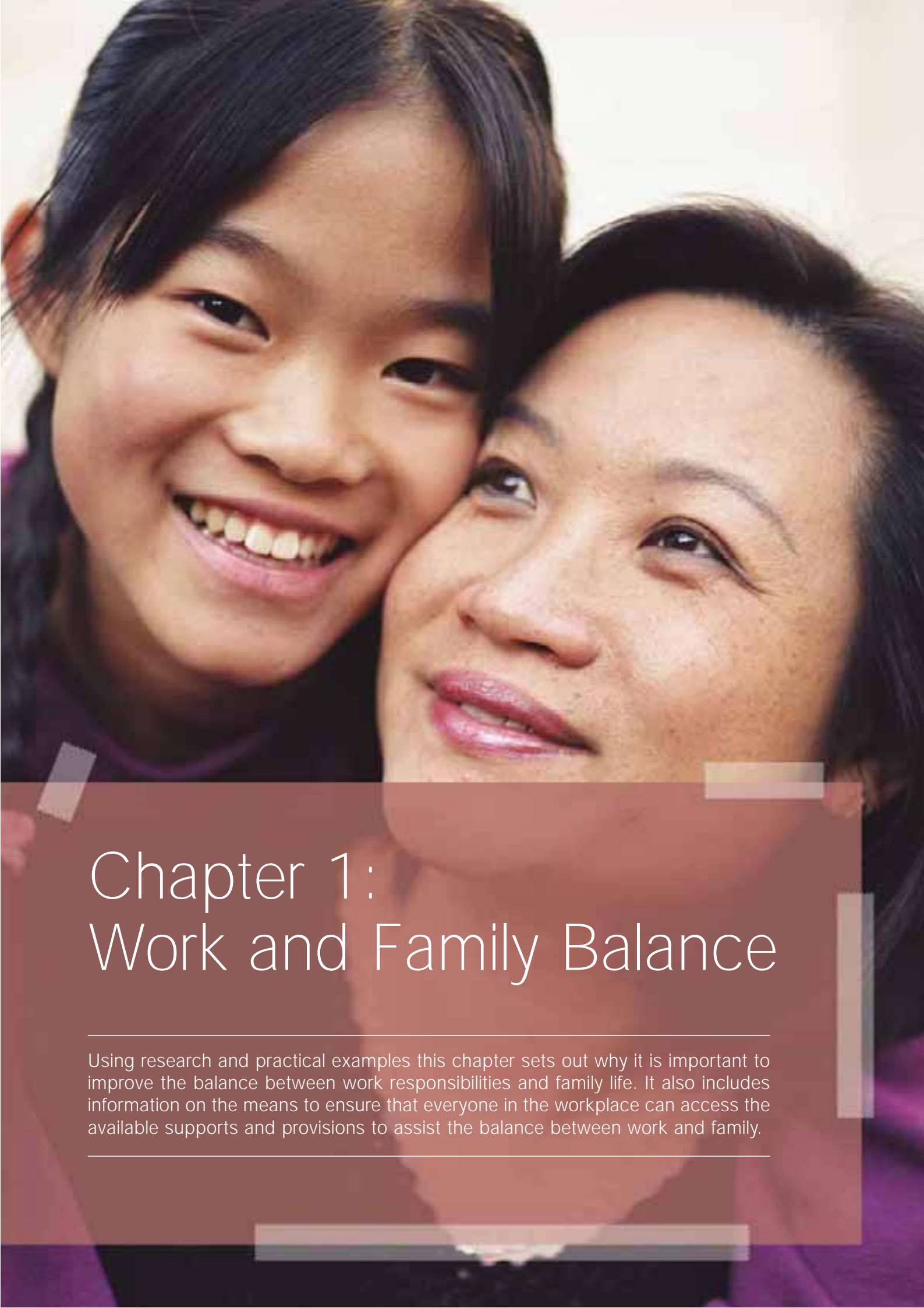
The aim of this manual is to assist employees and employers to work together to improve the balance between work and family in their workplaces.

The manual includes information on relevant legislation, examples of strategies and policies, as well as a step-by-step guide to implementation. Examples of clauses that have been written to be easily adapted to suit the needs of individual workplaces are also included.

In order to provide readers with practical examples of how other organisations have implemented better work and family balance strategies, the manual also includes selected organisational case studies with contact details for further information.

Industrial Relations Victoria acknowledges the contribution of Julie Kun in the development of this manual.

Using this manual will help you work together to make your workplace more family friendly.



Chapter 1: Work and Family Balance

Using research and practical examples this chapter sets out why it is important to improve the balance between work responsibilities and family life. It also includes information on the means to ensure that everyone in the workplace can access the available supports and provisions to assist the balance between work and family.

Chapter 1: Work and Family Balance

What is work and family balance?

Achieving a balance between work and family is important to everyone.

A balance between work and family responsibilities occurs when a person's need to meet family commitments is accepted and respected in the workplace.

Helping people achieve a balance between their family needs and their work commitments supports productive workers as well as committed family people.

All people in the workplace, whether they are employers or employees, will need to balance their work with their family responsibilities at some time in their working lives.

While some might have responsibilities for children, others might also care for ageing parents, partners or other family members who require ongoing or temporary assistance.

One of the most common starting points towards ensuring the balance between work and family becomes a reality for all is by documenting family friendly provisions in an agreement or a policy.

Family friendly provisions could include paid parental leave, flexible working hours or telecommuting. Further information about these provisions is contained in this manual.

Work and family balance: fairness for all staff

Provisions to assist with the balance between work and family must be available to everyone in the workplace. However, not all people in the workplace will need to or wish to access these provisions.

Provisions to assist the balance between work and family reduce the barriers that may prevent people from entering and remaining in the workforce. They enable people with caring and family responsibilities to have equitable opportunities to progress in their career in the same way as those without these responsibilities.

Work and family balance provisions contribute to equality in the workplace by recognising that some workers have caring responsibilities. They enable those workers to have fair access to workplace opportunities.

Work and family balance is not about giving people an unfair advantage but about redressing any potential disadvantage.



Chapter 1: Work and Family Balance

Why is work and family balance relevant to all working Australians?

Finding a better balance between family and work is relevant to all members of the family. It is about the care for the entire family: the elderly, young, ill and those with a disability.

While women still take major responsibility for the care of young children, achieving a balance between work and family responsibilities is also important for men.

Family responsibilities not only include caring for children, but also meeting the needs of other family members such as spouses (partners), siblings, parents and grandchildren.

The Australian workforce of the 21st century is very different from that of fifty years ago. No longer does a household typically consist of one full-time worker, usually a male, and another adult, usually a woman, who is not in the paid workforce and has prime responsibility for the household, including care of children and other dependants such as ageing parents.

Many changes have also occurred in the past 20 years, including:

- > In 1985, 45.6 percent of mothers with dependent children were employed compared to 60.4 percent in 2003.¹
- > In 1981, 51.1 percent of couples with children had one person working full-time, in 2000 this percentage has fallen to 30.5 percent.²
- > Coupled families with both parents employed either full-time or part-time had increased from 41.5 percent in 1981 to 56.4 percent in 2000.³

There are now many more sole parent families in Australia. This growth in the number of households headed by sole parents increases the probability that many workers will have either sole or primary carer responsibilities.

- > Between 1976 and 1996 the number of sole parent families increased more than threefold.⁴
- > In 2001, one-parent families represented 21 percent of all families with dependent children.⁵

Along with more women entering the workforce there have also been major cultural changes. Becoming a father today will often mean wanting to have a more active involvement in the day-to-day care and responsibility for the children. And many men are now saying that while they want to work they also want to take an active role in their family.

In one survey of 1000 Australian fathers, more than half believed that the major barriers to being involved as fathers were related to their participation in paid work; in particular, workload or commitments, time pressures and the need to earn an income. Sixty-eight percent of respondents also felt they did not spend enough time with their children and 53 percent felt that their paid work and family lives interfered with each other.⁶

And as it becomes more and more culturally acceptable for men to provide daily care for their children, many more men will request to have their family needs considered in the workplace.

The Australian population is ageing. In order to prevent or to reduce a skills shortage, strategies to assist with the balance between work and family are essential to encourage workers with caring responsibilities to remain in the work force.

Those who are required to care for relatives who may have a disability, are unwell or frail may also find it difficult to balance their work with their family responsibilities.

- > There are more than 322,000 Victorians with a severe or profound disability (who) are assisted by family members. Carers are of all ages but are most likely to be between 35 and 54.⁷

1 HREOC (2005), "Striking the balance: women, men, work and family" discussion paper, p 14.

2 Source derived from A Burbidge and P Sheehan (2001), "The polarisation of families" in J Borland, B Gregory, P Sheehan (eds), *Work Rich and Work Poor: Inequality and Economic Change in Australia*, Centre for Strategic Economic Studies, Victoria University, Melbourne, p 128.

3 Source derived from A Burbidge and P Sheehan (2001), "The polarisation of families" in J Borland, B Gregory, P Sheehan (eds), *Work Rich and Work Poor: Inequality and Economic Change in Australia*, Centre for Strategic Economic Studies, Victoria University, Melbourne, p 128.

4 ABS (2002), *Census of Population and Housing: Selected Social and Housing Characteristics, Australia 2001*, Catalogue No.2015.0.

5 ABS (2002), *Census of Population and Housing: Selected Social and Housing Characteristics, Australia 2001*, Catalogue No.2015.0.

6 HREOC (2005), "Striking the balance: women, men, work and family" discussion paper, p 54.

7 Carers Victoria, "Carers in Victoria – the facts", information in quote sourced by Carers Victoria from 2004 Australian Bureau of Statistics. These statistics also include disability relating to ageing.

And with the ageing of the Australian population, more workers are required to care for aged relatives. In many circumstances, workers will be caring for dependent children as well as ageing parents.

- > Declining birth rates coupled with increased longevity mean that Australia's population growth is slowing and the population is ageing. Within 10 years, Australians aged over 65 will account for 14 percent of our total population.⁸

The reality is that more and more workers will need time away from paid work to care for family members who are aged or have a disability. These needs must be recognised in workplace planning.

The composition of the typical family and the expectations on individual family members are not all that is changing in Australia. Many studies of Australian population trends predict that the current skills shortage will be exacerbated by the ageing population.

- > Australia's working population usually grows by an average of around 166,000 people every year. But trends already in place will see the working age population grow by just 190,000 for the entire decade of the 2020s – a tenth of the current pace.⁹

To attract and retain staff, workplaces need policies that recognise the needs of modern families.

Organisations wanting to attract and retain the best possible staff must allow for a balance between work and family responsibilities.

What do people with family responsibilities need?

Professor Barbara Pocock identifies seven needs of workers with family responsibilities:

- a living wage, with some predictability and security and the opportunity to live free of financial stress;
- security of employment, which is vital to family formation;
- adequate, predictable and common family time;
- flexible working conditions that allow workers to deal with unexpected or predictable family needs, including the opportunity to change working time (ie to part-time work);
- the avoidance of excessive working hours;
- adequate paid and unpaid leave to deal with personal and family sickness, birth, early parenting, death and other times of intensive family care or incident;
- quality, accessible, affordable childcare.

Pocock, B (2005), "The Impact of the Workplace Relations Amendment (Work Choices) Bill 2005", November 2005, p 8. For the full paper go to www.irv.vic.gov.au.

Family friendly provisions in the workplace – a recipe for success

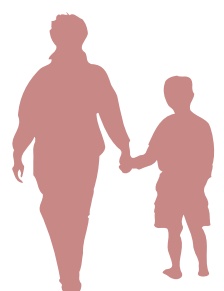
Assisting the balance between work and family responsibilities benefits an organisation in many ways.

Implementing family friendly provisions:

- > is a cost-effective means of retaining skilled staff and attracting new employees – thus reducing turnover costs for the organisation.
- > assists in gaining recognition as an employer of choice within an organisation's industry.
- > increases the number of people returning to work after parental leave.
- > demonstrates to staff that they are valued, which is a positive influence on staff morale and productivity.
- > increases staff loyalty and support.
- > maintains and improves service delivery by ensuring highly skilled employees are recruited and retained.
- > improves overall efficiency through the benefit of retaining staff who have had an opportunity to obtain an institutional memory, industry knowledge, networks and contacts.

For more information on how to determine the cost effectiveness of your organisation implementing family friendly provisions, see Chapter 3.

Implementing work and family balance provisions makes good business sense.



8 Business Victoria (2006), "Work and family in Victoria – family and the Victorian workforce", at www.business.vic.gov.au/BUSVIC.3866846/STANDARD//PC_60623.html.

9 Access Economics (2005), "Workforce participation in Victoria", p 26.

Chapter 1: Work and Family Balance

Can our workplace afford not to be family friendly?

Anyone raising the issue of family friendly provisions may well be asked by staff and management if their workplace can afford to be family friendly.

Many industries in Victoria have or will in future face skills shortages. These organisations must do everything they can to attract and retain staff.

When considering the costs of implementing family friendly provisions, organisations must also consider the costs of people leaving the organisation because of the lack of such provisions.

To help assess replacement costs when a staff member leaves, a costing grid has been included on page 20 of this manual. This grid was originally formulated by Drake Employment Services and may need some minor adjustments in order to make it relevant to your workplace or industry.

Many family friendly provisions, such as a keep-in-touch program for people when they are on parental or extended leave, have very little cost to the organisation. Ensuring that breast-feeding women have a clean and secure place to express milk is another example that will have little cost impact but may make the difference between retaining and losing a valuable staff member.

By looking at what has occurred in the past, it is possible to predict what will happen in the future. An example of how organisations can estimate and plan for the taking of parental leave is included below:

Estimating the cost of paid parental leave

Between 2003 and 2005, an organisation had two staff members go on parental leave – an average of 1 per year. If it is agreed that there was nothing exceptional in the 2003–2005 figures, the following formula can be used to anticipate the ongoing cost of 14 weeks of paid parental leave.

In order to work out the costing, determine the average wage of an employee in the organisation. For this example, it is \$850.00 per week.

1 employee X 14 weeks X \$850 = \$11,900

Anticipated costs of paid parental leave to the organisation \$11,900

Once your organisation has an accurate estimate of the anticipated costs and savings associated with family friendly provisions, it will be better placed to determine if it can afford their introduction.

Why is it necessary to document family friendly provisions?

Documenting family friendly provisions enables employers and employees to have a clear understanding of the provisions that are available within an organisation and how these can be accessed.

Some organisations, particularly those with few workers, might not consider it important to document the family friendly provisions that are available to workers.

However, with no documentation, confusion and tension can occur because it will be unclear what the provisions are and how people can access them.

It might also be more difficult for managers to work out what it is they can legitimately provide to assist workers with family responsibilities.

New management and employees won't know what family friendly provisions are available unless these are documented.

Documenting provisions means that both employers and employees are aware of their respective responsibilities and obligations.

The most common way to document family friendly provisions is by including them in an enterprise agreement or in a policy and procedures manual.

The advantages of documenting family friendly policies include:

- > all employees are aware of what is available.
- > employees are able to forward plan based on the family friendly provisions they know they are able to access.
- > managers throughout the organisation are able to assess eligibility for provisions using the same criteria.
- > management is aware of practices occurring within the organisation and can budget appropriately.
- > staff are better able to understand why some applications to access family friendly provisions are accepted while others are rejected.
- > there is a documented process for considering a request and decisions can be made with transparency leading to less conflict if a request for a provision is not granted.
- > there is fairness and equity across the entire organisation.
- > managers are aware of their legal responsibilities and liabilities.

The provisions and policies that are available to assist workers balance their work and family responsibilities can be made available to all staff in either print format or electronically through an organisation's intranet or shared network folders.

If an organisation has staff members who are unable to access a computer, policies could be displayed on noticeboards or in a staff or lunch room.

This manual is intended to make the task of documenting the provisions more manageable.

The Dandenong Division of General Practice experience

The Dandenong Division of General Practice provides support services and information to doctors and staff working in some 86 medical centres in the local area. The Division employs 23 staff to provide a mix of services to general practices including health support, finance, information technology and administration.

Several years ago, Division staff felt it was the right time to encourage general practices to look at what they were doing, and what could be done, to enable doctors and practice support staff to better balance work and family responsibilities.

However, they also realised that they needed to look at what was happening in their own workplace.

The first step in achieving this aim was to set up a working group.

The working group developed a survey for all Division staff to complete which asked them what they thought family friendly workplaces were, and what could be done to become such a workplace. The survey, which was done by anonymous email, returned a 70 per cent response rate.

The survey confirmed that the Division was family friendly – employees were able to work flexible hours or from home, to take time off in lieu and take carer's leave.

But these practices were not necessarily established in policies or procedures and staff members were concerned that if management changed, their informal entitlements might also change.

"Our family friendly practices, which were there before, are now part of the culture. They are now in policies and procedures manuals and any future changes to working conditions have to be tested against the family friendly provisos", says Program Coordinator Kate Russo. "This has given a lot of employees the confidence that these things won't change in the future".

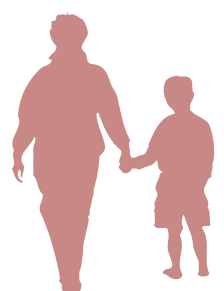
Extract from the Dandenong Division of General Practice case study 'Helping to formalise family friendly doctor's surgeries.' To view the full case study, go to www.irv.vic.gov.au

How to document work and family balance provisions: agreement or a policy and procedures manual?

Family friendly provisions and procedures are most effectively and efficiently negotiated through a collective agreement. And the most comprehensive way to document family friendly provisions is to insert a clause into a collective agreement. This method ensures all staff are operating under the same family friendly provisions. A policy can then be developed to set out how the provisions will be administered.

Another option is to detail the provisions in a policy and procedures manual.

Some organisations advise staff of a provision by memo or email. This method has drawbacks as memos may get lost, emails may be deleted and the information regarding the provision may get lost over time.



Chapter 1:

Work and Family Balance

Inserting family friendly provisions into a collective agreement

Negotiating any agreement is very complex and it is advisable that workers seek advice, for example, from a union prior to entering into negotiations and throughout the negotiation process. Employers should consider being represented by an employer organisation.

Collective agreements make provisions available for all eligible staff. This means everyone is operating within the same provisions and implementation is easier for both managers and staff.

A collective agreement is a legal document that cannot be amended while it remains in force over a specified duration, for example, 12 months or up to five years. All agreements will specify the start date for the operation of the agreement and expiration date. The agreement will also specify how and if the agreement can be altered.

Most agreements cannot be altered during the life of the agreement unless there is consent from both the employer and employees. Workplace policy and procedures on the other hand can be changed by management at any time with or without negotiation.

Usually about six months prior to the expiration of a collective agreement, negotiations start for a new collective agreement. This is the best time to start negotiating for specific clauses to be inserted into a collective agreement or for existing clauses to be modified to ensure they are more family friendly.

While the agreement is being negotiated, it should also be sighted by all staff, thus ensuring they know the family friendly clauses it includes.

Clauses in agreements usually include information on:

- > the nature of the provision, for example, annual leave.
- > eligibility criteria.
- > what an eligible worker is entitled to, for example, 20 days annual leave for full-time staff, pro rata for part-time staff.
- > an appeals process.

The clauses might also include a brief overview of why the provision is important to the workplace.

Below is an example of a clause for paid parental leave.

Paid parental leave for non-casual staff

Paid maternity leave of 13 weeks is available to staff members with 12 months continuous service at the date of going on parental leave.

10 days paid partner leave is available to staff members with 12 months continuous service at the date of going on partner's leave.

Paid adoption leave of up to 12 weeks is available to staff members with 12 months continuous service on the date of taking adoption leave.

A period of paid leave may also be available for staff members who are granted long-term foster care or a permanent care order of a child or children.

Staff wishing to appeal a decision may utilise processes as outlined in the dispute resolution clause.

Inserting family friendly provisions into a policy and procedures manual

Policies and procedures are not legally binding and can be altered at management discretion. It is best practice that alterations to policies and procedures occur through a recognised and transparent consultative process.

Policy and procedures manuals often include matters not covered in agreements, for example, how to evacuate the building in case of an emergency. The policy and procedures manual will also outline the administration of provisions in an award or agreement, for example, where the application forms for long service leave are located.

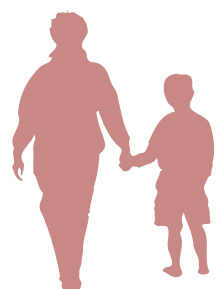
While some of the information in a policy or procedure might repeat information in the agreement or award clause, it cannot contradict information contained in a collective agreement or award. For example, if the agreement states that all staff are eligible for an entitlement, the policy or procedure may not state that only full-time staff are eligible for the entitlement.

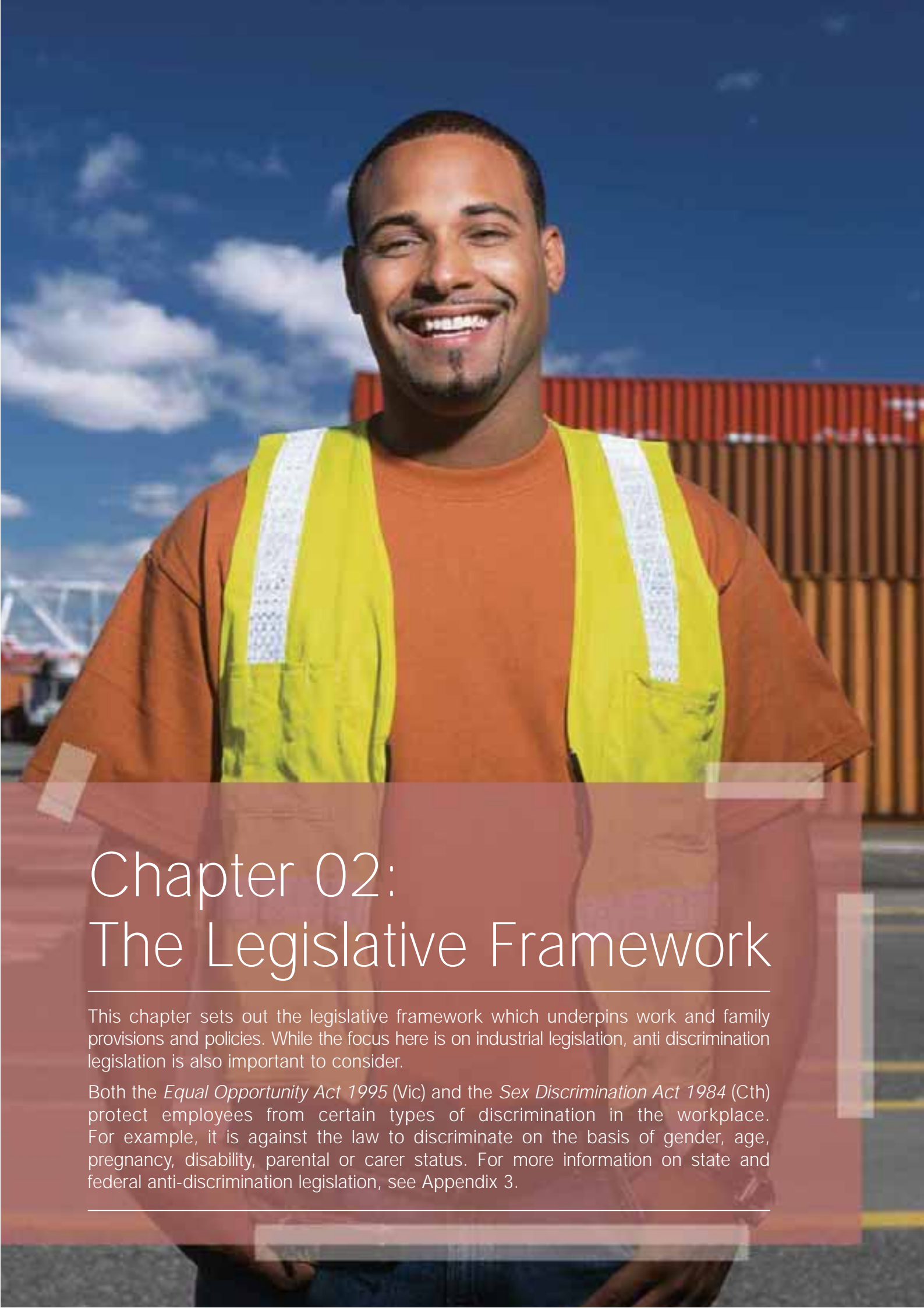
Policies and procedures should include:

- > the aim or purpose of the provision.
- > the nature of the provision.
- > eligibility criteria.
- > what an eligible worker is entitled to.
- > the application process including who has decision-making responsibility.
- > who or what department will administer the application of the provision.
- > an appeal process.
- > the date when the provision and its associated procedures will be reviewed.

