



success through diversity
Ahakoā whakaaro kē, ka puta a ihu

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Paid Parental Leave Select Committee reports back

The Select Committee on paid parental leave has recommended a number of minor changes to the proposed legislation which was introduced in December last year. None of these changes relate to the length or rate of payment.

The Select Committee received 57 submissions, most of which supported the general intention of the bill but wished to see some aspects changed, including the eligibility criteria and the amount and period of payment. The committee has recommended that all aspects of the bill should come into force on 1 July, including the legal requirements for employers to provide information to their employees.

Employment agreements stand

Some of the submitters were concerned that employees who are already paid parental leave by their employers would also be able to receive taxpayer-funded payments under the new legislation. The Select Committee considered it was not appropriate for Parliament to intervene in provisions negotiated between employers and employees and therefore employees should be able to receive both payments.

People will be able to choose whether to receive the existing parental tax credit (PTC) or paid parental leave but will not be able to receive both. The Select Committee has recommended that once people have applied for and receive the PTC, they should not be able to change their mind and offset PTC against paid parental leave. This is because the IRD will not have the capacity to offset payments before 1 July 2002 and because it was unfair to offer such an arrangement one way and not the other.

Labour inspector involvement

The Employment Relations Service of the Department of Labour will be informing employers and maternity providers of the details of the application process as soon as the bill is

enacted. This is expected in mid-April.

Application forms and other information will be available from the Employment Relations Service. Trained staff at its Infoline Centre (phone 0800 800 863) are available to assist both applicants and employers to understand their existing entitlements and obligations, and to advise on the progress of the Bill.

The Select Committee has also proposed that labour inspectors should have more powers where eligibility is unclear, such as where an employee starts maternity leave early or where an employee has not worked but has remained employed.

Labour inspectors will be able to assist in such situations through providing determinations and where necessary issuing demand notices and generally assisting with the enforcement of rights and benefits under the Act.

Information and communication

Under the proposed legislation, employers will have to inform employees of their entitlements and obligations within 21 days of receiving notice from their employee that they wish to take paid parental leave.

The Department of Labour will provide forms, electronically and in hard copy, for employers to complete and will undertake a comprehensive communications strategy to ensure that employers and employees understand the scheme.

This will include:

- Maternity carers providing information to their clients on paid parental leave
- Specific strategies targeting Maori and Pacific peoples
- A website including an interactive eligibility calculator
- The Department of Labour's toll-free Infoline
- Advice from the IRD on options for paid parental leave and the parental tax credit.

If you would like information about the Equal Employment Opportunities Trust services or resources, please contact:

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Maximising the value of your membership

If you're an EEO Employers Group member and would like others such as line managers or supervisors to get enthusiastic about work and life issues, feel free to forward the Bulletin PDF onto other people in your workplace or print it out and distribute it around your workplace. Don't forget that the *Work & Life Bulletin* is available only to members, subscribers and some key influencers so please don't distribute it outside your organisation.

Eligibility

- Employees who have been employed by the same employer for 12 months and have worked an average of at least 10 hours per week before the due birth date or adoption date of the child
- Applies to births due or babies delivered or adopted on or after 1 July 2002
- The eligible parent is the mother unless the child is adopted in which case the adoptive parents can elect which parent will receive the payment
- The mother, in the case of births, can share or transfer the payment to her partner if the partner meets the eligibility criteria

Payment

- \$325 gross per week for 12 weeks or 100% of previous weekly earnings, whichever is lower
- If an employee has several jobs, they are entitled to \$325 in total, not on a job-by-job basis

Employer obligations

- Employers must inform employees of their entitlements and obligations within 21 days of their employee telling them they wish to take paid parental leave
- Employers must ask for any additional information they need within seven days of their employee telling them they wish to take paid parental leave
- Within 21 days of leave starting, employers must write to their employee saying when their leave ends, when they can return to work, when is the latest they can say if they are returning to work and what their rights are if they want to come back to work before the end of their leave.

Australian developments on paid parental leave

In the past six months many Australian workers have enjoyed new paid parental leave provisions or extensions to existing provisions. This summary of some of the developments on the other side of the Tasman is taken from the *Work & Family* newsletter (Issue No. 27) published by the Work and Family Unit and the Department of Employment and Workplace Relations.

Australian Catholic University

Under the University's certified agreements, which cover about 450 non-academic employees and about 380 academic employees, women with two years' service now have 12 weeks paid maternity leave on full pay and then 60 per cent of their salary for the remaining 40 weeks of the year.

