

**‘Even simple things can be a battle’
Achieving Work/Life Balance in the South Australian Public Sector**

A Submission by

The Public Service Association of South Australia

to

The Select Committee on Balancing Work & Life Responsibilities
House of Assembly, Parliament of South Australia



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TABLE OF CONTENTS

Overview

Committee Terms of Reference

(a) Best Practice Employment Standards

1. The Public Sector Workforce & Work/Life Balance
2. Current Employment Provisions & Initiatives Re Work & Family
3. Access & Implementation
4. Recommendations:
 - 4.1. Provisions
 - 4.2. Access & Implementation
 - 4.3. General

(b) Economic Development Opportunities:
Work/Life Balance & the State Strategic Plan 2007

(c) The Impact of State & Federal Industrial Relations Systems

Attachment A: Case Studies

Attachment B: South Australia's Strategic Plan 2007
Targets Relating to Committee Terms of Reference & the Public Sector

Attachment C: South Australian Public Sector
Rights & Entitlements to Family Friendly Conditions of Employment 2007

OVERVIEW

This submission is made by the Public Association of South Australia in its capacity as a representative of employees in public sector administrative units, including health units, and a range of other public sector organisations.

The issues raised and recommendations made reflect the Association's extensive experience in representing employees on matters relating to work and caring responsibilities over many years. Recommendations are designed to improve the capacity of employees to achieve work/life balance whilst ensuring organisational productivity and contributing to equity in the workplace. They will also assist the state's economic development by contributing to the achievement of targets within the State Strategic Plan.

Welcome improvements have been made in recent years to public sector rights and entitlements to family friendly conditions of employment. However, further changes are required to enable employees to get a better fit between how they work and how they want to live. In addition, significant problems in the implementation of existing provisions remain within public sector administrative units and organisations, which must be addressed if policies are to be fully effective.

The Association submits that effective policies and implementation strategies for work/life balance must take into account particular features of the public sector workforce, including ageing; increased contracting and casualisation affecting all classification levels and ages; a persistent gender imbalance in the take-up of part-time work; under representation of Aboriginal South Australians across and throughout agencies; and under representation of women at senior management levels.

Our submission draws upon existing research literature, case studies of the experiences of current public sector employees¹ and findings of a survey of DFEEST employees conducted by the Australian Institute of Social Research (AISR)² to illustrate problems in the implementation of existing public sector rights and entitlements to family friendly conditions of employment. Recommendations for improvements to existing conditions are supported with reference to interstate and overseas provisions that enable employees to better combine work and caring.

COMMITTEE TERMS OF REFERENCE

(a) To identify best practice employment standards, which enable public and private sector workers to balance work and responsibilities, including the care of dependants.

The following sections identify what is required for best practice employment standards to be achieved in the South Australian public sector. They begin by placing work/life balance issues in the context of key public sector workforce characteristics. Existing provisions are then analysed, noting positive achievements and necessary improvements considering interstate and overseas best practice. Difficulties with access and implementation of existing conditions are also identified and measures proposed to correct them.

1. Public sector workforce characteristics & work/life balance

The public sector workforce demonstrates several characteristics that must be taken into consideration if work/life balance is to be achieved within the South Australian public sector.

¹ Set out in full in Attachment A.

² Australian Institute for Social Research (AISR) 2006, *Work-Life Balance: Creating a Culture of Shared Responsibility-Report 4: Final Report*, presented to Department of Further Education, Employment, Science & Technology, April, University of Adelaide.

The age profile

Most recent data on the public sector workforce shows that it is continuing a decade-long trend of ageing. The median age of the public sector workforce at June 2006 was 45.3 years; up from 43.5 in June 2001 and 41.3 in June 1997. It was also higher than the median age of all employed persons in the South Australian workforce, which was 40.4 years at June 2006. 17.1% of all public sector employees were over 55 years; an increase from 15.8% at June 2005. In administrative units 18.7% employees were over 55 years at June 2006. This compares with 15% of the total South Australian workforce.³

This picture of an ageing public sector workforce is accompanied by a continuing decline in the employment of workers aged 15-24 years. Only 5.8% of public sector employees were 15-24 years at June 2006, compared with 17.9% of the total South Australian workforce. In addition, it should be noted that over half of young public sector workers were employed on short term contracts (40.8%) or as casuals (17%).⁴

These workforce characteristics raise important issues relating to work/life balance. An ageing workforce brings with it issues related to workers' own help, the needs of older workers who care for older relatives, and individual and organisational needs as workers approach retirement. The 2006 Workforce Information Report of the Office of Public Employment (OPE) describes the ageing workforce as 'a challenge in terms of maintaining service levels and knowledge transfer'.⁵

The training and retention of younger workers is particularly important in this context and considering skills shortages already being experienced. Their retention requires them to have access to greater job security and better access to provisions relating to caring responsibilities as they move into parenting years. Contract and casual employees currently have lesser rights to family friendly employment conditions.⁶ Many of these are women workers with significant caring responsibilities.

Contracting & casualisation

Contract employment in the South Australian public sector also continues to increase. In 1997, 15.4% of the public sector workforce was employed on a contract basis; at June 2006 this number had risen to 27.7%. This employment is not restricted to senior levels; it extends from the top to the bottom rungs of classification structures and includes all ages. While the number of casual workers has declined as a percentage of all employees since 2001 (from 12.4% to 9.3%), it remains above 1997 levels (7.8%).⁷ It should also be noted that casual employees include long term public sector workers.