While policies and procedures can be altered with management discretion, management may not alter aspects that are specified in an award or agreement. And while policies and procedures can be altered at the instigation of workers, management must approve any change.

For more information on reviewing and assessing clauses and policy and procedures, see Chapter 6.





Chapter 02: The Legislative Framework

This chapter sets out the legislative framework which underpins work and family provisions and policies. While the focus here is on industrial legislation, anti discrimination legislation is also important to consider.

Both the *Equal Opportunity Act 1995 (Vic)* and the *Sex Discrimination Act 1984 (Cth)* protect employees from certain types of discrimination in the workplace. For example, it is against the law to discriminate on the basis of gender, age, pregnancy, disability, parental or carer status. For more information on state and federal anti-discrimination legislation, see Appendix 3.

Chapter 2: The Legislative Framework

WorkChoices legislation

In most workplaces, the introduction of work and family balance provisions such as paid maternity leave occurs as a result of negotiations at the workplace.

To achieve the best outcome in a negotiation it is important for both employers and employees to understand their rights and obligations. For this reason, a good understanding of the *Workplace Relations Act 1996* (Cth) including the WorkChoices amendments, is necessary.

This section provides a brief overview of the impact of the WorkChoices amendments on awards and agreements. However, the legislation is complex and it is highly recommended that you obtain further explanations and information from your union, employer or employer association.

Employers can build on the minimum conditions stipulated in the WorkChoices amendments to the Workplace Relations Act 1996 (Cth) to implement family and workplace strategies and provisions.

Agreement making and WorkChoices

As a result of the WorkChoices amendments to the Workplace Relations Act 1996 (Cth), the most effective way to enshrine family friendly conditions is through collective workplace agreements. These must be lodged with the Workplace Authority (formerly the Office of the Employment Advocate).

In 2005, the outcome of the Family Provisions Test Case heard by the Australian Industrial Relations Commission (AIRC) entitled workers to a number of "rights to request", including the right to request an additional 52 weeks unpaid parental leave and the right to request part-time work until the child is of school age. These provisions were designed to be inserted into awards.

However with the WorkChoices changes to the *Workplace Relations Act 1996* (Cth), the majority of these provisions and any other family friendly provisions will now need to be negotiated.

The Australian Fair Pay and Conditions Standard (AFPCS) at March 2006 prescribes legislative minimum standards for (non-casual) staff. In summary these are:

- > four weeks annual leave, two of which, subject to certain conditions being met, can be paid out at the request of the employee.
- > 52 weeks unpaid parental leave after 12 months of continuous service.
- > 10 days personal leave per year (includes sick and carer's leave).
- > 38 hour ordinary hours per week averaged over 52 weeks.
- > minimum pay rates set or adjusted by the Australian Fair Pay and Conditions Commission.

The *Workplace Relations Act 1996* (Cth) provides for several different types of negotiated agreements between an employer and employee. These include union collective agreements, non-union collective agreements, Australian workplace agreements, greenfields agreements and multiple business agreements.

Under the *Workplace Relations Act 1996* (Cth) the following award conditions are termed as preserved award entitlements: annual leave, personal /carer's



Chapter 2:

The Legislative Framework

leave, parental leave (including maternity and adoption leave), long service leave, notice of termination, jury service and superannuation. Preserved award entitlements are retained in awards if they are deemed to be more generous than the Australian Fair Pay and Condition Standard.

It is therefore very important to remember that by signing an agreement workers may terminate the conditions that they were entitled to under their award. This may mean they lose family friendly provisions such as sick leave or carer's leave entitlements that are over and above the Australian Fair Pay and Conditions Standard (AFPCS).

Many workplaces will have agreements containing entitlements in excess of these minimum standards.

All new agreements made from 27 March 2006 will also include protected award conditions. Protected conditions include:

- a) public holidays
- b) rest breaks (including meal breaks)
- c) incentive-based payments and bonuses
- d) monetary allowances
- e) penalty rates
- f) shift and overtime loadings
- g) annual leave loading
- h) outworker conditions.

Protected conditions are taken to be included in an agreement unless expressly altered by the agreement (and only if an award was applicable to employees at the time of making the agreement. Therefore these conditions are only protected for the first agreement made under WorkChoices).

For workers paid under \$75,000 a year, if an agreement removes any protected conditions, the agreement must meet a "fairness test" which requires the agreement to include "fair compensation" for the removal of those conditions. The Workplace Authority (formerly the Office of the Employment Advocate) will determine whether an agreement meets the fairness test and what amounts to fair compensation.

It is very important that employees do not trade away protected conditions unless they believe that the agreement provides equal or better value in return.

Protected conditions are taken to be included in an agreement unless expressly altered by the agreement (and only if an award was applicable to employees at the time of making the agreement. Therefore these conditions are only protected for the first agreement made under WorkChoices).

It is therefore very important that employees do not trade away these conditions.

One way to prevent trading away conditions is for workers to be aware of the value of the protected award conditions prior to signing a collective agreement. However workers may feel under an obligation to accept an individual contract or Australian Workplace Agreement (AWA) that contains little or no provisions to assist the balance between work and family.

Before signing an agreement, workers and the organisation need to have a full understanding of the entitlements that workers currently have, their value and the impact any proposed arrangements will have on the workers and the organisation. Unions and employer organisations can provide further advice on the impact of signing an agreement. You could also phone the Workplace Rights Information Line on 1300 882 648.

The award system and WorkChoices

*Nationally, on average, businesses reported that three quarters (75%) of their employees are covered by awards... half of all business (50%) source awards for pay and conditions for all their employees.**

An award is a whole document and, while many clauses can be read alone, some are required to be read in conjunction with other clauses. You should always check that in interpreting a single clause, you have not ignored another clause which may affect your interpretation. Indeed you may also need to look at the award in conjunction with a certified agreement or legislation.

An award is a legally binding document setting out the minimum terms and conditions of employment for both employees and employers who are party to the particular award. It covers matters such as public holidays, sick leave and overtime. Some conditions in awards may not be legally enforceable as a result of the WorkChoices amendments.

* Source: Australian Government Award Review Task Force (2006), Final Report on Rationalisation of Wage and Classification Structures, July 2006, Appendix (i), p 168, see www.fairpay.gov.au/fairpay/publications/.

Different industries have different awards. For example, police have one award and construction workers another. All awards are different. One award could include a clause for a family friendly provision such as purchased leave or carer's leave and another award will not have that particular entitlement.

Some workers in Victoria are covered by an award and an agreement. This is possible when a worker has a workplace agreement which refers to an award. It is important that if a worker is covered by an agreement that they read their agreement to see if there is a clause outlining any link between the agreement and an award. If so, they need to determine the relationship between the agreement and the award.

If the agreement is linked to an award, a worker may be entitled to family friendly provisions in their award as well as those listed in the agreement. A clause that does specify the agreement's relationship with an award or awards often looks very similar to this clause adapted from the Greater Bendigo City Council Enterprise Agreement (2003).

Relationship to awards and other agreements

4.1 *This Agreement shall be read and interpreted wholly in conjunction with the following Awards:*

- *The Victorian Local Authorities Award 2001, or successor Award*
- *The Nurses (Victorian Health Services) Award 2000, or successor Award*

4.2 *In the event of any inconsistency between any of the Awards listed above and this Agreement, the Agreement shall prevail to the extent of the inconsistency.*

Adapted from the Greater Bendigo City Council Enterprise Agreement 2005.

The WorkChoices amendments are highly complex and there has been much debate regarding their impact on the status of award provisions. In some cases, clauses in awards have become unenforceable, meaning workers under that award are no longer entitled to receive the provision.

Even when a clause has been deemed to be unenforceable, employers may still choose to abide by it in order to optimise the balance between work and family. For example in the Social and Community Services Award, the right for a worker to request annual leave in single days is no longer enforceable, but many workplaces in the Social and Community Sector retain the condition because it provides flexibility to both the employer and employee.

To find out if there is an award that applies in your workplace, ask your employer, call your union, the ACTU helpline on 1300 362 223, or contact the Workplace Rights Information Line on 1300 882 648. Employers should contact their employer association.

Many workers in Victoria may not have seen their award and, as a result, could be missing out on the family friendly conditions to which they are entitled. To view a current and up-to-date copy of your award, call your union or visit www.wagenet.gov.au or www.airc.gov.au.

Workers not covered by an award will still be entitled to some family friendly provisions through the AFPCS (see page 11 for current list of standards) and other legislated requirements such as long service leave and anti-discrimination.

Below is a list of work and family balance matters that are often part of an award.

- > Anti-discrimination: specifies that workers and organisations bound by the award are subject to state and federal anti-discrimination acts. For more information on anti-discrimination legislation, see Appendix 3.
- > Part-time employment: specifies the range of hours and entitlement arrangements for part-time workers.
- > Annual leave: specifies the number of days leave workers are eligible to access and the eligibility criteria to access annual leave.
- > Personal leave: may incorporate sick and carer's leave. The clause will specify length of time that can be taken and the eligibility criteria.
- > Sick leave: specifies the number of days available and eligibility criteria for accessing leave.
- > Carer's leave: specifies the number of days available and eligibility criteria for accessing leave.
- > Parental leave: often incorporates maternal and paternity leave.
- > Maternity leave: specifies the length of time and pay if any, (12 months unpaid is mandatory by law after 12 months of continuous service for a non-casual employee), eligibility criteria, process for applying for leave, will also cover OH&S aspects regarding working while pregnant such as transfer of duties and processes and entitlements regarding returning to work after maternity leave.
- > Paternity leave: specifies the number of days paid and unpaid and eligibility criteria for accessing leave.
- > Adoption leave: specifies the number of days paid and unpaid and eligibility criteria for accessing leave.
- > Bereavement leave: specifies the eligibility criteria and number of days leave a worker can take after the death of a relative.

Further information

Australian Industrial Relations Commission
www.airc.gov.au

Australian Council of Trade Unions (ACTU)
www.actu.asn.au/work_rights

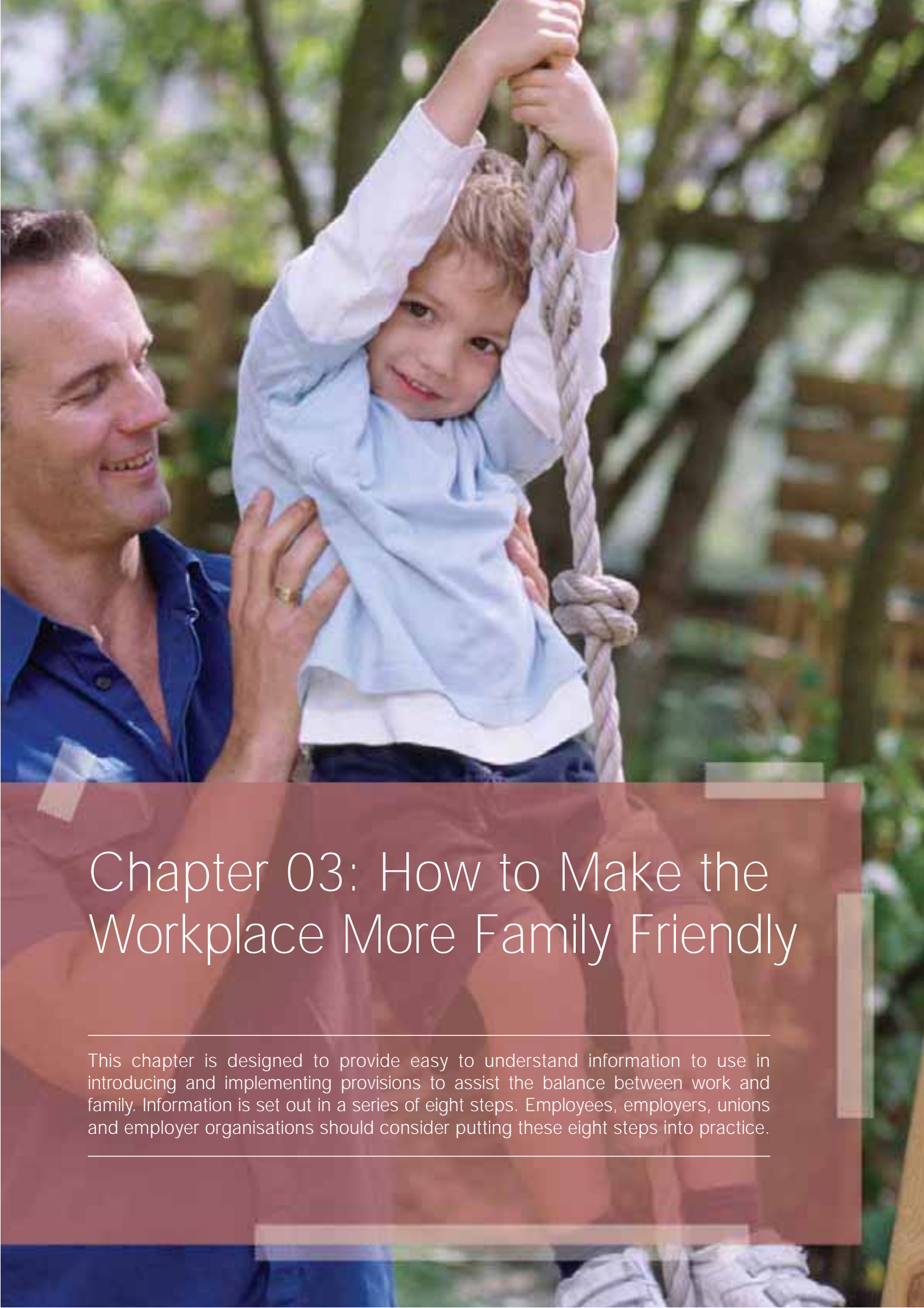
Jobwatch www.job-watch.org.au

Workplace Authority (formerly the Office of the Employment Advocate) www.oea.gov.au

Victorian Workplace Rights Advocate
www.workplacerights.vic.gov.au

To access the *Workplace Relations Act 1996*, go to www.austlii.edu.au.





Chapter 03: How to Make the Workplace More Family Friendly

This chapter is designed to provide easy to understand information to use in introducing and implementing provisions to assist the balance between work and family. Information is set out in a series of eight steps. Employees, employers, unions and employer organisations should consider putting these eight steps into practice.

Chapter 3: How to Make the Workplace More Family Friendly

Step 1: Gain support for making the organisation family friendly

The greater the extent that staff and management support the introduction of work and family balance strategies, the easier it will be to implement any strategies.

Seeking to make the workplace more family friendly will require support from key people within the organisation. These key people could include staff, management, union delegates as well as the chief executive officer.

In order to gain their approval and support, give some thought to the following questions:

- > What are the potential benefits of a better balance between work and family from both a staff and management perspective? A well thought out rationale that shows benefits for both staff and management is a great way to enlist people's support. For more information refer to (see page 5) "Family friendly provisions in the workplace – a recipe for success".
- > Who will be most likely to "champion" work and family balance in the workplace? Champions are people who will openly advocate for the implementation of a strategy to assist the balance between work and family. Champions can be anyone within an organisation – a chief executive officer, manager, a staff member or anyone who has the ability to work with others and communicate effectively.
- > Who will be responsible for the family friendly project and what resources will be required? The key decision makers and potential champions will want to know who is going to be responsible for seeing this project through and how much time and money will be required.
- > How will you establish which family friendly provisions might be required? For example, will staff complete a survey or attend meetings to speak about what they might need to achieve a better balance between work and family?
- > How long will all this take? You will need to develop a suggested timeline for the process, including time taken to implement the outcomes.

- > What additional assistance and resources do you think might be required to implement the family friendly changes? For example, do you think that more flexible hours will meet people's needs or would an employee assistance program be of benefit? (More on employee assistance programs in Chapter 4.) While you might consider estimating potential costs, as well as potential cost savings at this point, you will not know exactly what these might be until you ask staff members what they might require to assist with their family responsibilities.
- > What potential barriers are there and how will you address these? Try to define how you might tackle any potential barriers as early as possible. For example, how will you overcome the possibility that staff might have unrealistic expectations regarding what can or will be delivered to assist with the balance between work and family responsibilities?

How to overcome potential barriers

Consider potential barriers early. With forethought and planning, most barriers can be overcome by:

- Ensuring consistency in the implementation of provisions and strategies across the organisation.
- Documenting provisions in a procedures manual or preferably, as clauses in a collective agreement.
- Providing information to all staff with the authority to approve family friendly provisions so that they are aware of the organisation's expectations and the processes to be followed regarding assessing eligibility.
- Communicating information about family friendly provisions to all staff.
- Keeping staff informed of available provisions, eligibility criteria and how, when and to whom applications should be made.
- Ensuring the family friendly provisions remain relevant over time.
- Considering at the outset how family friendly provisions will be regularly reviewed to determine if they are meeting identified needs.



Chapter 3: How to Make the Workplace More Family Friendly

Step 2: Establish a reference group

The ideal reference group is broad based and includes representatives from the key decision makers and champions as well as people who will ensure that the family friendly provisions are supported and implemented.

The reference group might be made up of volunteers through a self-selection process or people could be nominated to represent key groups within the organisation. Or you might consider a mix of interested volunteers and representatives.

Whichever way people are selected for the reference group, the best outcome will be a representative reference group which not only coordinates the project but also acts as an information channel to and from the broader organisation.

Once your reference group has been established, it will take on collective responsibility for the Work and Family Balance project.

To ensure the reference group meets its agreed objectives, there will need to be a chair who will act as a driver for the project. There will also need to be clearly defined terms of reference and a realistic time frame.

A representative reference group will help you gather relevant information and disseminate it effectively. It will also help when you come to implementing provisions.

Step 3: Take stock

Your organisation may have more family friendly provisions than you think. Find out exactly what your organisation has in order to determine the gaps.

To assess your organisational needs and those of staff, as well as the changes to be made to meet these needs, the reference group will first need to take stock of what already exists in the organisation.

Most organisations already have some form of family friendly provisions and many have an organisational culture that is supportive of family friendly provisions. However, in some organisations there might not be a lot of accurate information about the available provisions and staff might make assumptions based on hearsay about their entitlements.

If your organisation is party to an award, an agreement or both, these documents will help the reference group identify exactly what family friendly entitlements are available. And if your organisation has a policy and procedures manual, it will also be important to note the family friendly provisions detailed in this.

The time and process needed to take stock will differ according to the size and operations of the organisation. Questions the reference group could ask when taking stock include:

- > What family friendly provisions already exist within the organisation?
- > How formal are these provisions, for example, are they documented in a collective agreement or policy manual or are they at the discretion of individual managers with no criteria for access?
- > What is the take up rate of these family friendly provisions?

Step 4: Assess the culture of your organisation

A family friendly culture is one that allows employees to openly discuss their family responsibilities and needs. It enables employers and employees to come up with creative solutions in order to meet both organisational and individual needs.

The checklist below will help you assess the family friendliness of the culture within your organisation.

Checklist for a family friendly workplace

- ✓ Are there consultative processes in place that enable staff to talk collectively and individually about organisational and employee needs?
- ✓ Do staff, managers and the chief executive officer react positively when family friendly issues are raised?
- ✓ Do staff members and the organisation judge the professional worth of staff members by the quality of their work rather than the number of hours they work each day?
- ✓ Is it acknowledged that staff members have roles and responsibilities outside the workplace?
- ✓ Does the organisation and its staff recognise and embrace staff diversity?
- ✓ Are staff members with family responsibilities seen as part of the 'regular' workplace?
- ✓ Are staff members who use family friendly provisions, such as parental leave or part-time work, treated in a similar manner to other staff when accessing organisational opportunities, including staff development, training and promotion?
- ✓ Are staff members encouraged to talk about their family at work?
- ✓ Are family friendly provisions available within the organisation and is everyone made aware of how they can access these provisions?
- ✓ Are family friendly provisions documented and is the application process clear to all staff?

When it comes to implementing a strategy to improve the balance between work and family, having a workplace with a family friendly culture is more than half the battle.

Step 5: Find out what staff might need to assist them to balance work and family

Find out what people want. There is no use spending time and effort implementing policies and procedures that no one wants or is going to use. Asking what employees want demonstrates that you take their opinion seriously.

If your organisation already has an inclusive culture, then it is most likely that there is an established process in place for management to talk with staff about what they may require to assist with balancing work and family. This process will also be used by staff to raise issues relating to family friendly provisions.

Asking all employees to complete a written survey about work and family needs can be a comprehensive way to assess what staff members want and need. It is important to get a really good survey response. And to achieve this, staff need to feel secure that individual information will be kept confidential and that any information that is provided will be taken seriously. It is also important that the survey is easy to access, complete and submit.

Appendix 4 of this manual includes a sample work and family survey that can be used or adapted to your organisation's specific needs.

Information on work and family needs can also be sought through individual or group discussions with staff members. The conversation regarding work and family balance could also begin with a general discussion in a staff meeting.

The information collection process presents an opportunity for the reference group to engage all staff and management and to enlist their support. In order to get an accurate reflection of what is required, it will be important to ensure staff feel safe in responding frankly.

Important steps to take:

- > Ensure that people know how the information that they supply will be used and who will have access to it.
- > Ensure that people providing information feel that their opinion is valued.
- > Be inclusive – everyone within the organisation should have an opportunity to give their opinion.
- > Provide feedback to the entire organisation regarding results of the information gathering process.
- > Ensure that you don't create a false expectation that all ideas will be implemented.
- > Ensure that you do not dismiss ideas automatically.
- > Provide a realistic timeframe for when changes are likely to occur.
- > Ensure that any information individuals provide about their family responsibilities is confidential.



Chapter 3: How to Make the Workplace More Family Friendly

The Probuild Constructions Story

Probuild Constructions was established in 1987. The company has been involved in such major projects as the new Grandstand at Flemington Racecourse, the Victoria Gardens Shopping Centre and Toyota's Corporate Headquarters in Port Melbourne.

In May 2005, Probuild successfully applied for a Victorian Government Better Work and Family Balance grant. The company wanted to investigate work/family balance at Probuild and develop a program that would work for both the employees and the company.

A working group made up of staff, union and management representatives was established to oversee a survey of all staff and the development of initiatives as part of a work/family balance program.

The survey, distributed to all 150 employees in Victoria, was designed to:

- gather information about the work, family and life pressures currently impacting on them and their families
- assess initiatives already in place to assist staff to manage these pressures
- identify new initiatives that would have the greatest impact on staff satisfaction.

To gain a picture about the impact working at Probuild was having on families, a separate survey was also prepared and circulated to the partners of all employees.

The response to the surveys was very good, with a 57 per cent return rate from employees and some 60 surveys (from approximately 85 distributed) returned by their partners. Overall, employees reported that they were happy working for Probuild but that the constant pressure and long hours made it very difficult to successfully combine work and family. Several responded that the long hours – particularly working Saturdays – were having an adverse impact on their personal relationships.

And the response from employees' partners was even stronger. They reported that the long hours and workload meant that they had to take almost full responsibility for day to day household management and family care, even though many were also engaged in paid work.

Probuild decided that the response from partners required further discussion so invitations to take part in a focus group were sent home via payslips. Sixteen female partners took part in the focus group. This led to recognition that the company's work/family balance strategy needed to include:

- flexibility for different employees and their families to make choices that suited them best, with acknowledgement of the differing needs of salary and hourly rate employees
- reassurance that taking up work/family balance options would not undermine anyone's employment or position with Probuild
- a commitment to reducing the number of Saturdays people are required to work.

Working from all the information gathered by the survey and the focus groups, the working group met regularly to move the Probuild project to its next steps.

A work/family policy was developed based on five guiding principles:

- All initiatives must be of mutual benefit to the individual and company.
- Achieving better work and life balance is a team effort involving individuals and managers.
- There is not one solution that will meet everyone's needs.
- Hard work can be done flexibly.
- Good communications are fundamental to success.

All employees and their partners were invited to attend a major launch where they received an information pack outlining how the company intended to develop a better work and family culture. The pack contained a booklet to provide practical information for staff and their partners so they could assess their own needs and then set and achieve goals to bring about better work/life balance.

Following a launch, specific action plans were developed to address key issues. An intensive training, development and coaching program was instigated for managers and performance review processes were changed to ensure that every individual's work and family needs are documented. For Director of Probuild, Ted Yencken, the new work/ family balance program is a key element in Probuild's ability to retain and attract employees.