The agreements also give working fathers, who are not the primary carers, three weeks paid paternity leave after the birth of each child. For women with less than two years' service, but more than one, maternity leave is 12 weeks on full pay. For women with less than 52 weeks continuous service, maternity leave will be paid at the rate of one week for every completed calendar month of service.

The agreements also provide for paid foster parents' leave and parents may also apply for unpaid child rearing leave.

Esprit and Red Earth

In September last year Esprit and Red Earth, which employs about 1,300 women, announced that it will now provide 12 weeks paid maternity leave. The company will also let workers work

part-time for up to two years after returning from paid maternity leave.

New South Wales Local Government Employees

About 15,000 female employees in the NSW local government sector now have access to nine weeks paid maternity leave after 12 months service. The condition will be available pro-rata to casuals who have worked on a regular and systematic basis.

Sydney City Council which currently pays nine weeks maternity leave, has offered its female employees 14 weeks paid maternity leave as part of a package in the latest enterprise agreement.

Country Energy

This NSW company has agreed to provide its female employees with 12 weeks paid maternity leave, after previously giving parents no paid leave.

Consolidated Press

A new agreement at Australian Consolidated Press reduces the qualifying period for paid maternity leave from three years to 18 months.

Starbucks

Starbucks Certified Agreements covering employees in Victoria and the ACT provide for six weeks paid maternity leave and one week paid paternity leave.

Federal Enterprise Agreements

Under these agreements, employers and employees can move beyond the safety net standard of 52 weeks unpaid leave and there is evidence that more women are gaining access to paid maternity leave through making agreements with their employer. The finance and insurance sector has the highest levels of paid maternity leave with 77 per cent of women in this sector having access to it. In contrast, in the retail sector only one per cent of female employees can receive paid maternity leave.

A Case in Point

Pregnancy discrimination case

The Complaints Review Tribunal has held that a woman made redundant hours after telling her employer she was pregnant was “indirectly discriminated against” because of her pregnancy. She was awarded \$8,000 compensation.

Indirect discrimination occurs when an employer imposes a condition of employment that is not discriminatory in itself, but has the effect to discriminate against the employee. This is the first time it has been recognised in New Zealand.

Chrissie Anderson, was a legal executive with Claymore Management. The day she told her employer that she was pregnant, she was told that her position was to be disestablished. She was offered a full-time senior secretarial role instead but could not take it due to her family commitments.

Unreasonable working hours - the Australian approach

The Australian Council of Trade Unions (ACTU) has taken a test case to try and include guidelines on excessive hours of work in Award conditions.

In May last year, the ACTU and 12 unions lodged applications with the Australian Industrial Relations Commission for the test case. The case was heard in November and a decision is expected in the second half of this year.

The ACTU application is endeavouring to establish guidelines on excessive hours and “unhealthy rostering” by considering employees’ safety, workload and family responsibilities. It proposes that a “Reasonable Hours” clause be included in 14 test case Awards across a wide range of industries with the clause tailored to suit the circumstances of individual businesses. The clause would provide for additional days of annual leave for employees who work a large number of hours over an extended period.

Evidence presented in the case included:

- Australia has the second longest working hours in the developed world with only South Koreans working longer average full-time hours
- 31% of full-time employees work more than 48 hours per week, most of them are non-managerial workers
- Australia has the fastest growing working hours in the OECD
- The overall cost of fatigue-related workplace incidents is estimated at A\$31 billion a year
- Excessive working hours are linked to increases in cardiac disease, infertility, high blood pressure, tobacco and alcohol consumption, mental illness and eating and sleeping disorders

Fifty families – how do they cope?

One of the key pieces of evidence was a report commissioned by the ACTU on the effects of working long hours on workers and their partners. Entitled *Fifty Families: What unreasonable hours are doing to Australians, their families and their communities*, the report details the findings of a study of 54 families who experience long hours or hours that are “unreasonable” including:



- very long hours
- changes in time zones
- irregular shift work
- unpredictable hours or
- combinations of these.

The workers were employed in 12 different industries and included engineers, flight attendants, teachers, doctors, electricians and public sector workers. Two-thirds of the employees’ partners were also interviewed.

Many of the people in the study worked more than 50 hours per week for long periods, with some working even longer hours. Many of these workers received no real increase in income for their hours while some were hoping for long-term financial benefits through promotion. Others were working long hours in order to protect their jobs.

While hours at work were one aspect of “unreasonableness”, the type and pace of work was also a factor in worker effort and fatigue. Many of the employees said they were having to get more done in every hour than they used to. They reported having to do a broader range of tasks, to do more things at once and to take on multiple jobs.