Extract taken from the Probuild Constructions case study 'Better work and family balance – moving to a more family friendly construction industry'; To view the full case study, go to www.irv.vic.gov.au

Step 6: Interpret the information

Make sure the reference group allows time for the information that has been gathered to be interpreted and understood.

The reference group will now have lots of information about what staff might need to assist them to balance their work and family responsibilities and about the additional family friendly provisions or strategies that may be required.

This information will need to be collated and analysed to identify preferred options for further investigation.

The French's Laundry and Dry Cleaners experience

When staff members at French's Laundry and Dry Cleaners in Healesville were asked what the company could do to help their work and family lives, they asked for information and training about personal issues such as how to balance their own finances, health and wellbeing, rather than how the workplace might change to be more family friendly.

A training program was then developed based on the survey results and consideration was given to ensuring that these sessions were delivered using different styles of presentation, venues and content.

Sessions in the Community module included presentations on work and family balance and the ways in which employees could access local community services and learn more about how they could be better involved in the greater community.

The results of the efforts to improve the working lives of the French's employees are clear to see – the average period of employment has risen from five to nine years; sick leave is down 10 per cent and local community members now regularly approach French's for employment.

Extract from the French's Laundry and Dry Cleaners case study 'Better work and family balance, – not just a question of hours.' To view the full case study, go to www.irv.vic.gov.au

Step 7: Develop a strategy for implementation

Using the information that has been gathered the reference group can now work out the steps for implementing the additional support options and identify any additional resources that may be required.

For example, will a recommendation for improved access to job share need to be included in an agreement or in a policy manual? (For more information about where family friendly provisions can be documented, see Chapter 1)

The reference group now has all the information required to prepare a report outlining a strategy for improving the family friendliness of the organisation. This report is most effective when presented to management and given to all staff who have been consulted.

The report should include information about the benefits of implementing particular provisions as well as the costs of not providing a more family friendly workplace.

For more information about potential costs, see the information set out in the following table.

Be clear about what is being recommended and be thorough when developing a strategy for implementation.



Chapter 3: How to Make the Workplace More Family Friendly

Cost of Replacing an Employee

Hiring for a position paying:	\$45,000 per annum	\$23 per hour	\$0.38 per minute
Reports to position paying:	\$55,000 per annum	\$28 per hour	\$0.47 per minute
			Cost
Recruiting			
1	paid advertising	3 Inserts @	\$800 per insert \$2,400
2	prepare ad	2 hours @	\$28.00 per hour \$56
3	amend P.D	2 hours @	\$28.00 per hour \$56
4	review budget	2 hours @	\$28.00 per hour \$56
Screening process			
5	review all	30 resumes @	10 minutes per resume \$141
6	short list	10 reviews @	0.25 hours per review \$71
7	enquiries	10 call backs @	15 minutes per call back \$71
Interviewing			
8	interview	5 candidates 3 staff	3 hours per candidate \$423
9	second interview	2 candidates 3 staff	3 hours per candidate \$169
10	review and decision	2 reviews 3 staff	1.5 hours per review \$85
11	admin work	30 letters and phone calls @	0.25 hours per candidate \$212
Orientation			
12	meeting other staff		10 hours \$282
13	preparing orientation schedule		2 hours \$56
14	review protocols and processes		40 hours \$920
15	become familiarised with IT		20 hours \$460
Equipping /Administration			
16	business cards		\$65 \$65
17	equipment		\$300 \$300
Training			
18	training	3 Seminars @	\$200 per seminar \$600
19	site visits		6 hours \$138
20	ongoing coaching		30 hours \$846
TOTAL A			\$7,407
Lack of production on job			
21	down time while learning		\$80 hours \$2,240
22	coaching		40 hours \$1,128
23	management down time		40 hours \$1,128
TOTAL B			\$4,496
Cost of staff leaving			
24	leaving staff members work hand over		40 hours \$1,128
25	loss of institutional knowledge and networks		\$4,000 \$4,000
26	loss of morale with other staff		\$2,000
TOTAL C			\$5,128.21
GRAND COST OF TURNOVER PER PERSON			\$17,031
GRAND COST OF TURNOVER PER PERSON AS % OF ANNUAL SALARY			38%
GRAND COST OF ANNUAL TURNOVER BASED ON 10 PEOPLE			\$170,312

This grid was originally formulated by Drake Employment Services.

Step 8: Review and evaluate the effectiveness of the family friendly provisions

Like any other workplace practice, to ensure family friendly provisions remain relevant their effectiveness must be reviewed and improvements made as need indicates.

As time goes on, both staff and organisational needs change. This means that the family friendly provisions need to be regularly reviewed.

With the ongoing involvement of the reference group, regularly review and update the family friendly provisions to ensure they remain current, fresh and relevant to staff and organisational needs.

This could be done in a timeframe that suits your organisation.

For more information on reviewing work and family balance strategies, see Chapter 6.

The Media Equation Experience

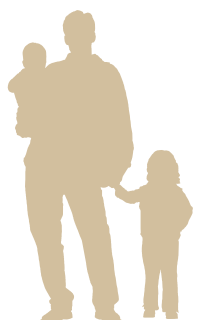
Communication and design business Media Equation received funding from the Victorian Government's Better Work and Family Grants Program to investigate how their small company could implement better work and family conditions for their 12 staff.

As an outcome of the investigation Media Equation worked collaboratively to document a framework for flexible work arrangements.

Managing Director Rus Littleson says that he would "recommend other small businesses take the plunge and think about what can be achieved. It may take half a dozen meetings and you might question whether you can afford to have 12 people in meetings, but it will be worth it.

"We've now got a framework that suits us and we have learnt that it is better for us all to be involved in the way we plan for the future of the company" said Rus Littleson.

Extract taken from the Media Equation case study 'Better Work and Family Balance-Combining the needs of employees and employer makes for a good equation.' To view the full case study, go to www.irv.vic.gov.au





Chapter 04: Family Friendly Clauses

This chapter provides comprehensive information about particular clauses that have been inserted into collective agreements to assist the balance between work and family. They have been adapted so that with minor changes they can be inserted directly into policy and procedures manuals or agreements.

Chapter 4: Family Friendly Clauses

Defining family

An inclusive definition of family should be provided at the beginning of any references to work and family provisions. This avoids repetition and the wordiness of clauses.

Australian working families come from a wide variety of cultural backgrounds. The nuclear family is only one form of family. In Australia there are single sex couples, extended families, multi generational households and sole parent households. All these variations of family are legitimate and must be taken into consideration when defining the diversity that is family.

Definitions of family will vary between agreements, awards and even between clauses in the one document. The definition is important because it will define who is entitled to the provisions.

Example

The following is a very comprehensive example from the Australian Broadcasting Commission Senior Employment Agreement 2002–2004. It contains a broad definition of family, which allows scope for managers to provide family friendly provisions for people caring for dependents outside of their immediate family.

Definition of family

The term “family” is inclusive of the generally accepted lifestyles of society and includes any person dependent on the employee for care or support such as a relation by blood (child, sibling, grandparents), marriage (including de facto relationships), adoption, fostering or traditional kinship without discrimination in interpretation as to race or sexual preference.

Adapted from the Australian Broadcasting Commission Senior Employment Agreement 2002-2004.

Statement of intention or purpose

In addition to defining family, many collective agreements include a brief clause that states why the agreement includes family friendly provisions. This statement may include the philosophy of the organisation and the anticipated aim in providing work and family balance provisions to workers.

Example

The following clause is adapted from the Victorian Council of Social Services (VCOSS) Collective Agreement 2006. A common variation to a clause such as this is listing all the family provisions available to workers within the organisation. This makes it easy for anyone reading the agreement to see what provisions are available.

Work and family balance philosophy

(Insert the name of organisation) recognises the needs of employees with family responsibilities and their right to address those responsibilities without conflict between their employment and their family responsibilities. Staff will not be placed under any pressure to work outside their agreed hours.

(Insert the name of your organisation) recognises the need for and places priority on pursuing the introduction of conditions of work that assist employees with family responsibilities to effectively discharge both responsibilities.

Adapted from the Victorian Council of Social services (VCOSS) Collective Agreement 2006.

Remember, when you begin negotiating that you may already be entitled to Protected Award Conditions such as overtime rates and leave arrangements. Your family needs may change over time, so it is important to consider the value of any existing family friendly conditions before you consider trading them away.



Chapter 4: Family Friendly Clauses

Family Friendly Clauses

4.1 Advice and referral service

An advice and referral service provides free referral advice to staff on issues relating to child care and aged care. This advice could include information regarding nursing home placement for an elderly relative or contact numbers for child care vacancies or advice on the behaviour management of a child.

Why is it important to work and family balance?

- > It demonstrates to employees that the organisation is concerned about and interested in their family responsibilities.
- > Employees benefit from being secure in the knowledge that there is advice and assistance available if they require it.
- > Employers benefit by having more stability in their workforce.

Issues to be considered

Confidentiality and trust

For staff to use a referral service they will need to trust that the service will provide up to date information and will respect their confidentiality. It is important that staff know that privacy is maintained regarding their questions about child care or aged care regardless of which organisation is involved.

Service provision

Many organisations recognise that much time and effort will be involved in providing a comprehensive in-house referral service for staff. Such a service might duplicate what is already available in the community. Rather than providing the referral service in-house, organisations such as the Australian Broadcasting Commission refer staff to external, issue-specific referral services. Other organisations provide staff with information sheets with the name and contact details of organisations that staff can contact in order to get more information.

Maintaining accurate and up to date information

If an organisation chooses to provide staff with an in-house referral service, it is important to nominate someone in the organisation to ensure all information is accurate and regularly updated. If the service is provided by an external referral service, strategies will need to be in place to ensure quality control.

Cost of service

Organisations need to consider if they are going to provide the advice and referral service to employees for free or on a subsidised or user-pays basis.

Example

The following example is from the St George Bank Enterprise Agreement 2004.

Advisory information and referral service

(Insert name of organisation) will provide an advisory information and referral service for employees to use in relation to child care needs and aged care needs.

Adapted from the St George Bank Enterprise Agreement 2004

4.2 After hours dependent care

Payment for after hours dependent care occurs when an employer requires an employee to attend work, training or a meeting outside the employee's normal hours of work. The employer reimburses the additional expenses incurred by the employee for the care of a dependent.

Why is it important to work and family balance?

- > After hours dependent care enables the most appropriate staff member to attend meetings or other events when these are held outside usual work time.
- > After hours dependent care enables staff with dependents to attend meetings or events that may be important to their work and to their future career advancement without this having a restrictive cost to the employee.
- > Some carers may be able to attend after hours work commitments only if after hours dependent care is provided.

Issues to be considered

After hours dependent care does not guarantee workers will be available after hours

Even though an employee may be offered assistance with child care or dependent care for work outside regular hours, this does not mean that every employee will be able to work outside his or her usual hours. Employees will need to decide for themselves and should not be pressured to work outside their usual hours.

The right to refuse unreasonable overtime

Workers have the right to refuse overtime if it is considered unreasonable. One of the criteria for overtime being assessed as being unreasonable is the negative impact the overtime would have on the worker's ability to fulfil family commitments.

Fringe Benefits Tax

The employer and employee will need to discuss possible Fringe Benefits Tax implications regarding the organisation paying for employee's child or dependent care. Advice should also be sought from the Australian Tax Office (www.ato.gov.au).

Example

The following example has been adapted from the City of Moonee Valley Agreement No 4, 2004.

After hours dependent care

(Insert name of organisation) recognises that work, training and attending meetings at times outside of employees' normal hours may have an impact on employees with family responsibilities.

Where management requires an employee to attend work, training or a meeting outside the employee's normal hours, management will reimburse additional expenses incurred for dependent care or childcare.

- > *Approval for reimbursement is subject to the employee advising his or her manager in advance that if required to attend work, training or a meeting, he or she will need to access dependent care or child care.*
- > *The employee shall provide satisfactory proof of payment to a registered service or other agreed provider for the care provided.*

Reimbursement shall only be for the period that management requires the employee to attend work, training or a meeting outside of the employee's normal hours, including reasonable travel time to and from such training, meeting or work.

Adapted from City of Moonee Valley Agreement No 4, 2004.



Chapter 4: Family Friendly Clauses

4.3 Annual leave in single days

The provision of annual leave in single days enables workers to take annual leave one day at a time rather than in blocks of a week or longer.

Why is it important to work and family balance?

Annual leave in single days enables workers to have more flexibility regarding when they take leave days to attend to duties and responsibilities outside work. Workers may have a specific task they must complete on a regular basis such as taking a parent to a medical appointment. However, they may not have sufficient personal (carer's) leave to cover the time required to provide this support to their family member. Taking annual leave in single days could enable the worker to meet family responsibilities without having to take unpaid leave.

Issues to be considered

Limiting number of annual leave days that can be taken as single day

Typically, annual leave is a time for workers to unwind and relax. For many workers, annual leave is the only time they truly get away from the pressures of work. If workers are taking a lot of their annual leave to care for a family member they may miss out on the opportunity to unwind. This may have implications for the worker's emotional health and wellbeing. However, for some workers with significant family responsibilities there may be no other option.

In order to ensure that workers have the opportunity to get some true holiday time, many annual leave in single day clauses limit the number of annual leave days that can be taken in single days unless expressly negotiated between an employer and employee.

Example

The following example has been adapted from the Electrical Wholesaling (Metal Manufacturing Limited) Agreement 2000.

Access to single day's annual leave

An employee may elect, with the consent of the employer, to take annual leave in single day periods not exceeding five days in any calendar year at a time or times agreed between them.

An employee and employer may agree to defer payment of the annual leave loading in respect of single day absences, until at least five days consecutive annual leave days are taken.

Adapted from the Electrical Wholesaling (Metal Manufacturing Limited) Agreement 2000

4.4 Antenatal or pre-natal leave (includes pre-adoption leave)

Antenatal leave (also known as pre-natal leave) enables pregnant women and, in many cases, their partners to attend routine medical appointments associated with the pregnancy. This leave is separate from, and in addition to, parental and personal leave.

Why is it important to work and family balance?

- > Antenatal leave recognises that during pregnancy there are medical appointments that pregnant women must attend.
- > Antenatal leave recognises that pregnancy is not a sickness.
- > Providing antenatal leave for partners enables them to provide support as well as to feel more involved in the pregnancy. Many people feel this is an important part of the bonding process with their unborn baby.

Example

The following example is adapted from the City of Moonee Valley's Agreement No 4, 2004. While the hours of paid leave vary between organisations, the 38 hours for pregnant women and 10 hours for partners mentioned in this clause is an average of what is currently made available to staff for antenatal leave (pre-natal leave).

Antenatal leave

In addition to maternity leave and personal/carers leave provisions in this agreement, an employee who presents a medical certificate from a doctor stating she is pregnant and required to attend appointments related to her pregnancy will have access to paid leave of 38 hours to attend medical appointments associated with the pregnancy.

An employee eligible for paternity/partner leave whose partner is pregnant shall, on presentation of a medical certificate verifying such pregnancy, be entitled to 10 hours paid leave (in total) per pregnancy to attend medical appointments with his or her partner. A medical certificate must be provided to cover each absence.

Management will exercise reasonable flexibility to allow employees the ability to leave work and return on the same day when attending the routine medical appointments associated with pregnancy.

Adapted from the City of Moonee Valley's Agreement No 4, 2004.

4.5 Pre-adoption leave

More and more organisations are extending antenatal leave to people who are adopting children. This recognises the number of appointments prospective adopting parents must attend prior to adopting a child.

Example

The following example is adapted from Edith Cowan University's Guidelines on Antenatal/Pre-adoption Leave 2005.

Pre-adoption leave

Prior to the commencement of maternity leave, employees who are eligible for paid maternity leave are entitled to up to 37.5 hours paid leave to attend antenatal appointments with registered health and allied health professionals.

Prior to the commencement of adoption leave, employees who are eligible for paid adoption leave are entitled to up to 37.5 hours paid leave for appointments relating to the arrangement of the adoption.

Part-time employees shall be entitled to antenatal leave on a pro rata basis.

Adapted from Edith Cowan University's guidelines on antenatal or pre-adoption

4.6 Carer's leave

Carer's leave is granted to an employee to enable an employee to care for an ill or injured family member or with consent of the employer to provide caring supervision.

Why is it important to work and family balance?

- > Carer's leave enables employees to balance their commitments to care for a dependent (such as a child, an elderly family member or a family member with a disability) while still being a productive employee.
- > Employees who have access to carer's leave are not forced to choose between being a carer and being an employee.

Issues to be considered

The Australian Fair Pay Commission minimum standards of March 2005 enable employees to take 10 days personal leave per year. This leave includes sick and carer's leave. No agreement can force non-casual employees to reduce this entitlement.

Example

Carer's leave is often combined with sick leave and known as family or personal leave. The advantage of combining sick leave and carer's leave is that it usually provides employees with the carer's leave they require without increasing their gross leave entitlements.

The example below does not refer to primary carers. This can be highly beneficial if the care for a family member is being shared with others in the family. For example, the care of an adult sister may be the joint responsibility of all siblings.

At the discretion of management it is possible for the definition of family to be broadened. This enables management to respond to the needs of workers whose family is broader than the traditional definition.

The original clause has been adapted in order to enable workers to take leave by the hour. Not having to take carer's leave in whole days has advantages for both workers and employers. It enables workers to keep carer's leave banked for when they may need it whilst also enabling the worker to return to their normal work duties as soon as possible.

The following clause is adapted The Australian National University (ANU) Enterprise Agreement 2000–2003.

Carer's leave

Where a staff member has responsibility for the care of a family member (refer to organisation's definition of family) who is ill, the staff member may use his or her sick leave entitlement for absences necessary to provide care and support. The application of this provision may be extended at the discretion of the delegate beyond an immediate family member for whom the staff member has responsibility of care to broader dependent relationships.

Applications for family leave in excess of three consecutive working days must be accompanied by a medical certificate which states that the staff member is required to attend the ill family member.

Carer's leave can be taken by the hour.

Adapted from the Australian National University (ANU) Enterprise Agreement 2000–2003.



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4.7 Carer's room

A carer's room, sometimes known as a family room, is a room or work area set aside in the workplace where employees can continue to work while also caring for family members. It is used when regular care arrangements break down, or when children are unable to attend child care or school due to a non-contagious minor illness.

Why is it important to work and family balance?

- > A carer's room enables employees to undertake the bulk of their normal work duties while caring for a dependent family member.
- > A carer's room enables the dependent family member to be cared for within the work setting in a manner that causes minimal disruption to other employees.
- > The provision of a carer's room might also provide a quiet space where an employee's adult dependent can wait for them between medical appointments.

Issues to be considered

A carer's room is not a substitute for ongoing formal care

The carer's room is for occasional use. If the need to provide care is ongoing, other options should be sought.

Supervision in the carer's room

A carer is responsible for the safety and wellbeing of the family member who is using the room.

Example

The following clause is adapted from the Office of Indigenous Policy Coordination (OIPC) Certified Agreement 2005–2007.

Carer's room

(Insert name of organisation) will establish and maintain a carer's room. This room is intended for occasional use by employees to cater for family or personal needs or emergency care situations. Carer's rooms will also be available for women for breastfeeding or expressing milk.

Adapted from the Office of Indigenous Policy Coordination (OIPC) Certified Agreement 2005–2007.

A Carer's Room in Practice

The carer's room at the Department of Innovation, Industry and Regional Development (DIIRD) has been operating since 1997 and, in that time, the room has been used as an alternative to staff taking leave:

- when a child who is not contagious has a minor illness
- when parents need to cover pupil-free days and occasional school holiday days
- when normal child care is unavailable on the day
- when an elderly parent/relative needs assistance to attend an appointment.

The carer's room is also used as a place:

- where older children (over 13) can wait until their parent finishes work
- where an adult dependent, relative or friend can wait until an employee finishes work.

The room has toys and books donated by staff and a computer, phone, lounge, TV, DVD, video player and table and chairs for children. Staff can book the room in advance or ring and book (subject to room availability) if the need is sudden and unplanned.

For further information about the DIIRD carer's room contact the DIIRD Human Resources Branch on 03 9651 9237

4.8 Ceremonial or cultural leave

Cultural leave is either paid or unpaid leave to enable employees who need to be absent from work to be involved in their community's cultural or religious activities, such as Yom Kippur, Greek Easter or the last day of Ramadan.

Ceremonial leave is often interchangeable with cultural leave.

Why is it important to work and family balance?

Cultural and ceremonial leave:

- > recognises that Australia is made up of people from a diverse range of cultures.
- > recognises that people from a culturally and linguistically diverse (CALD) background often have significant cultural and religious events that are not accommodated by prescribed public holidays.
- > recognises that culturally specific holidays (such as Orthodox Christmas) are vital for family bonding.
- > is an important recognition that the needs of Indigenous people are not accommodated by prescribed public holidays.
- > enables Indigenous people to meet their cultural and religious obligations.

Issues to be considered

Recognition of the cultural diversity of the Australian workforce

Having a cultural and ceremonial leave clause demonstrates to potential and current employees that the organisation understands the needs of a culturally diverse workforce. This provision may assist an organisation in retaining and recruiting talented people from a variety of cultural backgrounds. And one of the benefits is that it allows employees and employers to plan for absences in advance.

Kinship obligations

Kinship obligations vary between cultures and even between families. To avoid misunderstanding regarding events that staff members can attend using ceremonial leave, management should discuss with staff members the eligibility criteria and staff members' expectations of the provision.

Example

The following example is from the Draft Community Legal Centres Agreement 2006. The clause enables staff requiring cultural and ceremonial leave to access leave by taking accrued time, annual leave or unpaid leave. This clause does not include paid leave but in many public sector organisations and in some non-government organisations cultural leave is paid.

Cultural leave

The parties to this agreement recognise and value the cultural diversity of all employees and therefore shall provide the opportunity for employees who are required to observe days of cultural, ceremonial or religious significance.

Where attendance requires time away from work, employees may apply for any accrued leave to which they may be entitled and shall have reasonable access to time in lieu.

Alternatively, the employee may elect to apply for up to ten days unpaid leave per annum, non-cumulative.

Adapted from the Draft Community Legal Centres Agreement 2006.

Some collective agreements also include paid ceremonial leave. This mainly applies to Aboriginal and Torres Strait Islander people attending funerals and thus is seen as an extension of compassionate leave. The following example is adapted from Community Aid Abroad Collective Agreement 2000.

Ceremonial leave

(Insert name of organisation) recognises the special obligations placed on Indigenous Aboriginal and Torres Strait Islander staff to participate in ceremonial or cultural activities and offers the following entitlements:

- > *two days paid ceremonial leave in addition to compassionate leave entitlements.*
- > *a sympathetic access to leave without pay, for up to two weeks, with approval from the manager.*
- > *access to longer periods of leave without pay with approval from (insert title of relevant manager).*

For the purpose of this clause a broader definition of family is accepted in order to encompass kinship obligations.

Adapted from Community Aid Abroad Collective Agreement 2000



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4.9 Children – access to the workplace

The organisation enables children to be brought into the workplace so that they can be cared for by a parent when all other child care options are impractical.

Why is it important to work and family balance?

Enabling children to access a workplace:

- > enables an employee to come to work and be productive rather than taking a day of carer's leave.
- > demonstrates to employees that the organisation is concerned about the family responsibilities of employees.

Issues to be considered

Consistency

Many organisations have an unwritten policy that allows children to come into the workplace when all other child care options are impractical. However, without such a policy being documented, the ability to bring a child into the workplace may be applied inconsistently throughout the organisation.

Risks to the child in the workplace

An organisation will need to consider possible risks to the child, other staff and customers or clients when developing a policy regarding children accessing the workplace.

Occupational health and safety considerations

If a staff member's child is unable to access the regular child care service because of an infectious disease, it may not be healthy or safe for other staff to be in close proximity. The child may need to be excluded from the workplace if the condition is serious.

Example

The following example is adapted from the JobWatch Inc Agreement 2005.

Children – access to the workplace

Where unforeseen circumstances arise that make alternative child care arrangements impractical, a worker responsible for the care of a child may, with the permission of (insert title of relevant manager) bring the child to work if it does not conflict with the performance of the worker's or other workers' duties, provided the child does not have an infectious illness and occupational health and safety principles are abided by.

Adapted from the JobWatch Inc Agreement 2005

4.10 Child care – employer-sponsored

Employer-sponsored child care refers to a broad range of child care options including the organisation owning and administering a child care facility for use by the children of employees or subsidising the care of employee's children by external agencies.