“There are fewer to do the jobs, and so employees perceive that they now work harder, and their hours at work make them more tired,” says the report. “This combined with long hours

of work, means that many employees are affected by tiredness and exhaustion with particular effects upon their safety and family relationships.”

The cost to workers, families and communities

Employees reported a range of ill effects of working long hours including mental and emotional ill-health, relationship problems including virtually no time with their families, safety concerns at work and loss of enjoyment of life outside work

The partners of people working long hours frequently built their lives around their partner's, in terms of paid work, household activities and parenting, with the hours of the worker assuming automatic priority.

Partners, usually women, had often chosen to work part-time and took most of the responsibility for home duties.

The report says that the time famine in long hours households also had an effect on the extended family with workers saying they frequently missed family events or didn't see their grandchildren or grandparents enough. They also felt that the contact they did have was mainly built around asking for help, like childcare or other support.

Many working unreasonable hours had given up hobbies and sport, and were unable to keep in touch with their friends.

Disappearing down the mummy/daddy track

The report refers to the “mummy track” (Schwartz 1989 and Hochschild 1997) whereby women opt for a second-class career track in order to fulfill their caring responsibilities. The “mummy track” involves dropping back into lower status, lower paid jobs with poorer career prospects in order to secure the conditions that accommodate motherhood.

“Many step back from their careers or current jobs when they become carers, and the widespread pattern of long hours for many women in these occupational groups enforces this choice vigorously,” says the report.

“Ordinary careers are hard enough for

mothers. Jobs that demand long hours are much harder and many simply give them up, while others take the ‘mummy track’ and drop back to part-time work, change fields, swap jobs or take a demotion.”

The study also found evidence of a “daddy track” for men who refused to work long hours in workplaces which had a strong long hours culture. They said they were viewed with suspicion and some felt they were seen as not serious about their work and thus in danger of disappearing down the “daddy track”.

Technology tyranny

New technology is enabling workers to take their work into the home and extend the working day beyond its formal and physical boundaries. Those working long hours were expected to be available well beyond their actual “working” hours, with many leaving the office, talking on the phone on the commute home and continuing the work conversations at home.

One partner said, “The phone is never switched off so even though he's home early he'll still get hundreds of phone calls. He's laying in the lounge talking on for two hours so he's still at work from my point of view.”

Summing up

The report says, “Unreasonable hours injure family life. They debilitate individuals, intimate relationships, children's lives, and our community fabric. There are strong arguments for the re-creation of model worker standards in a new image that allows family life to occur without strain, and without taking on ‘exceptionalism’ status in the labour force.

“Workers with families are not exceptions in our labour market. Most workers will have dependents for significant portions of their working lives. This study provides a strong argument for reining in unreasonable hours culture and practices that injure healthy individuals, families and communities.”

For more about the ACTU test case or to download the Fifty Families report go to www.vunions.com.au.

Why the CTU wants us to Get A Life!

The Council of Trade Unions is launching a Get a Life campaign. Communications Officer at the CTU Lyndy McIntyre explains why.

The story of a Wellington woman factory worker says it all. Her hours are 3am to 6pm. She asked her boss to reduce her hours so she could spend more time with her children who were getting into trouble at school. The boss said, "if you don't like the hours look for another job."

Like many other workers trying to get a life, this worker rang her union. Workers across the work spectrum are increasingly raising work/life issues as their priority issue. Although their stories are different, the themes are the same. They are saying. "We are tired of work taking over our lives. Our hours of work are too long and inflexible. When the working day is done we don't have the time or energy for our family and community. We don't have a life outside work. We want to get a life!"

With huge support from union members, the Council of Trade Unions has launched a *Get A Life!* campaign aimed at getting quality back into workers' lives.

Stage one is underway with a project researching workers' lives to find out if:

- the hours of work of New Zealand workers are reasonable
- we have adequate annual, sick, domestic and bereavement leave and
- work commitments allow us to fulfill family and community responsibilities.

This research is modelled on The Fifty Families project (see previous story). The results of the *Get a Life!* research will be published and the second phase of the campaign will focus on what needs to change. This is likely to include working hours arrangements, leave provisions and working conditions to make it possible for workers to participate fully in family and community life.

These changes will be pursued both in collective bargaining and in the legislation that sets down the minimum requirements.

Currently there is no limit on what constitutes "reasonable working hours" in New Zealand and no requirement for employers to offer flexibility at work for family and other commitments.