Why is it important to work and family balance?

Employer-sponsored child care:

- > enables working parents to be close to their children.
- > enables working parents to have accessible, free or subsidised child care.
- > demonstrates the organisation's commitment to working parents.
- > may be the only way parents can return to the workforce, if child care places are in short supply.

Issues to be considered

Maximising use of the child care facility

The vast majority of organisations that have work based employer sponsored child care facilities are large organisations such as hospitals, large manufacturing plants or universities. This is because in order for the child care centre to be financially viable it has to be at or near capacity, including receiving the maximum amount of government subsidy.

To ensure that the child care centre is at full capacity an organisation may wish to make their child care facility also available to other organisations or to the general community.

Accreditation

All child care centres must be accredited and meet government standards.

Work based child care may not be everyone's choice

Some parents will not want their children in work based child care as they may prefer to have their child cared for in a child care centre close to their home or in some other care arrangement.

Fringe Benefits Tax implications

An employer may be liable to pay Fringe Benefits Tax if they pay for or subsidise child care for an employee. Advice should be obtained from the Australian Tax Office (www.ato.gov.au) prior to going into this form of arrangement.

Tax and Centrelink benefit considerations

If child care fees are paid for or subsidised by an employer, this will impact on accessing worker's Family Tax Benefit and Child Care Benefit. It may also have implications for workers who are repaying a HECS debt or in receipt of Centrelink benefits. Child maintenance payments may also be affected. People in receipt of Centrelink payments or paying or receiving child maintenance payments should contact Centrelink (www.centrelink.gov.au) or the Child Support Agency (www.csa.gov.au) prior to going into this arrangement.

Potential to increase worker loyalty

The provision of child care facilities at work may increase employee loyalty to an organisation and increase employees' length of service.

Potential to assist recruitment

Potential staff may be attracted to the organisation because of the availability of a child care facility.

Accessibility to child care during shift work

For organisations that require shift work or work to be completed outside regular working hours, the provision of a child care facility that is available throughout the organisation's hours of operation may assist more staff to work the required hours.

Options for Employer-Sponsored Child Care

- An organisation owns and administers a child care centre on site for the use of staff.
- An organisation owns and administers a child care centre off site for the use of staff.
- A group of organisations jointly owns and administers a child care centre for the children of staff.
- An organisation enters into a contract with a child care provider to set aside or reserve a specified number of child care places for the use of staff. The organisation may not subsidise the cost of these child care places or they may fully or partly subsidise the cost of places.
- An organisation has a contract with a child care provider to ensure staff have priority use of a set number of child care places. However they do not subsidise the places.
- An organisation pays for or subsidises child care places for staff. However, the organisation does not assist with securing the child care places.

Example

The following example is adapted from the St George Bank Enterprise Agreement 2004.

Child care

(Insert name of organisation) will continue to subsidise the work based child care centre located at (insert location of child care centre) and provide assistance in offsetting child care expenses at this centre.

The following is an example of a clause relating to the reimbursement of child care costs.

Reimbursement of child care costs

In order to support and encourage parents, (insert name of organisation) will reimburse child care costs up to (insert amount per week). This payment is in addition to any salary packaging, which the employee may already be receiving.

Child care must be provided by a registered and appropriately accredited provider and payment will not be paid unless satisfactory accounts have been provided.

It is the responsibility of the employee to seek advice regarding how payment of child care will affect them financially.

The organisation must be notified immediately if child care ceases.

Adapted from the St George Bank Enterprise Agreement 2004



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4.11 Child care places – prioritised or reserved

Instead of directly funding child care, an organisation might arrange with a child care provider to set aside a certain number of child care places. These will then be prioritised or reserved for the children of employees.

Issues to be considered

It is important that a clause in an agreement or a policy does not make promises that are beyond the staff or employer's capacity to deliver.

Example

(Insert name of organisation) acknowledges that high quality, accessible child care is an important element in the pursuit of equal opportunity in the organisation.

(Insert name of organisation) has (number of places) child care places reserved for staff use at the (child care centre). These places will be made available to all staff requiring child care.

Priority will be based on a first come first served principle. If there is excess demand, a waiting list for the reserved child care places will be kept.

The cost of the child care will be met by the staff member utilising the child care place.

(Insert name of organisation) will also endeavour throughout the life of this agreement to establish relationships with local child care providers in order that staff child care requirements are prioritised within the child care provider's waiting list.

For more information on the effects of paid or subsidised child care on tax, Centrelink payments or child maintenance payments, visit the following websites.

Australian Tax Office www.ato.gov.au

Centrelink www.centrelink.gov.au

Child Support Agency www.csa.gov.au

For information on child care in your area, contact your local council or local child care providers.

4.12 Compassionate (bereavement) leave

Compassionate or bereavement leave is paid leave from work after the death or serious or sudden incapacity of a family member.

Why is it important to work and family balance?

Compassionate leave:

- > Reflects that the death of or serious injury to a close family member is something that can happen to any employee at any time.
- > Provides time for people to plan funerals and deal with other required arrangements.

Issues to be considered

Length of time off work

Compassionate leave does not give most people sufficient time to emotionally recover from the death of a family member. It is important for bereaved staff members and management to talk about when it is realistic that they return to work. After the death of a close family member an employee might also access other leave provisions such as annual leave and, in some circumstances where applicable, miscellaneous leave to give them more time to recover from their loss.

Providing appropriate support

Managers need to consider sources of other support such as an employee assistance program that may be available at the workplace to assist a bereaved staff member. Other staff close to the bereaved staff member may also need assistance coping with their colleague's grief.

Cultural variations in funeral and grieving practices

Organisations that have employees from a diverse range of cultures will need to take into consideration the diversity of cultural practices before developing a compassionate leave policy. For example, many Jewish people will sit Shiva after the death of a family member and this takes seven days.

Workers with close family ties overseas

People with close family ties overseas or interstate may need to travel to attend a funeral. An organisation may find it beneficial to have a policy on how much paid and unpaid leave can be made available to staff needing to travel overseas or interstate for a funeral.

Example

Most collective agreements provide approximately two–five paid days leave. The following example has been adapted from the Cancer Council Victoria's Agreement No 4, 2000. The advantages of this clause are that it is simple and does not define family too narrowly or broadly. This clause also gives the employer discretion to increase the amount of paid leave provided to an employee. The clause also provides a small amount of paid leave when a staff member is informed that a close family member has a serious illness.

Compassionate Leave

A leave of absence of up to three days on full pay shall be granted to an employee on account of the death or serious illness of his or her partner or close relative (sibling, parent, partner, former partner, or other relative with whom the staff member had close familial bonds) or in any other case, where in the opinion of the employer, special circumstances exist.

Where, in exceptional circumstances, the employer is satisfied that, on account of pressing necessity, leave should be granted to an employee, the employer may grant such leave as he or she considers appropriate and on such terms as she or he sees fit.

Part-time employees will receive leave on a pro rata basis.

Adapted from the Cancer Council Victoria's Agreement No 4, 2000

4.13 Early closing

Prior to significant community or cultural events, such as Christmas, early closing enables staff members to leave work early in order to be with family or manage other commitments, such as shopping or cooking.

In some workplaces early closing might also be available on Friday afternoons to enable employees to leave work early to prepare for the weekend.

Why is it important to work and family balance?

- > Families are often very busy leading up to cultural events such as Christmas. Enabling staff to leave early demonstrates that the organisation has taken into consideration the family needs of employees.
- > Early closing has traditionally been a way for organisations to show their appreciation to staff.

Issues to be considered

Documenting practice to close early

Many organisations do not document an early closing policy. This enables them to decide from year to year if it is appropriate to close early that year. However, this can be counterproductive as employees may expect an early close and feel disappointed if this does not occur. And speculation regarding whether the organisation is going to close early may take up productive work time.

Consistency across the organisation

In some cases, concerns can develop if one manager allows employees to leave early, but another does not. Documenting an early closure policy ensures that the criteria for early closing and its application are clear, consistent and transparent across the organisation.

Example

The following example has been adapted from the Autoliv Australia Enterprise Agreement (2006). While it relates to early closing on Fridays, it can be easily altered to refer to specific public holidays or holy/cultural days relevant to the organisation's work force.

Early closing

To enhance employees' access to leisure time and to ensure their ability to organise for weekends and certain religious obligations, employees will finish an hour and five minutes early each Friday with no loss of pay.

Adapted from the Autoliv Australia Enterprise Agreement 2006



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4.14 Employee assistance program

An employee assistance program (EAP) assists employees and their immediate families with personal or work related problems and concerns. In a majority of cases an external counselling agency provides the EAP service on a fee for service basis.

Why is it important to work and family balance?

- > An EAP provides emotional support to employees and their families while they are going through a stressful time.
- > Employees under a great deal of stress are unable to operate at their best. By providing access to professional counselling through an EAP, the organisation is ensuring the employer has the time and resources to work through their concerns so that they can quickly return to their usual level of performance.
- > An EAP reduces absenteeism caused by stress and can prevent or curtail employees feeling overwhelmed by either workplace or family issues.
- > The availability of an EAP can demonstrate to employees that the organisation is concerned about staff welfare.

Issues to be considered

Cost

EAP services are usually run by external agencies and costs vary depending on the role they are contracted to provide and the size of the organisation. Small organisations may wish to consider joining together to purchase services from an EAP provider to reduce costs.

Ensuring staff know about the service

EAP services are of no use if staff members are not aware that they are available. If the services of an EAP provider are engaged, all employees need to be made aware of its availability.

Confidentiality

The subject matter that employees talk about to an EAP provider must be confidential. However, for billing purposes, the EAP provider will usually provide the organisation with information about how many and which staff attended the program and for how many sessions. The confidentiality of content within each EAP session must be assured and made clear to those who use the services, as well as to prospective users of the service.

Level of service provided by an EAP

An organisation should have a written policy regarding the number of paid sessions an employee can access, whether an employee's family can attend and the number of sessions which will be provided during work time. The EAP provider will be able to assist organisations with developing this policy.

Use of the EAP services by family members

Staff may be stressed by issues not directly related to their own behaviour, such as if a family member is drug or alcohol dependent. By making the EAP available to the staff member's family, issues causing absenteeism and reduction of productivity may be resolved more quickly.

Example

The following example is adapted from the Office of Indigenous Policy Coordination (OIPC) Certified Agreement 2005–2007.

Employee assistance program

(Insert name of organisation) will provide its employees with access to confidential, professional counselling services to assist with work or personal issues via the employee assistance program. These services will also be available to the family members of the employee.

The first six consultations with the employee assistance program may be counted as work time and be paid for by the organisation. Subsequent consultations must be in the employee's own time and will be paid for by the employee unless otherwise agreed by (insert title of relevant manager or department).

The provider of the employee assistance program may be changed from time to time consistent with contractual requirements.

Adapted from the Office of Indigenous Policy Coordination (OIPC) Certified Agreement 2005–2007

4.15 Exceptional circumstances leave (miscellaneous leave)

This leave, usually unpaid, may be granted to employees to assist them to cope with an extraordinary circumstance or event in their family life. This leave covers circumstances not covered in scope or length of time by any other type of leave.

Exceptional circumstances leave is often used to extend bereavement leave or carer's leave should a member of an employee's family become seriously ill or incapacitated. It is also used to cover one-off emergency events, such as a fire in the home.

Why is it important to work and family balance?

- > Exceptional circumstances leave gives employers the ability to grant additional leave to staff members who have suffered a significant and usually traumatic event.
- > After a significant event, such as the death of a family member, an employee may be unable to work satisfactorily while acutely grieving or managing a stressful event. Exceptional circumstances leave enables employees to recuperate or recover as quickly as possible without jeopardising their work.
- > Without the availability of exceptional circumstances leave an employee may need to resign from work to concentrate on a short term family problem.

Issues to be considered

Consistency

While leave such as exceptional circumstances leave is often granted with management discretion, it is important that there is consistency regarding how the leave is granted. The process for applying for leave and the type of circumstances that will be considered should be documented.

Return to work from exceptional circumstances leave

If exceptional circumstances leave is granted for a long period of time, for example, several months, it is important that the applicant and the organisation have a written agreement regarding when the employee will return to work or, if the leave is open ended, how much notice they will need to give prior to returning to work.

Example

This leave is an extension of the unpaid family leave that already exists in many awards. The following example has been drawn from the National Native Title Tribunal Certified Collective Agreement 2003–2006 and the Victorian Council of Social Services (VCOSS) Enterprise Agreement 2006.

Exceptional circumstances leave

(Insert name of organisation) has established this additional process to give staff stability and security during times of personal or family illness or another exceptional circumstance.

Exceptional circumstances leave can be applied for when staff have exhausted their leave entitlements and still require to be absent from work.

Each application for leave will be assessed by (insert title of relevant manager) and, as a general rule, initial applications for leave without pay will not exceed 12 months.

Exceptional circumstances leave is granted at the discretion of (insert title of relevant manager). The manager will assess the application based upon the circumstances of the applicant as well as the operational needs of the organisation. The circumstances in which the manager may grant exceptional circumstances leave without pay include but are not limited to:

- > *personal study leave.*
- > *parental and child care arrangements.*
- > *Australian defence reserves service.*
- > *caring responsibilities.*
- > *ceremonial leave.*
- > *accompanying a partner on a posting.*
- > *to deal with an emergency or disaster.*
- > *bereavement.*
- > *extended illness or incapacity to work.*

Applications for exceptional circumstances leave should be made in writing and include how long it is anticipated that leave will be required and why leave is required. The applicant will receive a response in writing.

The above example has been drawn from the National Native Title Tribunal Certified Collective Agreement 2003–2006 and the Victorian Council of Social Services (VCOSS) Enterprise Agreement 2006.



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4.16 Flexible working hours

Flexible working hours enable employees to start and finish work within a flexible range of agreed hours as long as they work a set number of hours each day or week. For example, an employee may be required to work an eight-hour day with a half-hour lunch break but may be able to start work at any time after 7 am and finish any time between 3.30 pm and 6.00 pm.

Why is it important to work and family balance?

Flexible working hours:

- > enable employees to more effectively manage their family and work commitments.
- > enable employees to work their allotted hours without being rushed or pressured by family responsibilities.
- > can assist an employee to manage a one-off or ongoing situation, for example, picking up a child from school.

Issues to be considered

Rostered day off or accrued day off

In many organisations staff can work an additional 30–45 minutes a day and the accrued time is taken in the form of a paid day off work once a fortnight or once a month.

Core hours as part of a flexible working hours policy

Some organisations, for example the Victorian Public Service, organise their flexible working hours around core hours. Core hours are hours in which operationally all staff or particular staff members in a team are required to be available. Outside of those hours, individual workers can vary their start and finish times, as long as they work their allotted hours each day. For example, core hours could be between 10 am and 3 pm but workers could start earlier in the day and thus finish earlier in the day, as long as they are at the workplace between 10 am and 3 pm.

Compressed hours as part of a flexible working hours policy

Compressed hours are a form of flexible hours that enable an employee to work, for example, a 38-hour week in four days rather than five days. Compressed hours enable employees to retain their income while having time to undertake family responsibilities. They also enable an employer to retain a full-time worker, who may otherwise need to work part-time to meet family responsibilities.

Occupational health and safety considerations

When an employee utilises a flexible hours strategy such as compressed hours, it is important that both employer and

employee consider, and have measures in place to cope with, the added stress of working longer days. It will also be important to ensure that the employee has appropriate rest breaks. Without appropriate breaks, the employee may be working unsafely and be a risk to himself or herself, co-workers and members of the public.

Timing of meetings to ensure all can attend

To make it easier for employees to access flexible working hours while ensuring that they are available to attend necessary work meetings, organisations may wish to implement a policy of not having meetings starting before 10 am or finishing after 3 pm.

Accrual of hours

Employers will need to monitor and set limits on how much time can be accrued. It may not be practical for an employee to accumulate a large number of additional hours, for example 35 hours, and then take all of that time as a single block of leave. For example, at Women's Health West, staff may only accrue up to 10 hours flexi-time. Once the 10 hour limit has been reached they must take some of their accrued time before they can accumulate any more.

Example

The following example is adapted from the City of Darebin's Enterprise Agreement No 4. The clause is simple and clear. In many organisations, these provisions exist informally. Formalising them enables planning for operational requirements. Employees will also have the security of knowing that their flexible arrangement cannot be revoked without warning.

Flexible working hours

(Insert name of organisation) aims, whenever practicable, to provide flexible working arrangements which balance service requirements with an individual's personal needs. Upon request for time off by an employee to attend to personal or family matters, with agreement from (insert title of relevant manager), the following may be available in addition to normal leave requirements:

- > *varying start and finishing times (within the span of hours) to meet personal requirements.*
- > *use of accrued time in lieu.*
- > *make-up time, by taking time off during work hours and making up time at a later stage.*

Adapted from the City of Darebin's Enterprise Agreement No 4

The Mansfield Shire Council Experience

Mansfield Shire Council recognised it needed to do more to retain and attract staff. With the help of staff, management realised flexible working arrangements could meet everyone's needs.

After working for some 20 years, Finance Officer Robyn Baddeley finally has a nine day fortnight – and she loves it. “For a worker with a family, it allows me some time to myself. I might choose to spend the day doing housework, but I can also choose to read a book, which is an absolute luxury I’ve never had with an employer before.”

For Robyn, a nine day fortnight is “a day to look forward to each fortnight” while for the Shire Council, it is a way to attract and retain staff.

Extract taken from the Mansfield Shire Council case study ‘Better Work and Family Balance – More flexible hours mean more time to enjoy a Mansfield Lifestyle.’ To view the full case study, go to www.irv.vic.gov.au

4.17 In Vitro Fertilisation (IVF) leave

This paid leave enables eligible employees to have leave to attend routine medical appointments associated with IVF treatment.

Why is it important to work and family balance?

- > More Australians are accessing IVF treatment. This treatment requires a strict treatment regime, usually at a set time during the day. For some women this treatment can be completed outside work hours, but for others this is not possible and workplace flexibility is required.
- > Providing access to IVF leave demonstrates organisational support to staff members who are undergoing this treatment.

Issues to be considered

Confidentiality

Undergoing IVF treatment is a sensitive issue for many people and it may be difficult for some workers to approach managers about accessing leave such as IVF leave. It is essential that workers know that when they speak to management about the need to take any leave provision, their personal circumstances will be kept confidential.

Example

The following example of IVF leave is a modified version of the Edith Cowan University's antenatal and pre-adoption policy 2005.

IVF Leave

An employee who presents a medical certificate stating that they are undergoing treatment for IVF is entitled to 37.5 hours paid leave per year to attend IVF appointments with a registered health and allied health professional. Part-time employees shall be entitled to IVF leave on a pro rata basis.

Adapted from Edith Cowan University's antenatal and pre adoption policy 2005

For more information about support for yourself, colleagues or staff members undergoing IVF treatment, go to the Monash Hospital IVF website www.monashivf.edu.au/program/support/counselling.html or call 1800 628 533.



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4.18 Job share

Job share is a form of permanent part-time work in which two, or possibly more, people share the responsibilities, hours, salary and benefits of one full-time job. The performance of job share partners is evaluated separately even though they share the duties of the one job.

Why is it important to work and family balance?

- > Job share enables staff to maintain their skill levels, networks and to earn an income while managing family commitments.
- > Job share enables organisations to retain valuable and skilled staff members who also have significant family commitments.
- > Organisations through job share have the opportunity to cover a larger span of hours with the one position without attracting penalty or overtime rates.
- > Organisations through job share have the opportunity to draw on the expertise of more than one person for the same position.

Issues to be considered

Plan ahead

Job share arrangements can be very successful and have mutual benefits for both the employer and employee, but success is often dependent on planning. Task delegation, ongoing monitoring and communication pathways are crucial for job share arrangements to work.

Potential for job sharers to cover for each other while one is on leave

An advantage of job share is that in some circumstances there will be the potential in a job share arrangement to cover for each other while on leave.

Ensuring equal opportunities

Mechanisms need to be put in place to enable job sharers to participate in organisational events and opportunities, such as training, and to participate in work related meetings.

Putting the arrangements in writing

Specifications of job share arrangement need to be in writing. It is important that any job share clause specifies that job share arrangements be agreed to in writing by all parties in order to prevent potential disputes.

Example

The following example is adapted from the Bupa Australian Enterprise Agreement 2006. This clause is more extensive than most job share clauses. The advantage of this extensive clause is that it clarifies issues relating to overtime, managing staff

member absences and action to occur if one job sharer vacates the position. An innovative aspect of the clause is the use of a job share register. The job share register enables potential job sharers to register their interest in a future job share arrangement if one is not available immediately.

Job Share

(a) Definition

Job share is an arrangement where two employees, by mutual agreement with their manager, share all the duties and responsibilities of a permanent full-time position.

Job share is a flexible work arrangement which can be utilised by both managers and employees as an alternative to full-time arrangements and as a means of balancing work and personal needs.

(b) Access to job share

Job share will be available by agreement between the relevant manager and the employees concerned.

Employees participating in job share arrangements will have access to all (insert name of organisation) benefits and programs, as dictated by their position in the organisation, in line with any part-time employee.

(c) Job share register

(insert name of organisation) maintains an open job share register. The register records details of employees who are seeking job share arrangements. Employees may access this register to identify potential job share partners, and may record their details on this register at their choice.

(d) Hours of work

Employees participating in job share in conjunction with the appropriate manager will determine how the job is to be split and agree the hours for each participating employee. The agreed hours of work of the job share team will not exceed ordinary hours per four-weekly cycle for a full-time employee.

(e) Overlap time

Communication between the job sharers of a position can be of vital importance in many positions.

Where such continuity is needed each job share's ordinary hours will include time for mutual discussion and briefing.

(f) Absences on leave

In the case of short term casual absence such as sickness and emergency leave of a job sharer's partner, the remaining job sharer may volunteer to relieve.

In the case of a planned or structured absence, the job sharers may elect to take leave conjointly. Should leave be taken separately, the remaining job sharer may volunteer to relieve. Where business needs dictate that the absence of the job sharer be covered, it is seen as highly desirable that the remaining job sharer be prepared to relieve.

(g) Overtime

A job sharer will be paid overtime for:

- > time worked, by direction, in excess.
- > time for which a full-time employee would have received overtime.

A job sharer who volunteers to relieve in the other portion of the job sharing position whilst the other job sharer is on leave, will be entitled to payment at single time for the additional hours worked up to the maximum number of ordinary hours for that position.

(h) Salary and employment conditions

Job sharers will receive as appropriate, pro rata pay and benefits for the relevant position.

(i) Contract of employment and job sharing agreement

The working arrangements and responsibilities for a particular position will be mutually determined by (insert name of organisation) and both job sharers, including any variations in the working arrangements and responsibilities that may be required from time to time.

The contract of employment will incorporate relevant matters including the number of hours to be worked by each job sharer, when those hours are to be worked, overlap time, the job description for the position, and procedures that outline the termination of the contract of employment. The job description issued will be that prepared for the established position.

(j) Vacation of job sharing position

The status, classification, nature and responsibility of a position will not alter whether the position is being filled on a share or individual basis. An individual job sharer may indicate their intention to terminate a job sharing arrangement on the giving of four weeks' notice in writing to (insert name of organisation).

In the event that one job sharer vacates the position for whatever reason, the remaining job sharer will be provided with the first option of having sole appointment to the position and assuming all work and hours. If this is unacceptable to the employee who requests to continue on a job share basis, (insert name of organisation) will actively endeavour to find a new job share partner and a new agreement is to be negotiated. Alternatively, the remaining employee can be offered an opportunity to share in another position.

An employee always retains the option of returning permanently to their former mode of employment, whether part-time or full-time, provided a suitable position is found.

If an appropriate position cannot be found, the job sharer will be redeployed as per (insert name of organisation) redeployment clause.

(k) Continuity of service

A change in the mode of employment from full-time or part-time to job sharing or vice versa does not break continuity of employment or service. All accrued benefits are fully transferable from one mode of employment to another.

Adapted from the Bupa Australian Enterprise Agreement 2006

4.19 Keep in touch programs

Keep in touch programs provide a systematic way of keeping in contact with employees who are on extended leave such as parental leave or extended sick leave. Employees remain connected to their workplace and reintegrate more easily into the workplace when they return from extended leave.

Why is it important to work and family balance?

A keep in touch program:

- > enables staff on extended leave to feel connected to the workplace while on leave.
- > maintains a feeling of connectedness that may encourage some employees to return to work earlier.
- > fosters a caring attitude within the organisation and acknowledges that employees on extended leave are still part of the organisation.
- > assists employees on extended leave to reintegrate into the workplace when they return from leave.

Issues to be considered

The contents of the keep in touch policy

A keep in touch policy should include:

- > details about what type of information people will receive.
- > when and how often people on extended leave can expect to receive information.
- > a process for managers and staff going on extended leave to discuss additional information staff members on extended leave may require.

Potential to augment with additional networking opportunities

A keep in touch program can be augmented by networking opportunities for people on leave, as well as those who have returned to work after extended leave. For example, the Brotherhood of St Laurence offers all staff returning from parental leave the opportunity to be part of a network of staff who have also returned to work from parental leave.

Example

The following example is adapted from the Alpine Children's Services Agreement 2005 and is part of its return to work from extended leave clause. This clause gives employees on leave the opportunity to be involved in, and to be made aware of, significant changes in the organisation and to apply for internally advertised positions. In some cases an employee may wish to limit their communications with their employer while on leave. This clause enables communication, when appropriate, to be limited to a minimum.



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Keep in touch program

(Insert name of organisation) shall commence a keep in touch program for all staff on extended leave. This may include parental leave, periods of paid and unpaid leave, and extended study leave. The program shall include informing staff members of work related developments and also sending newsletters (as applicable), and copies of internal advertising of vacant positions.

If employees explicitly state that they do not want contact with the organisation, this will be noted in their personnel file and they will only receive communications regarding matters such as relevant organisational restructures, potential changes to their position and workplace relocation.

Employees can inform (insert title of relevant manager or department) at any time that they wish to participate in or opt out of the keep in touch program.

Adapted from the Alpine Children's Services Agreement 2005

The Brotherhood of St Laurence Keep in Touch Program

The Brotherhood of St Laurence *Keep in Touch Program* applies to staff who are on parental leave or other forms of extended leave. It is optional and is a way of giving staff the opportunity to keep up to date with what is happening in their area and the organisation while on leave for an extended period.

It is the responsibility of managers under the guidance of human resources to maintain contact with staff on extended leave. Human resources provide managers with suggestions on how they can effectively keep in touch with staff on extended leave.

Suggestions provided by human resources include:

- Managers and staff need to think about what information is wanted/needed.
- Methods for communicating information can include mail, phone, email, meeting with colleagues/manager, receiving agenda and minutes of meetings.
- Ensure a nominated person is responsible for keeping in contact so they are clear about what has been agreed and what needs to occur.

The Brotherhood of St Laurence also resources a support group for staff members returning from parental leave.

For further information about the Brotherhood of St Laurence Keep in Touch Program contact the People, Work and Culture Branch on 03 9483 1108

4.20 Lactation breaks and facilities for nursing mothers

An entitlement that enables nursing mothers to have regular breaks during working hours to either breastfeed a baby if the child is nearby or to express breast milk to be stored for a child's later consumption.

Why is it important to work and family balance?

Lactation breaks:

- > enable mothers to continue to breastfeed their child after returning to work (World Health Organisation [WHO] research indicates that babies and infants benefit greatly from breastfeeding).
- > may reduce the amount of carer's leave taken as breastfeeding has been demonstrated to protect babies and infants from diseases, such as gastro-intestinal illnesses and ear infections.
- > enable mothers to maintain their choice to breastfeed and to work.
- > enable women to return to the workforce earlier.
- > demonstrate to employees that the organisation values the choices staff might make concerning family needs.

Issues to be considered

Additional support provided by the Australian Breastfeeding Association

The Australian Breastfeeding Association has a sample breastfeeding policy statement that can be adapted by organisations at www.breastfeeding.asn.au. There is also information and practical advice about what employees are entitled to if they are breastfeeding.

Compliance with the Victorian Equal Opportunity Act 1995

Under this Act it is unlawful to discriminate against someone because of their breastfeeding status. If there is a reasonable request for lactation breaks, employers should consider their request carefully (refer to the *Victorian Equal Opportunity Act 1995*)

Example

The following example is a combination of the nursing mother clause in the City of Port Phillip Agreement No 4, 2004 and the breastfeeding leave clause in the Brotherhood of St Laurence Agreement 2003.

Lactation breaks and facilities for nursing mothers
(Insert name of organisation) workplaces shall provide a comfortable and convenient environment for mothers who wish to continue to breastfeed at work.

An employee who works more than three consecutive hours and who is breastfeeding is entitled to up to one hour paid leave per day (pro rata for part-time workers) to express or attend upon their child to breastfeed (this includes any period away from the workplace, provided that such leave does not unreasonably interrupt the operational needs of the workplace).

The organisation's policy has taken into account the following:

- *the promotion of a positive attitude towards breastfeeding in the workplace*
- *flexible working hours*
- *flexibility of times of usual breaks or lactation breaks as required for expressing or breastfeeding*
- *a clean, private lockable area that is safe from hazardous waste and chemicals, with comfortable seating and power points*
- *facilities for washing hands and equipment and for storage of equipment*
- *a refrigerator for the storage of breast milk.*

Information regarding parental leave and policies relating to breast-feeding are made available in the workplace and displayed and distributed where appropriate.

Information regarding the organisation's policy on breast-feeding is given to all employees who apply for parental leave.

Adapted from the nursing mother clause in the City of Port Phillip Agreement No 4, 2004 and the breast feeding leave clause in the Brotherhood of St Laurence Agreement 2003

4.21 Parental leave

Parental leave is a collective term that can be used to describe maternity, paternity (partner), and adoption leave. It can also include foster care, child rearing and permanent care order leave.

Parental leave can be paid or unpaid leave. By law, 12 months unpaid parental leave must be made available to all parents (with at least 12 months continuous service or 12 months regular and systematic employment as a casual employee), but only one parent can take the leave at any one time, except for the 'paternity (partner) leave' period in which both parents can be on leave.

While Australia does not have a government funded maternity leave scheme, some employers do provide paid maternity leave. A survey undertaken by the Equal Opportunity for Women in the Workplace Agency found that 41 per cent of employers of more than 100 people provided some form of paid maternity leave. The most common amount provided was six weeks of fully paid leave, followed by 12 weeks.¹⁰

As at 31 December 2005, approximately 46 per cent of women covered under 13 per cent of federal certified agreements had an entitlement to paid maternity leave.¹¹

This section includes an example of a parental leave clause which is an amalgam of the parental leave clauses from the Victorian Public Service Agreement 2006 and the Regional Water Authorities Award 1999. This clause is very comprehensive and includes provision for paid parental leave, return to work part time, pre-natal leave, permanent care leave and parental leave at half pay. An organisation may wish to consider having a parental leave clause that includes a whole range of family friendly provisions or to separate them out into stand alone clauses.

As well as a parental leave clause this section also includes stand alone clauses on foster care leave, permanent care order leave, child rearing leave, half pay provision, communication during parental leave and the extension of parental leave.

Why is it important to work and family balance?

- > Parental leave enables people with either newborn children or children recently placed with a family to devote time and energy to the child and the child's wellbeing without having to resign from work.
- > Parental leave enables employers to retain valued staff members who are juggling the needs of work and starting a family.
- > Parental leave gives new parents some time out of the paid workforce to bond with their child.



¹⁰ EOWA (2005), Equal Opportunity for Women In The Workplace survey 2005 – Paid Parental Leave, <http://eew.gov.au>.

¹¹ Workplace.gov.au, *Parental leave*, <http://www.workplace.gov.au/workplace/Category/Schemes/initiatives?workFamily/Parentalleave.htm>.

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Issues to be considered

The cost of paid parental leave

Many organisations are concerned about the cost of paid parental leave. They are wary of introducing paid parental leave because they see it as an expense that may spiral out of control. In most instances, this is not the case. In fact many organisations use paid parental leave as an incentive for retention and recruitment of staff. To get more information on how to calculate the cost of parental leave, read Chapter 1 – *Can our workplace afford not to be family friendly*.

Once you have estimated the annual cost of parental leave, establish how many staff members you believe would return to their employment if they received paid parental leave, as well as those who will stay with the organisation to be eligible to receive paid parental leave.

Many employees see paid parental leave as a symbol of how an organisation values its staff and, therefore, the organisation benefits from reciprocal staff loyalty and reduced recruitment costs.

Once an organisation offsets the expense of paid parental leave against the cost of recruiting and training new staff, the provision of paid parental leave becomes a priority.

Including same sex couples in the parental leave policy

Same sex couples are also in families that include children. When developing parental leave clauses or any family leave clauses, including paid parental leave clauses, it is fair to be inclusive. In order to be inclusive more and more organisations are renaming paternity leave as partner leave.

Returning to work after parental leave

Some staff returning to work after parental leave may wish to return to work on a graduated basis. When developing a parental leave clause, consideration should be given to how the organisation can fulfil the needs of staff wanting to return to work part-time after parental leave, while also meeting the organisation's operational needs.

Example

The following clause has been adapted from the Victorian Public Service 2006 Agreement. It has been chosen because it has 14 weeks paid parental leave and it includes a whole raft of provisions that promote family and work life balance. This clause also incorporates sections of the Regional Water Authorities Award 1999.

The clause is comprehensive and outlines employer and employee legislated responsibilities regarding parental leave, such as transfer to a safe job for pregnant employees. Most of the information contained in this clause is standard to all award parental leave clauses.

The clause includes 14 weeks paid maternity leave and 1 week paid partner leave. While many agreements include

paid parental leave, there are often variations in the length of the paid parental leave component.

Other variations to this clause that are worth considering include lowering the length of continuous service required to be eligible for paid or unpaid parental leave from 12 to 10 months. Some organisations have lowered the 12 month requirement to recognise that it is not always possible to predict when someone is going to become pregnant.

1 PARENTAL LEAVE

1.1 Parental Leave

Parental leave means paid and unpaid maternity, paternity/partner and adoption leave and shall be provided in accordance with Schedule 14 to the Workplace Relations Act 1996, subject to the following provisions of this clause.

1.2 Maternity Leave

1.2.1 *The paid maternity leave entitlement is 14 weeks.*

1.2.2 *A female Employee other than a casual Employee who has at least 12 months continuous paid service, will:*

- (a) be granted the 14 weeks paid maternity leave, to be taken in connection with the birth of her baby either before and/or after the birth; or*
- (b) be entitled to the same period of paid maternity leave if she has a miscarriage of her pregnancy where it has advanced to at least 20 weeks;*
- (c) if she is the primary care giver, be entitled to a further period of unpaid leave, but the total of her paid and unpaid leave must not exceed 52 weeks;*
- (d) if she does not qualify for paid maternity leave, be entitled to take up to 52 weeks unpaid maternity leave; and*
- (e) not have an entitlement to paid maternity leave whilst on leave without pay in excess of 52 weeks.*

1.3 Return to work

1.3.1 *An Employee must confirm her intention of returning to work by notice in writing to the Employer, given not less than four weeks prior to the expiration of the period of maternity leave.*

1.3.2 *By agreement between the Employer and the Employee, the return to work can be on a part-time basis until the commencement of the child's schooling.*

1.3.3 *If such part-time work is requested by the Employee, the Employer will not unreasonably withhold agreement.*

1.4 Paternity/Partner Leave

1.4.1 *An Employee, other than a casual Employee, who has at least 12 months continuous paid service will:*

- (a) be entitled to 1 weeks paid paternity/partner leave in connection with the birth of a child for whom he or she has accepted responsibility, to be taken either before and/or after the birth;*
- (b) if he or she is the primary care giver, be entitled to a further 51 weeks of unpaid paternity/partner leave;*

- (c) be entitled to 1 weeks paid paternity/partner leave if the mother of the child has a miscarriage of her pregnancy where it has advanced to at least 20 weeks.

1.5 Return to work

1.5.1 An Employee must confirm his/her intention of returning to work by notice in writing to the Employer, given not less than four weeks prior to the expiration of the period of paternity/partner leave.

1.5.2 By agreement between the Employer and the Employee, the return to work can be on a part-time basis until the commencement of the child's schooling.

1.5.3 If such part-time work is requested by the Employee, the Employer will not unreasonably withhold agreement.

1.6 Adoption Leave

1.6.1 The paid adoption leave entitlement is 14 weeks.

1.6.2 If an Employee, other than a casual Employee, is adopting a child and has at least 12 months continuous paid service, he or she will:

- (a) be entitled the relevant number of weeks of paid adoption leave as specified in this clause in connection with the adoption of the child if he or she is the primary care giver;

1.7 Transfer to a safe job

1.7.1 Where an employee is pregnant and, in the opinion of a registered medical practitioner, illness or risks arising out of the pregnancy or hazards connected with the work assigned to the employee make it inadvisable for the employee to continue at her present work, the employee will, if the employer deems it practicable, be transferred to a safe job at the rate and on the conditions attaching to that job until the commencement of maternity leave.

1.7.2 If the transfer to a safe job is not practicable, the employee may elect, or the employer may require the employee, to commence parental leave.

1.8 Returning to work after a period of parental leave

1.8.1 An employee will notify of their intention to return to work after a period of parental leave at least four weeks prior to the expiration of the leave.

1.8.2 An employee will be entitled to the position that they held immediately before proceeding on parental leave. In the case of an employee transferred to a safe job pursuant to clause 1.7, the employee will be entitled to return to the position they held immediately before such transfer.

1.8.3 Where such position no longer exists but there are other positions available that the employee is qualified for and is capable of performing, the employee will be entitled to a position as nearly comparable in status and pay to that of their former position.

1.9 Replacement employees

1.9.1 A replacement employee is an employee specifically engaged or temporarily promoted or transferred, as a result of an employee

proceeding on parental leave.

1.9.2 Before an employer engages a replacement employee the employer must inform that person of the temporary nature of the employment and of the rights of the employee who is being replaced.

1.10 Leave accrual

1.10.1 Leave granted under this clause shall be included as service for the purpose of recreation, sick and long service leave.

1.10.2 Provided that the maximum period to count as service for the purposes of recreation leave is 26 weeks and the maximum period to count as service for long service leave purposes is the period of leave with pay.

Adapted from the Regional Water Authorities Award 1999, and the Victorian Public Service Agreement 2006

How WIRE Women's Information introduced paid parental leave

Samiro Douglas, Manager of WIRE Women's Information, worked with staff and Board members to introduce paid parental leave into the WIRE Collective Agreement.

Samiro said that "the process of achieving paid parental leave was not very complicated but it did require a simple shift in my thinking".

During negotiations for a renewed collective agreement, the WIRE Board considered and costed the inclusion of paid maternity leave as a work and family balance provision available to WIRE staff.

The Board considered two weeks, six weeks and 12 weeks. These figures were reviewed alongside the 05/06 existing budget and it was decided that WIRE could at a minimum provide two weeks paid parental leave.

Samiro and the WIRE Board considered the following issues when evaluating whether the organisation would introduce paid parental leave:

- the potential budget surplus that could be utilised for additional leave payments
- the process of rolling over the budget allocation for paid parental year from one financial year to another
- the potential take up rate of paid parental leave at WIRE - to estimate this the number of staff maternity leave requests over the past five years were reviewed
- anticipating future costs of parental leave and developing a strategy to accrue the money from within the existing budget for paid parental leave
- the process required to ensure money is always available should parental leave be required.

By working through this process, WIRE was able to demonstrate that what initially seemed too complex and too expensive was in fact achievable.

For further information about the WIRE Women's Information approach to paid parental leave contact 03 9921 0877.



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Additional clauses in parental leave

The right to request clause, which formed part of the Australian Industrial Relations Commission's 2005 Family Provisions Test Case was incorporated into many awards just prior to the introduction of the WorkChoices amendments in March 2006.

Example

The following clause is adapted from the Regional Water Authorities Award 1999. The right to request provision includes the right to request an additional 52 weeks unpaid parental leave and to return to work after parental leave on a part-time basis.

Right to request

1.1 An employee entitled to parental leave pursuant to the provisions of this clause may request the employer to allow the employee:

- (a) to extend the period of simultaneous unpaid parental leave provided for in this agreement to up to a maximum of eight weeks;
- (b) to extend the period of unpaid parental leave provided for in this agreement by a further continuous period of leave not exceeding 12 months;
- (c) to return from a period of parental leave on a part-time basis until the child reaches school age;

to assist the employee in reconciling work and parental responsibilities.

1.2 The employer shall consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business.

1.3 Employee's request and employer's decision to be in writing

The employee's request and the employer's decision made under clauses 1.1(b) and 1.1(c) must be recorded in writing.

1.4 Request to return to work part-time

Where an employee wishes to make a request under clause 1.1(c), such a request must be made as soon as possible but no less than seven weeks prior to the date upon which the employee is due to return to work from parental leave.

Adapted from the Regional Water Authorities Award 1999

Foster care or permanent care order leave

If the organisation already has a parental leave clause in place, consideration could be given to expanding the existing parental leave clause to enable staff to take foster care leave or leave to look after a child placed into an employee's permanent care.

Example

The following example of foster care leave is adapted from the Charles Darwin University Agreement 2005.

Foster care leave

A staff member with 12 months continuous paid service preceding the date of taking custody of the child and who has not previously taken foster parent leave, or who has a minimum of 36 months continuous paid service since last taking foster parent leave preceding the date of taking custody of the child, will be entitled to a period of up to three weeks foster parent leave on full pay.

The period of paid leave will be taken at the time of the placement of the child.

If the child is removed from custody prior to the end of the approved foster parent leave period, the leave is to terminate at the commencement of the next working day. The staff member is to report this change in leave conditions to his or her supervisor as soon as practicable.

Where both prospective parents are staff members of the (insert name of organisation), only one will be entitled to foster parent leave.

Foster parent leave applies only to the custody of children under five years of age.

Foster parent leave does not apply where the staff member has previously had custody of the child.

Adapted from the Charles Darwin University agreement 2005

Permanent care leave

Example

The following clause for permanent care leave is from the Museum Victoria Staff Partnership Agreement 2004–2007. This clause refers to a specific care order which is made by the Children's Court or the Family Court. While it is unusual for a child to be subject to a permanent care order, when they are it is highly beneficial for the child that at least one parental guardian can take time away from work to enable the child to adjust to their new environment and situation.

Permanent care leave

If an employee, other than a casual employee, is granted custody of a child under the age of five years under the Children and Young Persons' Act 1989 (Vic) by the Children's Court or the Family Court, and the employee is the primary care giver for the child, the employee will be entitled to two weeks paid leave at a time to be agreed.

Adapted from the Museum Victoria Staff Partnership Agreement 2004–2007

Child rearing leave

Some parents may need to provide intensive support to a child after they have returned from parental leave. This could be because the child has physical, psychological, developmental or emotional needs requiring intense parental involvement or because long-term child care arrangements have broken down or are no longer considered appropriate and in the child's best interest. Many awards have provisions that give workers the right to request unpaid leave for family purposes when a family member is unwell. Child rearing leave broadens this concept beyond illness.

Example

This example comes from the Charles Darwin University Agreement 2005.

Child rearing leave

In addition to and following on from any other form of parental leave, staff members may apply for a further 52 weeks child-rearing leave without pay for the care of pre-school age children, up to the age of six years.

A request for child rearing leave must be made at least three months in advance of the planned commencement of leave.

Approval of child rearing leave is at the discretion of (insert name of organisation). Prior to reaching a decision on an application, consultation will occur on the operational and work implications for the affected work unit and the dispersal of residual duties.

If child rearing leave is approved, conditions for returning to work are to be negotiated between the (insert name of organisation) and the staff member. The (insert name of organisation) is not under obligation to return the staff member to the same role.

Adapted from the Charles Darwin University Agreement 2005

Parental leave at half pay

Some workers prefer to receive an entitlement such as paid parental leave for twice as long but at half pay. While there is the same amount of money received by the worker some workers may feel they are better able to manage their finances when their income is staggered.

Example

The following example is from the Victorian Public Service Agreement 2006.

Half pay provision

The employer may allow the employee who is entitled to paid parental leave to take that leave at half pay for a period equal to twice the period to which the employee would otherwise be entitled.

Adapted from the Victorian Public Service Agreement 2006

Communication during parental leave

To assist employees on parental leave to remain connected with the workplace, some organisations have introduced clauses that specifically outline how communications with staff on parental leave are to occur.

Example

The following example is from the Victorian Public Service Award 2005

Communication during Parental leave

Where an employee is on parental leave and a definite decision has been made to introduce significant change at the workplace, the employer shall take reasonable steps to:

- (a) make information available in relation to any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave; and*
- (b) provide an opportunity for the employee to discuss any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parental leave.*

The employee shall take reasonable steps to inform the employer about any significant matter that will affect the employee's decision regarding the duration of parental leave to be taken, whether the employee intends to return to work and whether the employee intends to request to return to work on a part-time basis.

The employee shall also notify the employer of changes of address or other contact details which might affect the employer's capacity to comply with this clause.

Adapted from the Victorian Public Service Agreement 2006

Extension of parental leave until the child is aged seven

In some cases parents choose to stay out of the paid workforce in order to raise a child until the child is of school age. For parents who have made this decision, one parent usually resigns from work with the hope that they will find suitable employment once they are able to re-enter the paid workforce. However the Teachers (Victorian Government Schools) Conditions of Employment Award 2001 includes provisions that enable a parent to remain on parental leave for up to seven years without losing job security.

Example

The following clause comes from the Teachers (Victorian Government Schools) Conditions of Employment Award 2001. This clause can be added to an existing parental leave clause or can be a stand alone clause.

Extension of parental leave

Family leave shall not extend beyond the seventh birthday of the child for whom the family leave has been granted.

If seven years of family leave have been taken, the employer may allow an employee a further period of family leave at his or her discretion in the event of any subsequent confinement.

Adapted from the Teachers (Victorian Government Schools) Conditions of Employment Award 2001



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4.22 Part-time work

Part-time workers are permanent employees who have a set number of weekly working hours. Part-time workers receive the same entitlements as full-time workers but on a proportional or pro rata basis.

In most cases it is possible to accommodate the needs of a part-time worker within the framework of the needs of an organisation and service delivery.

Information on the right to request part-time work after returning from parental leave is contained in this section as well as in the section on parental leave.

Why is it important to work and family balance?

- > Part-time work enables staff to maintain their skill level, networks and earn an income while managing family commitments.
- > Part-time work enables an organisation to retain knowledgeable, valuable and skilled staff members who also have significant family commitments.
- > Part-time work can provide for graduated change, for example a reduced work load on return from parental leave or prior to retirement.

Issues to be considered

Communication

Communication is vital to ensure part-time staff are included within the workplace. Important information must be conveyed to all staff, not just full-time staff members. This can be achieved a number of ways, including via email, intranet systems and timing meetings to suit the availability of part-time staff .

Part-time staff and work related meetings

If possible, organisations should schedule meeting-free days and start meetings no earlier than 10 am and finish no later than 3 pm. It may also be possible to schedule regular weekly meetings on different days in consecutive weeks i.e. one week the meeting could be held on a Tuesday and the next week on a Wednesday. This will mean that part-time workers do not miss out on team, staff and other meetings.

Part-time work and job satisfaction

Being part-time doesn't mean being given the work that no one else wants. Part-time workers and their managers need to work together to negotiate a challenging and stimulating job.

Part-time work and career advancement

Part-time staff members must be eligible for, and able to participate in, career advancement and training on the same basis as full-time staff. Organisations should also ensure opportunities for promotion are equally available to applicants who are working part-time.

Need to ensure a manageable workload

When employees reduce their hours, it is important that this reduction in hours is also reflected in the job description. It is not possible for employees to complete in 30 hours what they completed as full-time workers. It is important that this is acknowledged by management.

Importance of regular review

All part-time positions must be regularly reviewed to ensure all is working well for the individual workers and for the organisation.

Contents of a written part-time work agreement

When a manager and an employee negotiate part-time employment, the agreement should include the following in writing – commencement date; hourly and weekly rates of pay; classification; job description; end date if applicable; review date; number of hours to be worked and when; as well as the flexibility, if any, that exists in when the hours can be worked.

Example

The following is an amalgam of several part-time clauses and takes into account the needs of employers and employees prior to making a decision regarding part-time work.

Included in this clause is the right to request part-time work after returning from parental leave. This provision is contained in the parental leave clause of many awards and it could also be included or referred to in the part-time clause. This will ensure that both staff and managers can assess the extent of part-time provisions and entitlements.