Workers want this changed. That's what *Get a Life!* is all about.

Lyndy McIntyre

Snippets...

Elf keen to raise kids here

A new promoter of New Zealand as a great place to find work/life balance is English actor, Orlando Bloom, who plays the elf Legolas in *The Fellowship of the Ring*. The New Zealand Herald quotes him as saying New Zealand is "the sort of place I would want to raise my kids one day".

Work and family in San Francisco



Juliet Bourke

On 7-9 February the Centre for Families at Purdue University together with the Alfred P. Sloan Foundation held a conference in San Francisco on "Persons, Processes, and Places: Research on Families, Workplaces and Communities". Juliet Bourke, co-director of WORK+LIFE Strategies in Australia, attended the conference and here describes what she saw as the major issues.

The conference brought together academics from a wide range of disciplines (including psychology, anthropology, sociology and law) and a broad range of countries to discuss recent research developments.

Key issues discussed at the conference included ageing, children, intimate relationships, teleworking, legal developments and international strategies to progress flexibility.

Whether work and family compete or complement

For me, two challenging themes emerged from the conference. The first concerned work and family *facilitation* as opposed to work and family *conflict*. In lay-person's terms, this is the idea that when we get the mix between work and family right, we are more productive, stimulated and engaged in both areas of life. This theme was most carefully articulated by Rosalind Barnett, Executive Director, Community, Families & Work Program, Brandeis University.

Barnett argued that our conceptual models for analysing work and family are derived from the 1950s, even though work and family profiles are now remarkably different. In summary, she says that traditional theories of gender, and work and family (which separate work and family and place them in conflict), view occupying multiple roles as stressful. These theories fail to acknowledge the personal and organisational benefits for men and women who blend work *and* family responsibilities.

Using the results of numerous studies Barnett suggests that multiple roles improve mental, physical and relationship health. In particular, working women are less depressed than their non-working counterparts, and men's psychological well-being benefits "equally from their experiences in their employee, spouse and father roles".

Barnett also commented that there was no data that multiple roles had a negative effect on women's physical health, while employment for women and family involvement for men improved relationship health. Further, occupying multiple roles buffers a person from the negative effects of stress or failure in one role, and dual incomes

buffer workers against job and economic insecurity. Correspondingly, success and confidence in one role is amplified by sharing the experience with people in different roles.

Barnett acknowledged that there are upper limits to the benefits of multiple roles, for example when there are too many roles, or when one role is excessive (eg because of long hours). And this message is a critical one for occupations characterised by long work hours and a high face time culture. These occupations leave little time and energy for family (or for that matter life!) and consequently work and family slip into conflict.

By modifying the work environment to help staff balance work and family commitments, employers and employees will reap the benefits of a person whose performance in each role is enhanced. For further information see Barnett, R and Hyde, J (2001) *Women, Men Work and Family*, American Psychologist and Barnett, R and Rivers, C (1996) *She works, He Works*, Harvard, USA.

Work to live or live to work

The second theme was articulated by Dr Kathleen Christensen, Program Director at the Alfred P. Sloan Foundation. In her plenary address entitled *Where is the Work in Work-Family Research?*, Kathleen challenged the audience to consider the purpose of studying the workplace, and whether current research continues to treat work and family as separate, albeit connected, spheres.

One of Kathleen's comments which stimulated considerable debate, was that "work is a means to an end". The debate centred around whether we "live to work" or "work to live".

In support of Kathleen's comment, we observed that a number of workplace strategies profiled at the conference were designed to support people to stay at work longer (eg extensive concierge services and 24-hour on-site child-care), rather than to support people to achieve a balance between work and family commitments.

Kathleen suggested that the focus of research should be "what are the means by which we can strengthen ... working families?" in terms of increasing family time, family space and family resources. Kathleen commended developments in the Netherlands, Germany and Australia to reduce working hours and to protect workers with caring responsibilities.

For more information about other issues covered during the conference contact Juliet.Bourke@workpluslifestrategies.com

Finding and keeping good people in the retail sector

An Australian study has shown that family-friendly practices can help the retail sector solve one of its key challenges; finding and keeping good staff

Last year the Australian Retailers Association (ARA), the Work and Family Unit (WFU) in the federal Department of Employment and Workplace Relations, and the Equal Opportunity for Women in the Workplace Agency (EOWA) worked in partnership with some of Australia's leading retailers to undertake an in-depth study into staffing practices in the retail industry.