Part-time work

An employee requiring part-time work in order to meet family commitments shall have their request to work part-time considered in good faith by (insert title of relevant manager).

The employer should make every effort to accommodate the request taking into account:

- *the operational requirements of the position*
- *the impact on customer service*
- *the need for continuity of the position*
- *the impact on other staff*
- *costs*

- the impact on the work place and its operation if the employee leaves the organisation if the request is refused
- opportunities to enhance service or skill mix within the organisation by using part-time workers.

The employer will provide written advice to the employee regarding the employee's request for part-time work within eight weeks of the request being lodged in writing with the employer, except by agreement between the employer and employee.

Prior to commencing part-time work an employee and employer will negotiate a position description which reflects the employee's reduced hours. The position description will include a duty statement, rates of pay, classification, number of hours to be worked and when, start date and expiry date (if applicable), review date (to be no later than 12 months after the employee commences part-time work).

The actual time fraction to be worked is to be determined by mutual agreement and may be changed during the period of part-time employment by agreement between the employee and (insert title of relevant manager).

Part-time work no disadvantage

All staff whether part-time or full-time will have equal access to and eligibility for career advancement and training opportunities.

Part-time staff will receive applicable overtime payments for hours worked in addition to their standard hours. All hours worked in addition to standard hours must be approved by (insert title of relevant manager) in order for overtime to be paid.

Right to request

An employee entitled to parental leave pursuant to the parental leave clause in this agreement may request the employer to allow the employee to return from a period of parental leave on a part-time basis until the child reaches school age to assist the employee in reconciling work and parental responsibilities.

The employer shall consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business.

The employee's request and the employer's decision must be recorded in writing.

Where an employee wishes to make a request to return to work from parental leave on a part-time basis, such a request must be made as soon as possible but no less than seven weeks prior to the date upon which the employee is due to return to work from parental leave.

Quality Part-Time Work – working better for everyone

As part of implementing the Action Agenda for Work and Family Balance the Victorian Government committed to targeted research on work and family balance issues of significance to Victorian industries and businesses.

The Quality Part-Time Work Project formed a major part of this research. Undertaken within Industrial Relations Victoria, it began in July 2004. It was designed to provide guidance on how the quality of part-time work can be improved for the mutual benefit of employers and employees.

The Project included a comprehensive statistical overview of part-time work in Australia and Victoria, as well as a review of national and international literature. This included information on the growth of part-time work, the role of part-time work in facilitating work and family balance and approaches used by government, unions and business to promote quality part-time jobs.

The Quality Part-Time Work Project involved extensive consultation with employer associations and unions. Industries with high proportions of part-time workers were targeted. The factors that both encouraged and discouraged quality part-time work were identified. Organisations where quality part-time work had been successfully were identified and profiled.

Following research and consultation with employer organisations and unions, the following were agreed as objective indicators of quality in part-time work:

- access at all occupational levels and for both men and women;
- the same protections as full-time work in respect to job protection, predictability of hours and protection against discrimination;
- pro-rata wages and access to benefits;
- equal access to training and promotion;
- ability to transfer either way between full-time and part-time work;
- inclusion in the workplace culture and work group;
- recognition that people have a life outside work.

For further information on the Quality Part-Time Work Project, including a copy of the report Quality Part-Time Work – working better for everyone, industry case studies and copies of agreed industry guidelines for quality part-time work in retail, hospitality, local government, nursing and law see www.irv.vic.gov.au



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4.23 Purchased leave variations (for example 48/52)

Purchased leave enables an employee to purchase an additional period of leave during the course of a year. For example, if working a 48/52 purchased leave arrangement, the employee will receive an additional four weeks leave per year with the employee's salary of 48 weeks spread over the course of the entire year. Other variations of this leave include 46/52 or 50/52.

Why is it important to work and family balance?

Purchased leave:

- > enables employees to manage times when they need to intensively concentrate on their family responsibilities, for example, caring for children during school holidays.
- > helps to retain and attract employees who might otherwise resign because family responsibilities make working a 52-week year with only four weeks annual leave difficult or impossible.
- > reduces employee stress by enabling employees to meet their family obligations.
- > enables employees to take additional leave with minimal expense to the employer.
- > minimises the hardship of a period of unpaid leave by having a slightly reduced salary level over the entire year.
- > enables the employer and employee, depending on the organisational needs to plan for extended leave when the organisation's operational needs are not as high.

Calculating the wages of employees utilising purchased leave

While instituting purchased leave arrangements (48/52) could initially seem overly complex, requiring highly technical payroll software, they require relatively simple administration. In the case of 48/52, four weeks pay is subtracted from the annual salary the employee is entitled to and this amount is then divided by 52 weeks to calculate the new weekly pay.

If, for example, an employee earns \$850.00 per week and is entitled to be paid for 52 weeks a year, then the annual salary would be \$44,200.00.

If this employee is utilising 48/52, salary is calculated as follows.

48 weeks pay X \$850.00 = \$40,800.00

\$40,800.00 divided by 52 weeks = \$784.61 weekly.

This new amount of \$784.61 would be paid for all of the 52 weeks of the year, in much the same way that all staff members are paid 52 weeks of the year, even when on annual leave.

Issues to be considered

Involve payroll staff at an early stage

Payroll staff must be involved to determine how they will coordinate annualising salaries and extending leave.

Consider impact of reduced income

Prospective users of purchased leave must take into account the impact the reduced income will have on themselves and their family.

Superannuation

Prospective users of purchased leave and payroll staff need to be aware of the impact purchased leave may have on superannuation payments and entitlements.

Plan ahead

Both the employer and employee need to discuss the impact that the increased leave may have on organisational requirements. In most cases any negative impact can be overcome with forethought and planning.

Importance of annual review

Purchased leave arrangements should be reviewed annually. The criteria for deciding if the purchase leave arrangement will remain in place or not must be clearly defined.

Answers to frequently asked questions

What about leave loading?

Leave loading is only paid on the normal annual leave component not the additional purchased leave component

What's the effect on superannuation?

Superannuation may be reduced to the level of the annualised salary. Employees should be advised of the impact purchased leave will have on their superannuation.

How much will it cost?

Granting an employee additional leave does not have to be a major expense to an organisation. Formal arrangements for purchased leave give both the employer and employee an opportunity to plan well in advance, thereby limiting costs for such things as backfill. In many cases such an arrangement will reduce sudden and unplanned absences that also have cost and service delivery implications for an organisation.

What about overtime and penalty rates?

Employees utilising purchased leave are still entitled to overtime and penalty rates if they work above their ordinary hours if these are current entitlements.

What about any accrued leave?

Leave accrued prior to the commencement of a purchased leave arrangement is paid at the employee's rate of pay prior to entering into the purchased leave arrangement. Normally staff entering into a purchased leave arrangement will not have accrued annual leave. Leave that is accrued whilst an employee is subject to a purchased leave arrangement is paid at the reduced rate of pay plus 17.5 % leave loading on their annual leave component if this is part of their current entitlement.

Example

The following example has been adapted from the Victorian public service agreement 2006. This clause demystifies purchased leave by specifying how it will operate within the organisation.

Purchased leave

1.1 Notwithstanding any other provision of this Agreement, an Employee may, with the agreement of the Employer, work between 44 weeks and 51 weeks per year. Access to this entitlement may only be granted on application from an Employee and cannot be required as a precondition for employment.

1.2 Where the Employer and an Employee agree to a reduction in the number of working weeks as specified in this clause

1.2.1 the Employee will receive additional annual leave as follows:

44/52 weeks	Additional 8 weeks' leave	(12 weeks in total)
45/52 weeks	Additional 7 weeks' leave	(11 weeks in total)
46/52 weeks	Additional 6 weeks' leave	(10 weeks in total)
47/52 weeks	Additional 5 weeks' leave	(9 weeks in total)
48/52 weeks	Additional 4 weeks' leave	(8 weeks in total)
49/52 weeks	Additional 3 weeks' leave	(7 weeks in total)
50/52 weeks	Additional 2 weeks' leave	(6 weeks in total)
51/52 weeks	Additional 1 week's leave	(5 weeks in total)

1.2.2 the Employee will receive a salary equal to the period worked (eg 46 weeks, 49 weeks) which will be spread over a 52 week period; and

1.2.3 accrual of sick leave and long service leave by the Employee shall remain unchanged.

1.3 As an alternative to entering into an arrangement as specified in this clause, an Employee may request that one or more weeks of his or her recreation leave entitlement each be converted to two weeks' leave on half pay.

1.4 The Employer will endeavour to accommodate Employee requests for arrangements under this clause, and where such requests are granted will make proper arrangements to ensure that the workloads of other Employees are not unduly affected and that excessive overtime is not required to be performed by other Employees as a result of these arrangements.

1.5 An Employee may revert to ordinary 52 week employment by giving the Employer no less than four weeks' written notice. Where an Employee so reverts to 52 week employment, appropriate pro rata salary adjustments will be made.

Adapted from Victorian Public Service Agreement 2006

4.24 Self-rostering or employee choice rostering

Employee choice rostering or self-rostering is a system in which employees take responsibility for the designation of shift arrangements, in consultation with management and within set guidelines.

Why is it important to work and family balance?

- > Self-rostering or employee choice rostering enables shift workers to have some control over when they work, thus enabling them to organise shifts around family responsibilities.
- > Many people find shift work an inconvenient and unattractive employment option. By offering employees and potential employees more control over their shifts, employers may attract more people to shift work.
- > Once the system is running effectively, managers may have more time to complete non-roster related tasks.

Issues to be considered

Retaining and maintaining a skilled workforce

It is often difficult for industries that rely on shift work to find skilled workers who are willing or able to work the shifts as required by the organisation. In order for organisations to attract a broader range of potential workers, it is well worth considering introducing some flexibility into the type and length of shifts that are currently available.

Compromise and 'give and take'

Self-rostering requires staff and management to exercise a measure of 'give and take'. Staff will need to accept that they may only be able to get the shifts or rosters they want some of the time. If it is not possible to meet all requests for particular shift work patterns, other flexible work options may need to be considered to assist the balance between work and family.

Importance of clear guidelines

It is important that staff and management implementing self-rostering or employee choice rostering are clear about the way the arrangement will be implemented. For example, are there a certain number of employees required at particular shift times in order that operational requirements can be met? These guidelines need to be communicated to all staff involved in the self-rostering system.

Transparency

As it is the responsibility of individual employees to negotiate any alteration or change to shift arrangements, there must be an agreed and transparent process in place for shift changes. This process must include a commitment not to cajole or bully colleagues to alter their shifts.

Consider a trial period

The logistics of self-rostering take time to get right and it is important to work through potential problems before implementation. Consider a trial period to work through any teething problems.



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When considering employee choice rostering, try not to dismiss ideas without looking at how they could be implemented. Consider the possible advantages of the change not just the possible disadvantages. The best solutions often come from lateral thinking.

Shift work and work and family balance

Many Victorian industries require production or service delivery on a 24 hour a day, seven day a week basis. Shift work is often organised through shift rotations. The time and duration of shift rotations can be very rigid. This may prevent staff from being able to balance their shift work and their family responsibilities.

In a large organisation with a large pool of workers, it may be possible to accommodate the needs of workers for particular shifts as there will be other workers willing to work weekends, evenings, early mornings and at night.

In smaller organisations or in small teams, it may not be as easy to find other staff willing to cover additional weekend, evening and night work. Providing incentives such as penalty rates helps industries attract skilled staff who are willing to work shifts outside regular business hours.

Part-time work and shift work

A worker may not be able to work a full working week of shift work but may be able to complete fewer shifts working part-time. In industries that operate 24 hours a day it is impossible for every worker to be available around the clock. Thus a part-time worker working fewer shifts than a full-time worker should be able to be accommodated.

Length of shifts

Often it is the length of a shift that makes it hard to accommodate work and family balance. For example a 12 hour shift, 7 am to 7 pm, makes it impossible to pick up and drop off children to and from school. However some people might prefer getting a full working week completed with longer but fewer shifts. An organisation may wish to consider varying shifts times, for example, having a combination of 6 hour, 8 hour and 12 hour shifts available for staff. Employers should ensure there are no health and safety risks associated with longer shifts.

Rotating shifts

Planning for the care of children or elderly relatives can be very difficult when constant shift rotations mean that hours of work change every couple of weeks. However, for some workers, shift rotations might be advantageous. Organisations may wish to consider providing workers with a choice of either being on a set or rotating roster.

Advance knowledge of shift rosters

Knowing shift times a month or months in advance rather than weeks or days in advance makes planning easier. If a worker is aware well in advance that there may be a clash between a work shift and a family activity, there is time to arrange to either swap this shift or change the time of the family activity.

Provision of child care

Often it is an inability to get child care outside regular business hours that prevents people taking up shift work. If an organisation is large enough it might consider establishing a child care centre that operates during the hours that are required by the organisation. Prior to doing this, however, it would be essential to survey all workers to assess whether they wish to use child care outside regular business hours.

Example

The following guidelines have been taken from the Australian Nursing Federation Victorian Branch Policy on Self-Rostering (August 2003). The example highlights some of the issues that will need to be acknowledged and dealt with when implementing a self-rostering policy.

Self rostering guidelines

Self-rostering is a system whereby workers undertake responsibility for the designation of shift arrangements and working days and days off, while ensuring that the roster provides an adequate and safe level of appropriately qualified staff to provide a specific service.

To ensure equity between participating staff, self-rostering requires agreement regarding the number of weekends, night and evening shifts that each staff member needs to work over a set period of time. Staff who wish to work more or fewer weekends, evenings or night shifts than other staff may achieve this through agreement with their colleagues. Where possible, personal preference should be taken into consideration.

Self-Rostering guidelines need to ensure the following. That:

- 1. There is an appropriate number and mix of staff to provide a quality service during each shift.*
- 2. The contracted hours of all staff are met, including those with set rosters achieved either by contract or custom and practice.*
- 3. There is a periodic review of rosters to avoid conflicts or deficiencies in the roster.*
- 4. The distribution of shifts is evenly spread amongst the staff; and the need to change rosters is reduced to a minimum.*
- 5. Where an employee requests a change to the final roster, the obligation to find replacement staff rests with the employee requiring the change. To ensure maintenance*

of skill mix, a replacement staff member should be of equivalent qualification, and experience and be approved by (insert title of relevant manager).

6. *Change of shift penalties is only payable when the shift change has been instigated by management.*
7. *Rosters maximise continuity of staff where possible.*
8. *Award/EBA requirements for shift breaks, meals, overtime, shift lengths and associated matters must be met.*

To fulfil the above, the co-operation and participation of all affected staff is needed, therefore:

1. *Self-rostering should be trialled in the first instance with all staff cooperating in the evaluation of the trial. The trial should examine the effects on service delivery, staff satisfaction, sick leave and health/safety.*
2. *Staff must negotiate and agree prior to the commencement of self-rostering on how the equitable distribution of shifts will be achieved.*
3. *Specific guidelines for individual units/ teams regarding spread of workload eg operating days, spread of specific work duties etc should be established.*
4. *Prior to the posting of the roster, the (insert title of relevant manager) must ascertain that all of the above guidelines have been met. If changes to the roster are required, the affected staff must be consulted.*
5. *Where a dispute arises regarding the self-rostering system, the dispute resolution process as set out in (insert name of organisation) certified agreement will be adhered to.*

Guidelines from the Australian Nursing Federation Victorian Branch Policy on Self-Rostering (August 2003).

Employee choice rostering at the South Oakleigh Club

Since taking part in a trial of employee choice rostering in 2006, the South Oakleigh Club has introduced a monthly 'unavailability book'. When employees need time off, they enter their request in the book making sure they date their application.

General Manager, Olga Tozer, says these requests can usually be accommodated. "If five or six people ask for the same time off, it's the first ones who applied that get preference but all the staff know that's the system and they think it works well."

So well, in fact, that employee sick leave and staff turnover are well down compared to prior to the pilot.

And Olga believes that communication between staff and management has never been better. "The pilot gave me a chance to sit down with each staff member and discuss their family responsibilities or other commitments outside work, such as study. I now use this information when developing the rosters so I am able to meet most people's needs. People with young families, for instance, would rather work during the day whereas students would rather work nights or on weekends", she said.

Extract taken from the Clubs Vic and Liquor Hospitality and Miscellaneous Union case study 'Better work and family balance – a partnership approach to employee choice rostering.' To view the full case study, go to www.irv.vic.gov.au



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4.25 Telecommuting or home based work

Telecommuting, also known as home based work, is a formal, regular and ongoing arrangement by which employees perform their usual work duties away from the regular workplace. An employee can telecommute for a few hours a week or several days a week.

Why is it important to work and family balance?

Telecommuting:

- > Enables employees to fit family responsibilities around their work commitments.
- > Can increase productivity because of fewer interruptions.
- > Enables employees to have flexible hours.
- > Enables organisations to retain skilled employees who may otherwise be forced to resign without the flexibility of telecommuting.

Issues to be considered

Telecommuting may not be for everyone

Employees need to consider the implications for both their home life and their work life if they telecommute. Working from home is not for everyone. Many people prefer to clearly separate their work and home lives.

Telecommuting is not a substitute for child care or dependent care

Telecommuting does enable an employee to work around caring responsibilities, particularly if their care responsibilities are at set times during the day. However, it is not a suitable option when the employee needs to provide constant supervision or care during the times they are undertaking paid work.

Task suitability

An organisation may want to set boundaries regarding the functions that can be completed successfully away from the regular workplace. For example while it is not possible to telecommute where there is an ongoing necessity for face to face contact with customers or clients, telecommuting may be possible if customer contact is via email and telephone.

Telecommuting arrangements should be agreed to in writing

Both the employer and employee need to negotiate how the employee's work is going to be assessed and the employee

is to be supported while working away from the regular workplace. Prior to commencing telecommuting, both the employee and employer need to agree on the quality and quantity of work to be performed by the employee.

Establishing a home office

In a normal working arrangement an employee is expected to supply their labour, while the employer is expected to supply all the other materials necessary for the work task to be completed, for example telephone, computer or any other necessary equipment. In the case of someone telecommuting, an employer should consider whether to cover expenses, such as work related telephone bills, internet connections, electricity bills and even heating expenses necessary to perform work from home.

Isolation

Working from home can be very isolating. The employee and employer need to put in place a means to ensure that two-way communication is effective. Part of the working week may need to be spent at the regular workplace to ensure continuity of communication, minimise isolation and provide access to facilities not available in the home office.

Consistent decision-making

Decision-making needs to be consistent and transparent. Organisations with a telecommuting clause should have a policy which outlines the criteria by which employee applications are assessed.

It is important that applications are not dismissed prematurely and lateral thinking may be required to ensure a telecommuting arrangement is viable.

Occupational health and safety considerations

When an employee is telecommuting, their home office becomes their workplace; organisations may wish to have a safety checklist completed prior to an employee commencing telecommuting. Occupational health and safety requirements must be considered and documented. Legal requirements and liabilities must be considered, negotiated and met.

Staff members who are too unwell to work but feel under pressure to complete work assignments should not undertake telecommuting. Doing this will often result in poor work and lengthen the recovery time for the employee and will breach occupational health and safety regulations.

Importance of regular review

Both the employer and an employee must regularly review the success of the telecommuting arrangement. Criteria for review should be agreed to prior to telecommuting commencing.

Example

The following is an amalgam of several telecommuting clauses including the Brotherhood of St Laurence Enterprise Agreement 2003, Defence Employee's Certified Agreement 2004–2006 and various local government enterprise agreements.

Telecommuting or home based work

The intent of this clause is to facilitate arrangements for employees who wish to undertake home based work on a regular and ongoing basis in order to balance their work and family commitments. It does not apply to single requests to undertake home based work.

(Insert name of organisation) recognises that there may be benefits for both the individual and for (insert name of organisation) employees to access home based work.

All requests from employees seeking to undertake home based work will be given due consideration and will not be unreasonably refused.

The potential advantages and disadvantages of home-based work will be assessed on an individual basis by the relevant manager and the employee concerned. Consideration will be given to the specific tasks and functions of the role that may be performed away from the office; as well as the necessary arrangements for the management of home based work.

Home based work is not considered an alternative to child care, but it is recognised as a positive opportunity for employees who need to balance work and family commitments; as well as a method by which staff may be able to improve their productivity.

(Insert name of organisation) will meet the cost of supplying and maintaining equipment and materials necessary for the employee to work at home.

All applications for telecommuting will be given favourable consideration and will be dealt with in a timely fashion.

A final decision regarding an applicant's request will be made no later than 15 working days from the date the employee's formal request was made. The applicant will receive written notification as to whether or not their application has been approved.

An employee whose request for home-based work has been refused has the right to appeal the decision through the appeals and grievance process.

This clause is an amalgam of several telecommuting clauses including the Brotherhood of St Laurence Enterprise Agreement 2003, Defence Employee's Certified Agreement 2004–2006 and local government enterprise agreements.

Ad hoc home based work

An employee may wish to utilise home based work on an occasional basis, for instance, if their usual childcare arrangements are temporarily unavailable. In situations like these an employer and an employee may need to come to an agreement quickly regarding whether the employee can work from home. The following clause seeks to simplify this process.

Example

The following example has been adapted from the National Native Title Tribunal Certified Agreement 2003–2006.

Ad hoc home based work

Approval for ad hoc home based work may be given for short periods. For example, employees may work from home while suffering from a minor injury, or if they have responsibility for another person who needs minor care. An employee cannot utilise home based work if due to illness or caring responsibilities, it is more appropriate for the employee to use personal leave.

Arrangements are not to be approved if there are any significant occupational health and safety or security risks, or if the cost to the organisation is likely to be anything but incidental.

Adapted from the National Native Title Tribunal Certified Agreement 2003 - 2006.



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4.26 Telephone access for family related calls

In many organisations, employees have access and permission to use a telephone to receive and make phone calls in private in case of an emergency or to manage family responsibilities, such as arranging medical appointments for dependants.

Why is it important to work and family balance?

Having access to a telephone:

- > enables employees to work, with the reassurance that if there is a family emergency they can be contacted.
- > enables employees to make the phone calls often required by people caring for dependents, for example, organising appointments or seeking advice, with minimum disruption to the employee's work schedule.
- > assures privacy for family related calls. In many workplaces such as factories, shops or open plan offices, privacy is difficult to achieve. Enabling the use of the telephone in a private space such as a meeting room or a vacant office will ensure that employees can make private family related calls in case of emergencies or to deal with matters that can only be dealt with during business hours such as arranging medical appointments.

Example

A policy or clause on employees having access to a telephone can be brief, for example:

Family telephone access

Employees will have access to a phone and be able to make phone calls in private, when required in case of an emergency or to manage their family responsibilities and their own wellbeing.

4.27 Time in lieu and make up time

A time in lieu arrangement enables employees to elect not to be paid for overtime and to take an equivalent amount of time off at a later stage by agreement with their employer.

Make up time allows employees, with the consent of the employer, to work a reduced number of hours and then make up those hours at a later date during an agreed spread of hours without penalty rates being applied.

Time in lieu is provided instead of overtime. In awards and in most collective agreements, workers who undertake overtime are entitled to receive an additional loading. For instance, if employees work an hour of overtime they would either be paid time and a half for that hour or receive one and a half hours time in lieu. The relevant award or agreement will describe the appropriate overtime payments in specific workplaces.

Time in lieu is usually only provided to employees when they have worked additional hours at the request of the employer.

Make up time is paid at ordinary time and is applicable when employees request to vary their hours in order to work more hours one day and fewer hours another day.

Issues to be considered

Placing a limit on hours that can be accrued

Many organisations limit the number of hours an employee can accrue; this is usually outlined in a policy or an agreement. Limiting the hours that can be accrued prevents employees working too many hours without a suitable break, as long hours of work may have implications for occupational health and safety, as well as employee productivity. The number of hours that an employee can safely work in a week will vary between industries.

Example

The following example is adapted from the Kraft Foods Limited Port Melbourne and Kraft Distribution Centre Comprehensive Enterprise Agreement 2001–2004. The clause makes it clear that make up time is at the employee's request and takes into account employees undertaking shift work.

Make up time

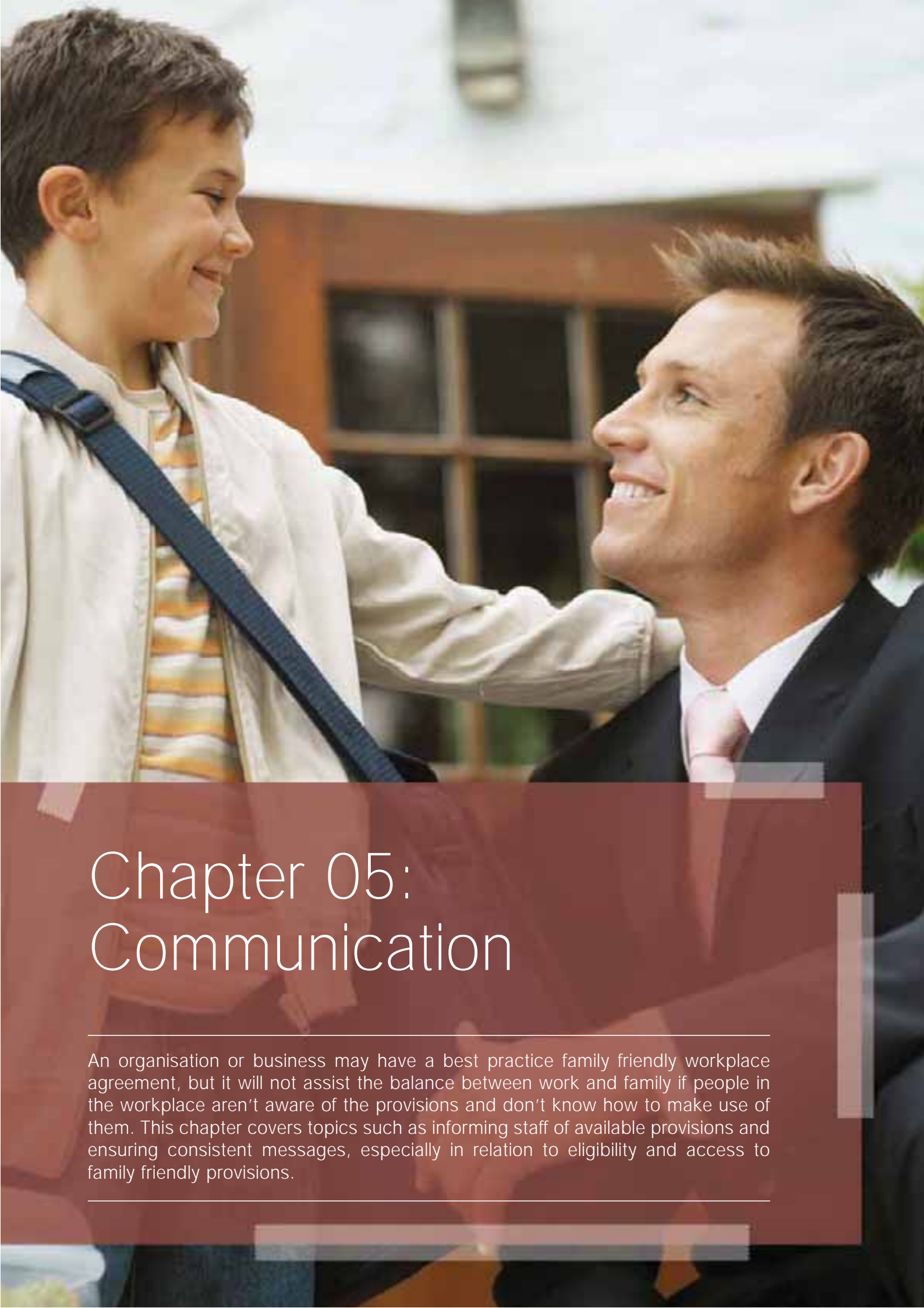
An employee may elect, with the consent of the (insert name of organisation), to work make up time, under which the employee takes time off ordinary hours, and works those hours at a later time, during the spread of ordinary hours provided in this agreement at the ordinary rate of pay.

An employee on shift work may elect, with the consent of their (insert name of organisation), to work make up time under which the employee takes time off ordinary hours and works those hours at a later time, at the shift work rate which could have been applicable to the hours taken off.

On each occasion that the employee elects to use this provision the resulting agreement shall be recorded in the time and wages records or personnel file or forms appropriate to the enterprise at the time the agreement is made.

Adapted from the Kraft Foods Limited Port Melbourne and Kraft Distribution Centre Comprehensive Enterprise Agreement 2001-2004





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An organisation or business may have a best practice family friendly workplace agreement, but it will not assist the balance between work and family if people in the workplace aren't aware of the provisions and don't know how to make use of them. This chapter covers topics such as informing staff of available provisions and ensuring consistent messages, especially in relation to eligibility and access to family friendly provisions.

Chapter 05: Communication

Communicating what is available

Employees may not be aware of assistance that is available to them. In an employee survey co-ordinated by The Council on The Ageing (COTA), as part of Industrial Relations Victoria's Better Work and Family Balance Grants Program, some 63 per cent of the 406 respondents indicated that they either did not know or were unsure of the processes involved in taking up flexible work arrangements in their workplace.

With the number of essential policies and procedures to be aware of in carrying out daily work, it is not surprising that workers often only seek out information on flexible work arrangements when they require particular assistance with balancing their work and their family responsibilities. In some cases, workers might make assumptions about what may or may not be available or take advice from colleagues who may not be fully aware or up to date.

To overcome this problem, it is important that staff have easy access to accurate information on family friendly provisions and that they are reminded at regular intervals about what is available to them.

Organisations often orientate new staff to their organisation and provide information about conditions, policy and procedures, including family friendly provisions. Unfortunately, much of the information that is not immediately required may be forgotten.

Just as it would be expected that a 60-year-old person would pay more attention to a talk on superannuation than an 18-year-old employee, so too it must be accepted that people generally only hear a message when they need to hear it, not when it is convenient for us to deliver the information.

There are several ways to reinforce the message that an organisation is family friendly and that family friendly provisions are available. Strategies an organisation may want to consider include:

- > information on work and family balance made available in a staff handbook or orientation kit.
- > regularly updating staff by email or memo of work and family balance policies.
- > raising the issue of work and family balance at staff meetings.
- > posters in staff areas such as the lunch room.
- > surveys regarding work and family balance.
- > pamphlets on work and family balance available on the intranet, email or in paper form.
- > convening regular family related networks for people such as new parents.

How to ensure all staff and managers are aware of the policy

In meeting the need for accessible up to date information, Yooralla has developed a pamphlet called *Having A Life*, which outlines the organisation's philosophy towards work life balance and the culture to which they aspire.

The Brotherhood of St Laurence also has a pack of information available to staff. This includes information on available family friendly provisions as well as issues to consider when deciding which provision may best suit an individual's circumstances. There is also information for managers on how to responsibly assess and provide flexibility in the workplace. This information is provided to all new staff but, from time to time, existing staff are also reminded that the information is available.

For further information about the Yooralla policy and the *Having a Life* booklet, contact Human Resources on 03 9666 4524. And for further information on the Brotherhood of St Laurence information pack, contact People, Work and Culture on 03 9483 1198



Chapter 05: Communication

Providing consistent information

One of the hardest things to do when communicating information is to ensure it is consistent. The degree of difficulty will depend on how many people are providing the information, how complex the information is, how large the audience is and the messenger's ability to convey the information.

When providing information about assistance with the balance between work and family, it is important not to just tell people what is available, but to also make sure they are aware of the eligibility criteria and how they might apply. Staff members also need to receive the cultural message that the organisation is family friendly and an employee will not be penalised for accessing provisions.

For small organisations with one manager or an owner manager, the manager is usually best placed to take on the task of disseminating information about work and family balance.

For larger organisations with a human resources department, a decision will need to be made as to whether the human resources department is the source of information regarding work and family balance or whether information is decentralised to individual managers.

Nominating the human resources department as the source of all information on work and family balance may assist in ensuring all staff are provided with the same information. This may also make it less likely that some staff will receive inaccurate information. However, if the human resources department takes on the dissemination role it is vital that there is a strategy in place to enable it to communicate with ALL staff.

The advantage of designating individual managers with the responsibility for disseminating information on work and family balance provisions is that they know their staff. They can relay information to staff as soon as they become aware of individual needs. Managers who take on the task of disseminating information must understand and be supportive of the organisational family and work/life balance strategies in order for the dissemination process to be successful.

Whether an organisation decides to centralise or decentralise the information dissemination process, it is important that staff have access to the actual policies and that all people providing work and family information have the necessary training to understand and explain what the policies are and how they fit in with the organisation's overall philosophy.

Communication is about action as much as words.

Ensuring family friendly culture through communication

If managers say they support a balance between family and work but then stay back at work late every night, staff members receive a mixed message regarding the philosophy of the organisation and what it might take to get ahead in that organisation. It is important that an organisation wishing to embrace a family friendly culture looks at having designated contacts or mentors at all levels to champion work and family balance.

It is also important that the behaviour of managers mirrors the philosophy of the organisation. For example, if a manager circulates information promoting family friendly provisions but only ever talks of the difficulties to the organisation caused by staff accessing these provisions, then staff will feel that accessing these provisions might be a “career limiting” move within the organisation.

Encouraging feedback

Policies and clauses on work and family balance must evolve with an organisation and its staff. To achieve this, the organisation will need measures in place to **regularly** capture the needs of the staff and any improvements that they believe can and should be made to the work and family balance strategies. For more information on this, go to Chapter 6.

It sometimes happens that, after introducing family friendly policies, organisations find few staff members wish to access them. There are a number of reasons why this occurs, not least that staff may feel apprehensive about applying for the new provisions, feel unsure that the provisions are available to them or perhaps do not feel that the provisions adequately match their circumstances.

Staff members need to know that the organisation welcomes feedback and suggestions and that, even if these suggestions are not necessarily implemented, that they will be taken seriously.



A woman with dark hair pulled back, wearing a purple button-down shirt, is looking directly at the camera with a neutral expression. She is positioned in front of several stacked cardboard boxes. One box in the background has some text on it, including 'DESC' and 'GRTY'. The lighting is soft and indoor, creating a professional yet approachable atmosphere.

Chapter 06: Review and Assessment

This chapter will cover topics such as monitoring and reviewing the implementation of family friendly policies in the workplace.

Chapter 6: Review and Assessment

Why family friendly policies and strategies need to be monitored and reviewed

This risk is that without regularly reviewing work and family balance strategies, they become static and, in time, irrelevant or forgotten.

Work and family balance provisions must be regularly monitored and assessed to ensure that they continue to meet the needs of both the organisation and staff. Needs change as children grow or family members require care.

When reviewing policies and strategies, keep in mind why the organisation introduced them in the first place. For example, one aim or benefit for an organisation introducing a work and family balance strategy is that staff members are better able to focus on their work because they are not constantly distracted by their life outside work.

To assess the success of a strategy, measures need to be developed that can clearly demonstrate that the aim of the strategy has been met. For example that the number of resignations following parental leave has reduced or unplanned absences have decreased. An organisation could also undertake a staff satisfaction survey to evaluate changes to staff morale and work satisfaction as a result of the implemented strategy.

If a strategy is found to be successful, the organisation may wish to build on the existing strategy or, if unsuccessful, modify the strategy or try something new. If a strategy has not been successful it is also important to find out why so that appropriate modifications can be made.

Assessing and reviewing the impact of strategies across an organisation

A number of aspects that need to be considered when reviewing the success of a work and family balance strategy across an entire organisation include:

- > Has the information about family friendly provisions and how to access them been disseminated to, and received by, all staff? What has worked, what has not worked and why?
- > What has been the financial cost to the organisation?
- > What were the anticipated benefits of introducing the strategy and have these occurred?

- > Have staff retention rates improved and, if so, was this a result of the implementation of the work and family balance strategy?
- > Have there been any unanticipated benefits or disadvantages?
- > Do the provisions meet the needs of staff and the organisation?
- > What changes if any might need to be made?

COLLECTING DATA TO ENABLE A REVIEW

The size of the organisation, resources and the time available will determine the method of data collection.

Methods to collect data include:

- survey/s of entire organisation
- focus groups of people representing the organisation on the success of the strategy and whether it is meeting the organisation's work needs and employee's family needs
- talking to key people within the organisation about the success of the communication strategy, the cost of individual provisions, benefits and disadvantages of the strategy
- giving all staff an opportunity to provide feedback, either hand written or by email, at any time regarding work and family balance provisions
- asking for ongoing feedback at staff meetings.

Assessing and reviewing the impact of strategies on individual employees

How the strategy works for employees within the organisation also needs to be reviewed.

It is possible that a strategy might work well for one staff member and not for another. This may be a result employees' different family needs or operational differences in their position descriptions. For example, telecommuting one day a week might assist some staff balance their work with their family responsibilities. However, because of operational requirements, telecommuting may not be possible for others.

It is very important that prior to an employee accessing a provision, such as part-time work, telecommuting or purchased leave, the employer and employee agree in writing to:

- > any changes in the employee's position description and any other change in conditions



Chapter 6:

Review and Assessment

or pay that may occur as a result of the employee accessing the provision.

- > when the change takes effect and when it will be reviewed.
- > what will be reviewed, how and who will be involved.
- > what the criteria are for reviewing the success of the change.

Having this information agreed from the start, will make it easier when it is time to review the success of the change.

On an ongoing basis, managers, supervisors and staff should feel free to discuss the effects that provisions, such as telecommuting, are having on the quality and quantity of the employee's workload. In this way, issues can be dealt with as they occur and small problems can be fixed before they turn into significant issues.

At a time agreed by both the employer and employee, a formal meeting can be held to review the success of the implementation of the provisions.

Chapter 7, Appendix 1: Contacts for further information

The following organisations can provide further information on work and family balance:

Australian Breastfeeding Association
www.breastfeeding.asn.au.

Australian Council of Trade Unions (ACTU)
www.actu.asn.au or 1300 362 223

Australian Industrial Relations Commission
www.airc.gov.au

Australian Tax Office
www.ato.gov.au or 13 28 61

Carers Association of Victoria
www.carersvic.org.au or 1800 242 636

Centrelink
www.centrelink.gov.au or 13 28 50

Child Support Agency
www.csa.gov.au or 13 12 72

Human Rights and Equal Opportunity Commission
www.hreoc.gov.au or 1300 656 419

Industrial Relations Victoria
www.irv.vic.gov.au

Job Watch
www.job-watch.org.au or (03) 9662 1933

Palliative Care Victoria
(03) 9622 9644

Superannuation Helpline
www.ato.gov.au/super

Victorian Employers' Chamber of Commerce and Industry (VECCI)
www.vecci.org.au or (03) 8662 5332

Victorian Equal Opportunity and Human Rights Commission
www.humanrightscommission.vic.gov.au or 1800 134 142

Victorian Trades Hall Council
www.vthc.org.au

Youth Central
www.youthcentral.vic.gov.au

**Workplace Authority
(formerly the Office of the Employment Advocate)**
1300 366 632

Women's Information Hub
www.qwvc.org.au/infohub/work_family_balance

**Workplace Ombudsman
(formerly the Office of Workplace Services)**
1300 363 264 or 1300 724 200

Victorian Workplace Rights Advocate
www.workplacerrights.vic.gov.au

Victorian Workplace Rights Information Line
1300 882 648

Chapter 7, Appendix 2:

Glossary¹²

Adoption leave: Available to adopting parents, provisions for adoption leave are the same as parental leave but the age of the child being adopted may affect the length of time the parent can be on leave.

Advice and referral service: This service provides free referral advice to staff on issues relating to child care and aged care. This advice could include information regarding nursing home placement for an elderly relative or contact numbers for child care vacancies or advice on the behaviour management of a child.

After hours dependent care: Payment for after hours dependent care occurs when an employer requires an employee to attend work, training or a meeting outside the employee's normal hours of work. The employer reimburses the additional expenses incurred by the employee for the care of a dependent.

Allowances: Payments made to employees that are in addition to their ordinary wage rate. Allowances are paid to compensate employees for some particular aspect of the job which is considered to be particularly dangerous or onerous, for example, working in hot, dirty and confined spaces, subjecting clothing to undue wear and tear, or having to live away from the employee's usual home in order to attend work.

Annual leave: Paid leave that is usually four weeks each year of full-time work, pro rata for part-time employees.

Annual leave in single days: The provision of annual leave in single days enables workers to take annual leave one day at a time rather than in blocks of a week or longer.

Antenatal (pre-natal) leave: Enables pregnant women and, in many cases, their partners to attend routine medical appointments associated with the pregnancy. This leave is separate from, and in addition to, parental and personal leave.

Award: A legally binding document that specifies the minimum conditions under which an employee connected to a certain industry is employed. It covers matters such as wages, holidays, sick leave and overtime. Awards also set out the basic requirements of things like maternity leave. (see page 11 for further information on Awards)

Banking rostered days: Enables employees, by agreement, to accumulate their rostered days off to use at some time in the future. Often there is a limit regarding how many rostered days can be banked.

Bereavement leave: see Compassionate leave.

Career break: A negotiated leave without pay arrangement that enables the employee to obtain a break from their usual

duties to pursue personal development or carry out family commitments. Employees will have the expectation of returning to their substantive job once the career break is over.

Carer's leave: Granted to an employee to enable him or her to care for an ill or injured family member or with consent of the employer to provide caring supervision.

Carer's room, also known as a family room: A room or work area set aside in the workplace where employees can continue to work while also caring for family members. It is used when normal care arrangements break down, or when children are unable to attend child care or school due to a minor illness.

Casual work: Temporary work or work with changeable hours, which does not offer the protection of a permanent job. Casual employees are usually not entitled to the benefits associated with continuous employment although they are often entitled to a casual loading in lieu of these other benefits, such as sick leave.

Ceremonial leave: Often interchangeable with cultural leave. Sometimes this leave is only available to Aboriginal and Torres Strait Islander people in order to enable them to meet cultural obligations and to participate in ceremonial activities.

Collective bargaining: A method of negotiation to settle industrial disputes between employees and employers, which is negotiated by employees as a group rather than as individuals.

Compassionate or bereavement leave: Paid leave from work after the death or serious or sudden incapacity of a family member.

Contract of employment: An agreement between employer and employee that is enforceable by law. Employers can override award pay and conditions on an individual basis by using Australian workplace agreements.

Cultural leave: Either paid or unpaid leave to enable an employee who needs to be absent from work to be involved in their community's cultural or religious activities, such as Yom Kippur, Greek Easter or the last day of Ramadan.

Dependant: A person who requires the care of another to manage their health and general wellbeing, for example a child or a frail parent. A person does not have to be totally incapacitated to be defined as dependent for the purpose of work and family balance provisions but they must require the assistance of others to manage some aspects of daily living, for example attending medical appointments.

¹² Many of the definitions in this glossary have been adapted from the ACTU glossary. The ACTU glossary can be downloaded from www.worksite.actu.asn.au.

Direct discrimination: Occurs when someone is treated unfairly or less favourably in the same or similar circumstances because, for example, of their gender or parental status.

Early closing: Prior to significant community or cultural events, such as Christmas or at the end of the week, staff members are able to leave work early in order to be with family or manage other commitments, such as shopping or cooking.

Employee assistance program (EAP): An employee assistance program assists employees and their immediate families with personal or work related problems and concerns. In a majority of cases an external counselling agency provides the EAP service on a fee for service basis.

Employee choice rostering or self-rostering: A system in which employees take responsibility for the designation of shift arrangements, in consultation with management and within set guidelines.

Employer sponsored child care: Refers to a broad range of child care options including the organisation owning and administering a child care facility for the children of employees or subsidising the care of employees' children by external agencies.

Enterprise agreement: A negotiated deal about the conditions under which employees are employed within a business. An enterprise agreement is negotiated by an employer and employees or by their union.

Entitlements: Any rights which you have access to at work through an award, contract or legislation, such as holidays, sick leave and allowances.

Exceptional circumstances leave (miscellaneous or extraordinary leave): This leave, usually unpaid, may be granted to employees to assist them cope with an emergency circumstance or event in their family life. This leave covers circumstances not covered in scope or length of time by any other type of leave. Exceptional circumstances leave is often used to extend bereavement leave or carer's leave should a member of an employee's family become seriously ill or incapacitated. It is also used to cover one-off significant events, such as a fire in the home.

Family: "The term 'Family' is inclusive of the generally accepted lifestyles of society and includes any person dependent on the employee for care or support such as a relation by blood (child, sibling, grandparents), marriage (including de facto relationships), adoption, fostering or traditional kinship without discrimination in interpretation as to race or sexual preference."¹³

Family friendly provisions and policies: Designed to support staff to balance work and family responsibilities, including dependent children, family members who have disabilities and elders.

Family leave: See Carer's leave.

Family room: See Carer's Room.

Flexi-time: Flexible working hours enable employees to start and finish work between a flexible range of agreed hours as long as they work a set number of hours each day or week.

For example, employees required to work an eight hour day with a half-hour lunch break, may be able to start work at any time after 7 am and finish any time between 3.30 pm and 6.00 pm.

Foster parent leave: Applicable to foster parents in the process of settling a child into their home. The length of leave may vary depending on the age of the child.

Full-time work: usually a working week of 38 hours or more.

Home based work: see telecommuting.

Indirect discrimination: Occurs when there is a rule, policy, practice or procedure that is the same for everyone, but has an unequal or disproportionate impact on a specific group of people and the rule, policy, practice or procedure is not reasonable.

In Vitro Fertilisation leave (IVF leave): Paid leave enabling eligible employees to attend routine medical appointments associated with IVF treatment.

Job description also known as position description: A document approved by management which describes the purpose, expected activities and responsibilities of a particular job.

Job share: Job share is a form of permanent part-time work in which two, or possibly more, people share the responsibilities, hours, salary and benefits of one full-time job. The performance of job share partners is evaluated separately even though they share the duties of the one job.

Keep in touch program: Keep in touch programs provide a systematic way of keeping in contact with employees who are on extended leave such as parental leave or extended sick leave. Employees remain connected to their workplace and reintegrate more easily into the workplace when they return from extended leave.

Lactation breaks: An entitlement that enables nursing mothers to have regular breaks during working hours to either breastfeed a baby if the child is nearby or to express breast milk to be stored for later consumption. Arrangements for time, place, and whether the breaks are paid or unpaid are negotiated in the workplace.

Leave loading: A pay bonus paid by an employer to an employee when the employee takes annual (recreation) leave.

Leave without pay: By mutual agreement, an employee takes leave for an agreed and nominated time without pay.

Long service leave: Paid leave awarded to employees in recognition of a period of service to an employer. Length of service varies between awards and workplaces.

Make up time: An employee, with the consent of the employer, works a reduced number of hours and then makes up those hours at a later date during an agreed spread of hours without penalty rates being applied.

Overtime: The time worked that is in excess of an employee's regularly scheduled working hours. These extra hours of work may attract overtime rates. The overtime rate of pay is higher than the rate of pay the employee gets when working their usual scheduled hours. Common overtime rates are time and a half or double time.

13 Australian Broadcasting Commission, senior employment agreement 2002–2004.

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Glossary¹²

Parental leave: Parental leave is a collective term that can be used to describe maternity, paternity (partner) and adoption leave. It can also include foster care, child rearing and permanent care order leave. Parental leave can be paid or unpaid leave. By law, 12 months unpaid leave must be made available to all parents (with at least 12 months continuous service or 12 months regular and systematic employment as a casual employee), but only one parent can take the leave at any one time, except for the 'paternity leave' period in which both parents can be on leave.

Part day absences: Occurs when employees take a few hours leave, by agreement, to assist in balancing work and family responsibilities. The employee may take this as paid leave, for example carer's leave or sick leave, or they may use make up time to replace the hours lost.

Part-time work: Part-time workers are permanent employees who have a set number of weekly working hours. Part-time workers receive the same entitlements as full-time workers but on a proportional or pro rata basis.

Paternity (partner) leave: Leave taken by the partner of the mother of the child or primary carer when their child is newborn or, in the case of adoption, when the child begins to live with the adoptive parents.

Personal/carer's leave: combines sick leave, carer's leave and bereavement leave into one entitlement.

Pre-natal leave: See Antenatal leave.

Purchased leave: Enables an employee to purchase an additional period of leave during the course of a year. For example, if working a 48/52 purchased leave arrangement, the employee will receive an additional four weeks leave per year with the employee's salary of 48 weeks is spread over the course of the entire year. Other variations of this leave include 46/52 or 50/52.

Request driven rostering: The roster takes into account the needs of individual employees. Employees are expected to inform their employer about when they want to work and when it would be difficult for them to work and the employer will make genuine efforts to accommodate the individual needs of employees.

Sick leave: Paid authorised absence from work granted to employees when they are ill.

Shift work: A period of work that is performed outside the normal spread of hours, particularly when a factory or business operates on a 24 hour basis or has extended hours, such as a hotel.