Sixty retailers, representing 278,000 employees, participated in the study by responding to a survey. Seventeen retailers hosted an extensive workplace visit.

Key findings of the report, entitled *Balancing the Till – Increasing Profits and Building a Better Workforce*, include:

- More and more companies recognise the significant benefits that family-friendly work practices can bring to the workplace through increased staff morale, higher productivity and reduced turnover of quality staff.
- Providing flexibility for management and supervisory staff remains a key challenge for the Australian retail sector.
- Flexibility is a critical success factor in capturing the untapped talent of the large female workforce and delivering quality service to customers seven days a week.
- Part-time workers are just as committed to business success as full-time workers. Many want a career, and more and more are shopping around to find a good employer.
- A key characteristic of organisations that are “growing their own” managers is a working environment that values and supports development.

- Reflecting the values and make-up of their local community is identified as a critical success factor by local retail outlets.
- 52 per cent of shop managers had access to part-time work compared with 93 per cent of shop staff.
- 38 per cent of shop managers had flexible hours compared with 57 per cent of shop staff.

To download the study: www.dewr.gov.au/workplaceRelations/workAndFamily/default.asp

Having a working mother doesn't harm children

A mother's employment outside of the home has no significant negative effect on her children, according to new research by Elizabeth Harvey Ph.D. of the University of Massachusetts at Amherst.

Harvey found that children whose mothers worked during the first three years of the child's life were not significantly different from children whose mothers did not work during that time-frame.

The only significant effect of the timing of the mother's return to work and the discontinuity of the employment was on compliance in three and four year olds but these differences were small and disappeared by the time the children were five to six years old.

Children whose mothers worked long hours were found to have slightly lower scores on tests which measure children's vocabulary and individual student achievement, but again these differences were small and faded over time.

Harvey found that fathers' employment hours had no impact on children's development.

Download the article entitled *Short-Term and Long-Term Effects of Early Parental Employment on Children of the National Longitudinal Survey of Youth* from www.apa.org/journals/dev/dev352445.html

Please Read On...



Family friendly ideas for small businesses

New from the NSW Department of Industrial Relations is *Time to Care: Good Family Friendly Ideas for Small Businesses*. The guide provides practical information and advice to employers in small to medium sized businesses on how to implement and manage a family friendly workplace.

While some of the information is NSW-specific (eg legal requirements and how to meet them), the guide provides a great deal of practical information which could be used by any workplace. Topics covered include flexible working hours, bringing children to work, career breaks, bereavement leave and pregnancy.

The guide was published in October 2001, ISBN 0-7313-5255-6. More information at www.dir.nsw.gov.au

Raising other people's kids

A new booklet called *Help for Kinship Carers* now provides a wealth of information for people raising someone else's child. Developed by Work and Income at the suggestion of the Grandparents Raising Grandchildren Trust, the booklet describes the financial support available to carers and the community agencies and voluntary groups that may be able to help. Download the report from www.raisinggrandchildren.org.nz

Families, Labour and Love

In *Families, Labour and Love – Family diversity in a changing world* Maureen Baker identifies the ways in which family and personal life in Australia, New Zealand and Canada have been shaped by colonisation, immigration, globalisation, demographic changes, law and policy. Baker says she studied the three

countries together because they initially shared many similarities in culture, social policy, language and laws (except for Quebec), and they were all “settler societies”, originally populated by indigenous people but then settled and dominated by immigrants.

Baker relied mainly on a political economy and feminist perspective in researching and writing this book which contains a vast collection of data on family life and its relationships with other aspects of life in the three countries. Baker's chapter headings include “Early family life in settler societies”; “Intimacy, cohabitation and the quality of marriage”; “Childhood reproduction and childcare”; and “The future of family life”.

Each chapter concludes with a set of “Discussion questions”, for example “Why do employers and government continue to oppose pay equity for men and women?”

One chapter, “Families and paid/unpaid work”, explores changes in working patterns and how employment outside the home affects work within the home.

Baker says the labour force in all three countries is becoming polarised, with some people having plenty of work but not enough time for caring activities and some people having no or little work. “Some workers have benefitted from globalisation, most often young educated men and women who are child-free, educated and geographically mobile. Low-income mothers and certain cultural minorities (such as Maori and Pacific Island peoples in New Zealand) remain disproportionately represented among low-wage workers and low-income families.”

She says there are solutions to employment poverty but “they require more government intervention than is currently politically acceptable” and suggests increased spending on education, training, maternity benefits and child-care activities.

Published by UBC Press in 2001, ISBN 0-7748-0849-7.