Telecommuting/home based work: Telecommuting, also known as home-based work, is a formal, regular and ongoing arrangement by which employees perform their usual work duties away from the regular workplace. An employee can telecommute for a few hours a week or several days a week.

Time off in lieu: A time in lieu arrangement enables an employee to elect not to be paid for overtime and to take an equivalent amount of time off at a later stage by agreement with their employer.

Work-life balance: Refers to achieving a balance between all of the aspects in an individual's life including work, family, friends, health, relaxation, community activities and socialisation. For instance, a work-life strategy could include access to quit smoking activities in work time, or paid time off work to donate blood.

Workplace agreements: Official documents negotiated by employers and employees regarding the pay and condition of the employees. There are varying forms of workplace agreements but the following, with the exception of a common law agreement, are lodged with the Workplace Authority (formerly Office of the Employment Advocate).

> **Australian Workplace Agreement (AWA):** "An individual agreement between an employer and employee about the employee's terms and conditions of employment."¹⁴

> **Non-union collective agreement:** A collective agreement is negotiated between an employer and the employees of the workplace who will be covered by the agreement.

> **Union collective agreement:** Union collective agreement is negotiated by the employer, which may be represented by its employer association and one or more unions, which represent and negotiate on behalf of their members.

> **Common law agreement:** An agreement between individual staff and an employer regarding pay and conditions. The contract is negotiated between the employer and employee and is not lodged with, or ratified by, any authority. Terms in common law agreements that undermine terms in a workplace agreement or award do not prevail over the terms of the workplace agreement or award. Common law agreements are not regulated by the *Workplace Relations Act 1996*.

¹⁴ Wagenet glossary, www.wagenet.gov.au.

Chapter 7, Appendix 03:

State and Federal Anti-Discrimination legislation and its impact on work and family balance

It is important that employees are aware of legislation surrounding work and family balance so they can be aware of their rights. It is equally important that employers are aware of their obligations to ensure that they don't deny employees their rights and incur prosecution as a result.

All employees are entitled to the following rights, regardless of where they work. These legislative rights override policy and procedures and clauses that may be in staff contracts.

Sex Discrimination Act 1984 (Cth)

The *Sex Discrimination Act 1984* (Cth) prohibits persons, in particular circumstances, including employees from:

- > being discriminated against because of their sex, marital status, or pregnancy.
- > being sexually harassed.
- > being dismissed from their employment because of their family responsibilities.

The Act defines family responsibilities as:

"responsibilities of the employee to care for or support:

- a dependent child of the employee; or
- any other immediate family member who is in need of care and support".

A "child" in the Act's definition includes an adopted child, a stepchild or an ex-nuptial child. A dependent child is defined as a child "who is wholly or substantially dependent on the employee".¹⁵

Immediate family members under the Act include:

- " (a) a spouse of the employee; and
- (b) an adult child, parent, grandparent, grandchild or sibling of the employee or of a spouse of the employee".¹⁶

Under the Act, a spouse includes "a former spouse, a de facto spouse and a former de facto spouse".¹⁷ It does not include a same sex couple.

How does this Act impact on the workplace?

Family responsibilities

The Act makes it unlawful for an employer to discriminate against an employee on the grounds of the employee's family responsibilities if:

- " (a) the employer treats the employee less favourably than the employer treats, or would treat, a person without family responsibilities in circumstances that are the same or not materially different; and
- (b) the less favourable treatment is by reason of:
 - (i) the family responsibilities of the employee; or
 - (ii) a characteristic that appertains generally to persons with family responsibilities; or
 - (iii) a characteristic that is generally imputed to persons with family responsibilities."¹⁸

Under the *Sex Discrimination Act 1984* (Cth), only direct discrimination against someone on the grounds of family responsibilities is unlawful. Constructive dismissal may be direct discrimination. Constructive dismissal occurs when someone is forced to resign due to circumstances under which they are placed.

In order to provide a guide to direct discrimination, the following definition from the Equal Opportunity Act 1995 (Vic) has been used.

"Direct discrimination occurs if a person treats, or proposes to treat someone with an attribute less favourably than a person treats or would treat someone without the attribute, or with a different attribute, in the same or similar circumstances."¹⁹

The following example comes from the HREOC (2005), "Striking the balance: women, men, work and family" discussion paper.

¹⁵ Sex Discrimination Act 1984 (Cth) (Section 4A).

¹⁶ Sex Discrimination Act 1984 (Cth) (Section 4A).

¹⁷ Sex Discrimination Act 1984 (Cth) (Section 4A).

¹⁸ Sex Discrimination Act 1984 (Cth) (Section 7A).

¹⁹ Equal Opportunity Act 1995 (Vic) Act no 42/1995 (Section 7).

Chapter 7, Appendix 03: State and Federal Anti-Discrimination legislation and its impact on work and family balance

How the legislation works in practice

The applicant would leave work for a brief period each day from 2.55 pm to 3.15 pm to transfer her son from kindergarten to carer. The applicant claimed that this was done with the knowledge and consent of her employer, which her employer disputed. After unsuccessfully trying to negotiate an alternative arrangement with the applicant, her employer directed her to work her contract hours of 9.00 am to 5.00 pm with a lunch break at 12.00–12.30. The applicant continued to leave work at 2.55 pm to transfer her child and return at 3.15 pm.

In response, the employer deemed that the applicant's employment status be changed to permanent part-time, and her new hours of employment were declared to be 9.00 am to 3.00 pm with half an hour lunch break between 12.00 and 12.30 pm, reducing her hours to a 27 and a half hour week.

The applicant submitted in the court that the requirement that she move from full-time to part-time work constituted dismissal on the grounds of family responsibilities under the Sex Discrimination Act.

The federal magistrate found that changing the applicant's employment arrangements from full-time to part-time without her consent amounted to a constructive dismissal and that the reason for the dismissal was her family responsibilities. The federal magistrate ordered reinstatement to full-time work on terms that allowed the applicant to meet her family responsibilities and awarded the applicant damages.

Extract from HREOC (2005), 'Striking the balance: women, men, work and family' discussion paper. For the full discussion paper see www.hreoc.gov.au

Pregnancy

Under the *Sex Discrimination Act 1984* (Cth), it is unlawful to directly or indirectly discriminate against someone on the grounds of pregnancy or potential pregnancy.

Discrimination could include such things as not enabling a pregnant woman to be transferred to lighter duties if it is required as a result of her pregnancy or demoting or not promoting someone solely because she is pregnant or is likely to become pregnant.

The following example of discrimination is taken from the Australian Human Rights and Equal Opportunity Commission (HREOC) website:

How the legislation works in practice

An employer requires the cashiers in a supermarket to stand at all times except while on breaks. On the surface this requirement does not discriminate against any group of workers. However, it will be more difficult for pregnant women to comply with than for others, especially in the latter stages of pregnancy. If this requirement is unreasonable in the circumstances, perhaps because cashiers could be provided with chairs and do most of their work while seated, then this indirect discrimination.

Example taken from www.hreoc.gov.au

Equal Opportunity Act 1995 (Vic)

The *Equal Opportunity Act 1995 (Vic)* makes it unlawful to discriminate against people on the grounds of age, breastfeeding, gender identity, impairment, industrial activity, lawful sexual activity, marital status, parental status or status of a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation and personal association with a person who is identified by reference to any of the listed attributes.²⁰

How does this Act impact on the workplace?

The Victorian Equal Opportunity Act is relevant to work and family balance because it makes it unlawful to discriminate on the grounds of breastfeeding status, being pregnant or potentially pregnant and parenting status. It is unlawful under the *Victorian Equal Opportunity Act 1995* for an employer to:

- > deny employment.
- > not offer employment.
- > deny access to benefits such as promotion, training, transfer.
- > dismiss or terminate employment.
- > deny access to guidance programs, an apprenticeship training program or other occupational training or retaining program.
- > subject the employee to any other detriment.

The following is an example of discrimination:

²⁰ Equal Opportunity Act 1995 (Vic) Act No. 42/1995 (Section 6).

How the legislation works in practice

During a job interview a woman was asked by the selection panel whether she intended on having children. Although she was taken aback by the question, she said that she would eventually like to have a family. Although she was the most qualified and experienced candidate, she did not get the job. This could be discrimination on the grounds of potential pregnancy.

It may also be against the law for someone to impose a condition, requirement or practice which could disadvantage you because you are pregnant or may be pregnant in the future. This could be indirect discrimination if it is unreasonable.

Example taken from www.hreoc.gov.au

Employees who consider they have been discriminated against on the basis of family

Complaints can be taken to the Australian Human Rights and Equal Opportunity Commission (HREOC) if the matter relates to the *Sex Discrimination Act 1984* (Cth). All complaints to HREOC must be in writing. The Commission will then make a decision if the complaint falls within the terms of the Act. If the complaint is viewed by the Commission as being covered by the Act, the Commission will conduct an investigation. If there is enough evidence to support the complaint, the Commission will try to conciliate the complaint.

Conciliation involves bringing the parties together to discuss the complaint in order to reach a settlement. If the complaint cannot be conciliated, it will be terminated by the President of the HREOC. The complainant may then take the matter to the Federal Court or the Federal Magistrates Court within 28 days of a complaint being terminated.

If, after an investigation, there is not enough evidence the complaint will be terminated prior to conciliation.

If the discrimination falls under the jurisdiction of the *Equal Opportunity Act 1995* (Vic), a complaint can be made in writing to the Victorian Equal Opportunity and Human Rights Commission. It will be assessed and, if appropriate, conciliation attempted. If unsuccessful, the matter can be referred to the Victorian Civil and Administrative Tribunal (VCAT) for determination.

HREOC, the Victorian Equal Opportunity and Human Rights Commission and unions can provide advice regarding whether an employee has been discriminated against within the definition of the applicable legislation. Employers can also call HREOC, the Victorian Equal Opportunity and Human Rights Commission or their industrial organisation to get advice on their responsibilities under legislation.

Unfair and unlawful termination

Changes to the *Workplace Relations Act 1996* (Cth), as a result of the WorkChoices legislation, mean that employees working in an organisation of fewer than 100 employees as defined by legislation cannot bring a case against their employer for unfair dismissal. People who work in an organisation of more than 100 people can still lodge a claim for unfair dismissal with the Australian Industry Relations Commission (AIRC).

For the purposes of work and family balance, an unfair dismissal would occur if an employee was dismissed on the grounds of pregnancy, potential pregnancy and family/ caring responsibilities.

Further, employees who believe they have been dismissed on such grounds can also seek redress by lodging an application for unlawful termination with the AIRC.

For the purposes of work and family balance, for a termination of employment to be unlawful it must be due to reasons that include:

- > A temporary absence from work due to illness or injury.
- > You have filed a complaint, or are participating in proceedings against the employer, or have had recourse to proper authorities.
- > Your absence from work during maternity or parental leave.
- > (A) temporary absence from work because of the carrying out of a voluntary emergency management activity, where the absence is reasonable having regard to all the circumstances.
- > Reasons which relate to or include your race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.²¹

Applications for unlawful and unfair dismissal must be lodged with the AIRC within 21 days of termination (unless the AIRC otherwise allows). In the case of unlawful termination, the AIRC may issue a certificate indicating that the claim may have merit or the merits could not be determined and could not go to conciliation. If the AIRC does so the employee may have the ability to access up to \$4,000 funding for legal advice in respect of pursuing their claim through a court.

Further information:

Human Rights and Equal Opportunity Commission
phone: 1300 656 419
website: www.hreoc.gov.au

To contact the Victorian Equal Opportunity and Human Rights Commission to make a complaint of discrimination or to seek advice, phone (03) 9281 7100, regional toll free call 1800 134 142 or visit the Victorian Equal Opportunity and Human Rights Commission website at www.humanrightscommission.vic.gov.au.

²¹ Jobwatch (2005), "Unfair and unlawful dismissal", July 2005, www.job-watch.org.au.

Chapter 7, Appendix 04:

Better work and family balance questionnaire

The following questionnaire was used by the Council on the Ageing (COTA) to survey employee work and family balance as part of a Victorian government funded Better Work and Family Balance Grant Project. The survey was based on a work and family survey developed by Morgan & Charlesworth (2002). For more information on surveys, go to Chapter 3 – Step 5 Finding out what staff members want.

Better Work and Family Balance Questionnaire

[Your organisation] has established a Better Work and Family Balance Reference Group to assist in tailoring the organisation's better work and family balance initiatives to meet the needs of staff and the organisation.

Members of our Better Work and Family Balance Reference Group include:

[insert names and contact details here]

The first stage of this project is a work and family balance needs assessment. The attached **Better Work and Family Balance Questionnaire** has been designed to give an indication of how [your organisation] is currently assisting staff with balancing work and family responsibilities. It will also provide valuable information on how [your organisation] can improve work and family policies and practices to further assist you with effectively meeting the needs of your work and family life.

This [your organisation] **Better Work and Family Balance Questionnaire** contains questions about our current workplace practices as well as questions about your experiences with balancing work and family.

We encourage you to involve your partner/spouse in this questionnaire and invite you to provide comments where appropriate.

Collated results will be used by the **Better Work and Family Balance Reference Group** to further develop work and family initiatives at [your organisation]

Thank you for your participation. Your assistance is a valuable step toward improving work and family initiatives at [your organisation]

Please note that this questionnaire is confidential, voluntary and anonymous.

Please place your completed questionnaire in the enclosed envelope in [nominate place] by no later than [date].

If you have any questions please [contact name].

Instructions:

- > Most of the questions ask that you tick a box either once or for each category that applies.
- > Some questions ask that you enter a number in a box.
- > Some questions ask you to comment.

Section A

1. What is your gender?

- Male
- Female

2. Which of the following age groups do you belong to?

- 16 – 25 years
- 26 – 35 years
- 36 – 45 years
- 46 – 55 years
- 56 – 65 years
- 66+ years

3. On what basis are you currently employed with this organisation?

- Permanent full-time
- Permanent part-time
- Casual
- Other (please specify)

4. How well do your current working hours suit your current work family balance?

- Extremely well
- Moderately well
- Not at all
- Unsure
- Other (Please specify)

5. Do you currently have responsibility for dependent children?

- Yes > Go to Question 6
- Self/partner currently expecting child
- Not applicable > Go to Question 8

6. If so, how many dependent children do you have?

> Please enter a number in the beside each item.

- Infants (0 – 2 years)
 - Pre-schoolers (3 – 5 years)
 - Attend primary school
 - Attend secondary school
 - Adult children living at home
 - Other (Please specify)
-

7. During the past year have you had to take time off to provide any of the following support services for dependent children?

> Please tick all that apply.

- Care for sick or infectious child
 - Specialist appointments (eg dentist)
 - To cover curriculum days
 - To cover for extended school holidays
 - Parent – teacher interviews
 - Assist with excursions/camps or school based initiatives
 - To cover when usual arrangements have not been available
 - Other (Please specify)
-

8. Do you currently have responsibility for dependent adult family member/s?

- Yes > Go to Question 9
- Not applicable > Go to Question 11

9. If so, how many dependent adult family members do you have?

> Please place a number beside each item.

- Disability
 - Has a serious illness
 - Aged
 - Other (please specify)
-

10. During the past year have you provided any of the following support services for adult dependants?

> Please tick all that apply.

- Frequent telephone support/visits to check dependant's health and safety
 - Arranging appointments
 - Help with financial, medical, and/or personal decisions or paperwork
 - Personal care (help with showering, dressing etc)
 - Provide transport for appointments, shopping and/or errands
 - Overnight visits to care for dependants
 - Household chores (cleaning, ironing etc)
 - Preparing meals
 - Other (Please specify)
-

11. During the past year has your personal workload or environment been affected by the family care responsibilities of another workmate?

- Not applicable or not aware of responsibilities
- No effect
- Major impact
- Minor impact

12. During the past year has your work been affected by your family responsibilities?

- Yes > Go to Question 13
- No > Go to Question 15
- Unsure

13. If so, how has your work been affected by your family responsibilities?

> Please tick all that apply.

- No effect on work
 - Had to commence work late – had to leave work early
 - Had to take time off work when regular family responsibility arrangements altered
 - Increased stress level/anxiety and distraction
 - Had to change work duties/position
 - Didn't apply for work promotion
 - Unable to attend work training and development offered
 - Had to change place of employment
 - Had to change work hours /shifts
 - Had to reduce hours of employment (eg from full-time to part-time)
 - Had to take time off when family member sick
 - Considered resigning
 - Unable to work additional hours, overtime or desired shift
 - Unable to take job that involved travel
 - Scheduling holiday time
 - Had to take work home
 - Lack of management support
 - Other (please specify)
-

Section B: About your organisation

14. Does your organisation currently have a written work and family policy?

- Yes
- No
- Don't know

15. If yes, do you think it is easy to understand how this policy can be used to assist staff to balance their work and family responsibilities?

- Yes
- No
- Unsure

Chapter 7, Appendix 04:

Better work and family balance questionnaire

16. Are you familiar with the processes involved in taking up your organisations current flexible work arrangements to help you balance your work and family responsibilities?

- Yes
 No
 Unsure

17. Depending on the organisations structure, there are a range of work and family arrangements that can be offered. Please indicate the work and family arrangements listed below that you are using or have used in the last year to assist you with balancing your work with your family responsibilities.

> Please tick all that apply.

Flexible work arrangements

- Part-time work
 Time off in lieu of overtime
 Job share
 Flexible start and finish times
 Employee choice rostering
 Telecommuting/work from home

Flexible leave arrangements

- Carer's leave
 Parental leave
 Paid maternity leave
 Paid paternity leave
 Paid adoption leave
 Unpaid maternity leave
 Unpaid paternity leave
 Unpaid adoption leave
 Paid antenatal leave
 Lactation leave
 Banking of rostered days off
 Purchased leave eg 48/52 or 50/52 arrangements
 Part day absences
 Long service leave on part pay
 Bereavement leave
 Cultural / ceremonial leave
 Leave without pay

Other arrangements to assist work and family balance

- In an emergency, access to a room where children or other family members can wait for you
 Access to a private room for breastfeeding or expressing
 Access to a private telephone where personal calls can be made or received
 Organisational support for gathering information about childcare, care of older relatives or other family related services
 Networks, seminars and discussion groups on work and family topics
 Newsletters, noticeboards to remain informed of work-family policy and practice
 Other (please specify)

18. Do you know where you would go to find out more about flexible work and family options within your organisation?

- Yes
 No
 Unsure

19. In addition to the arrangements that you currently use, which of the following additional arrangements /facilities would assist you with balancing work and family responsibilities, if they were made available at your current workplace?

Please note that some of these may be more appropriate to your workplace than others – tick all the boxes that apply

Flexible work arrangements

- Part-time work
 Time off in lieu of overtime
 Job share
 Flexible start and finish times
 Employee choice rostering
 Telecommuting/work from home

Flexible leave arrangements

- Carers leave
 Parental leave
 Paid maternity leave
 Paid paternity leave
 Paid adoption leave
 Unpaid maternity leave
 Paid paternity leave

- Unpaid adoption leave
- Paid antenatal leave
- Lactation leave
- Banking of rostered days off
- Purchased leave (e.g. 48/52 or 50/52 arrangements)
- Part day absences
- Long service leave on part pay
- Bereavement leave
- Cultural / ceremonial leave
- Leave without pay

Other arrangements to assist work and family balance

- In an emergency, access to a room where children or other family members can wait for you
- Access to a private room for breastfeeding or expressing
- Access to a private telephone where personal calls can be made or received
- Organisational support for gathering information about childcare, care of older relatives or other family related services
- Networks, seminars and discussion groups on work and family topics
- Newsletters, noticeboards to remain informed of work-family policy and practice
- Other (please specify)

20. What do you think about work and family balance in your organisation?

> Tick the box which applies.

	Don't Know (9)	Strongly disagree (1)	Disagree (2)	Uncertain (3)	Agree (4)	Strongly Agree (5)
This organisation is supportive of staff who require leave for family related matters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All staff are treated equally if they request assistance with work and family related matters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In this organisation staff are comfortable talking about family responsibilities at work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expectations of this organisation impact on family responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
This organisation is prepared to be flexible and responsive to family related needs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

21. What is the most helpful way that your organisation has already assisted you with your work and family balance?

> Please comment in the space below:

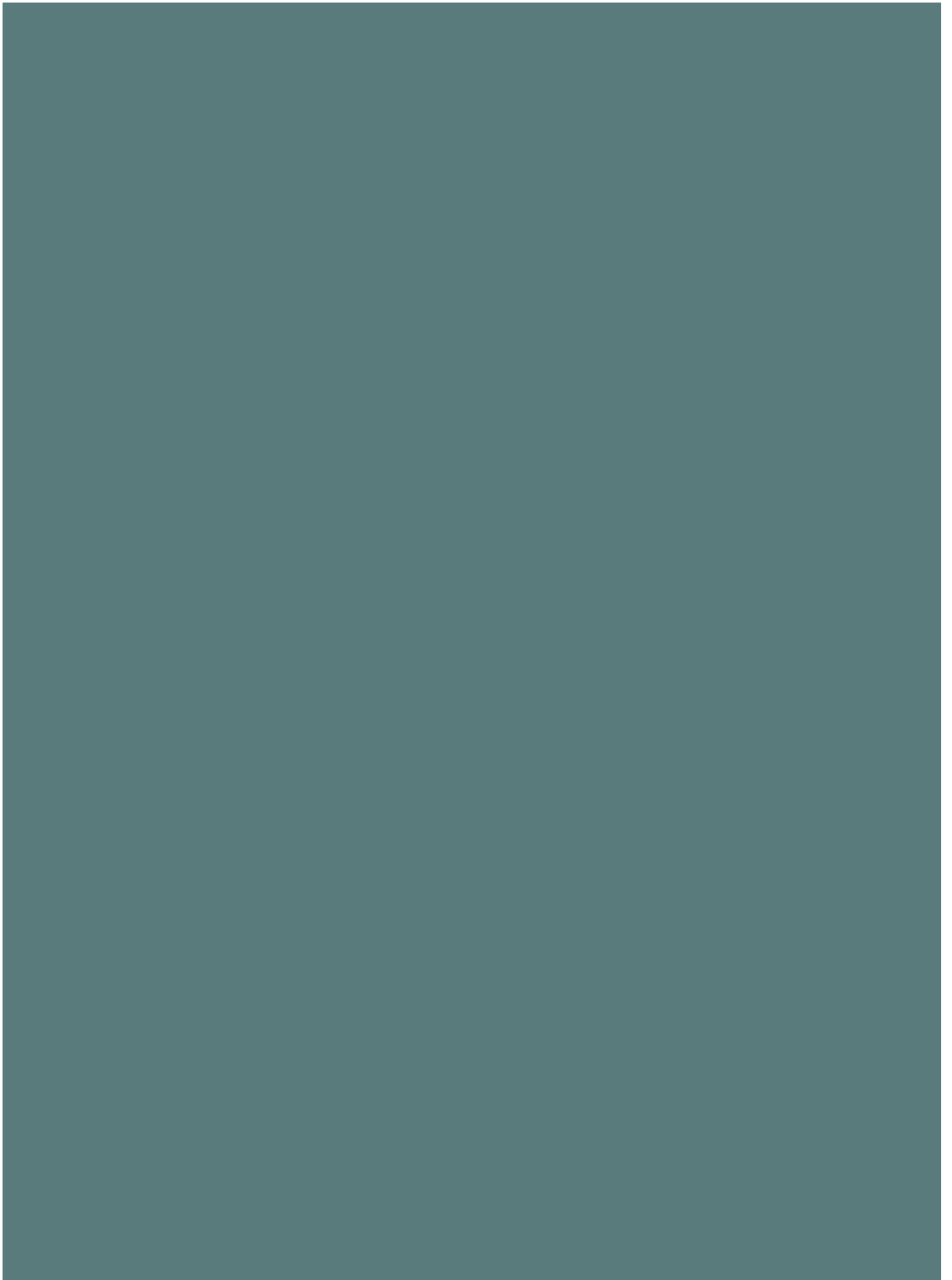
22. Can you think of additional ways that your organisation can assist with better work and family balance responsibilities?

> Please comment in the space below:

23. Is there anything else you would like to comment on about work and family balance in your organisation?

> Please comment in the space below:

Thank you for your co-operation!



For further Information

For more information, go to the Industrial Relations
Victoria website at:

www.irv.vic.gov.au

Industrial Relations Victoria

Department of Innovation, Industry and Regional Development

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