Contract and casual employees have limited or no access to family friendly conditions of employment. Contract workers are eligible for provisions if they are able to meet standard eligibility requirements, e.g. 12 months' employment. However, information from the Association's members indicates that contract workers are reluctant to apply for leave even if they are eligible, for fear of not having their contract renewed. This is an important issue. While casual workers are entitled to long service leave and to the national standard of unpaid parental leave, they are not entitled to some other forms of parental or child rearing leave available to permanent workers, and have no access to voluntary flexible working arrangements.

³ Office of Public Employment (OPE) 2006, *The South Australian Public Sector Workforce Information at June 2006*, <http://www.ope.sa.gov.au/ref_docs/2006_Main_Report.pdf>, pp. 8-9.

⁴ Ibid.

⁵ Ibid, p. 8.

⁶ Attachment C: *South Australian Public Sector – Rights & Entitlements to Family Friendly Conditions of Employment 2007*.

⁷ OPE, op. cit., pp. 12-13.

Gender issues

Women continue to make up the vast majority of part-time workers. 43% of women in the South Australian public sector work part-time, compared to just 8% of men. Only 2.6% of Executive Officers and 5.1% of Police Act employees work part-time.⁸ The low take up rates of part-time work by men, Executive Officers and Police Act employees reflect barriers to part-time work, and therefore work/life balance, experienced by these groups in particular. Following sections suggest some of the reasons for this and make recommendations to address this imbalance.

Women remain significantly under represented in Executive positions. A lack of access to part-time employment at these levels discourages women from applying for such positions. It is noteworthy that in certain areas such as Health where women predominate, they appear to have far greater access to part-time work at Executive levels.⁹ This suggests that Executive employment need not be a barrier to part-time work. The Association is also concerned that shifts to contract rather than tenured Executive positions is discouraging women from taking them up given that they increasingly involve a loss of security and capacity for life planning.

Women also comprise 70.5% of public sector employees who have their primary work location in regional South Australia,¹⁰ where issues relating to child care access, back filling of leave and part-time work arrangements, and travel requirements may require particular flexibility and willingness to think creatively on behalf of management. The case study of 'Helen' (Attachment A) illustrates the difficulties experienced by a permanent full-time public sector worker shifting from Adelaide to a regional location while at the same time attempting to accommodate pregnancy and ongoing parenting responsibilities.

Aboriginal & Torres Strait Islander Employment

The employment of Aboriginal and Torres Strait Islander workers in the South Australian public sector increased slightly to 1.37% in the year to June 2007. However, it remains below the 1.6% of the South Australian population that identifies as Aboriginal or Torres Strait Islander and the Government commitment of 2% by 2009.¹¹

The attraction and retention of Aboriginal and Torres Strait Islander employees is not enhanced by the over and increasing representation of such employees amongst contract workers and the absence of particular provisions to allow them to balance work with their family cultural obligations. This is a particular issue that deserves attention, given the Government's commitments to equity in employment for Aboriginal and Torres Strait Islander people.

Taking leave

The Association is concerned at the drop in the number of employees on leave without pay over the 2005-2006 year.¹² Given that this leave is largely taken by women in the form of unpaid parental leave, further investigation is required to determine factors that may be affecting the use of this leave.

Data on the taking of and return to work from maternity and adoption leave is not included in the Office of Public Employment *Workforce Information Summary Report*. This information is essential to effective monitoring of the use of leave relating to caring responsibilities and is linked to other attendant conditions, for example part-time work and reversion to full-time position by the child's 2nd birthday. The central collection and reporting of this data is required for effective management given the problems of access and implementation raised later in this submission. It may also alleviate

⁸ Ibid., pp. 10, 11, 12 & 15.

⁹ Ibid, p. 15.

¹⁰ Ibid., p. 21.

¹¹ Ibid., pp. 17 & 18.

¹² Ibid., p. 24.

concerns held by some concerning costs of such leave. We recommend that methodical collection of this data be undertaken across the public sector.

2. Current employment provisions and initiatives re work and family

We note that the *South Australian Public Sector – Rights & Entitlements to Family Friendly Conditions of Employment 2007* (Attachment C) includes many positive provisions for work and family and work/life arrangements. Amongst the positives, however, are many areas for improvement.

Parental and maternity leave

The State Government is to be commended for its recent improvements in paid maternity leave. Yet 14 weeks paid leave is still well short of the levels of paid leave now recommended by the OECD for optimal infant and maternal health. Many women seek longer periods of leave but lack of income restricts their capacity to take it. In addition, many men would like to take parenting leave but the impact upon their household finances is too heavy to permit it. Arguments around the merits of this policy have been amply rehearsed in recent years before the South Australian Industrial Relations Commission as well as in reports of the Human Rights and Equal Opportunities Commission (HREOC). As well as child, mother and family health and welfare benefits, organisational advantages relating to staff recruitment and retention and maintenance of corporate knowledge with an ageing workforce and population have been noted. In this light we strongly support the South Australian Government adopting a forward-looking program of further increasing paid maternity and paternity leave provisions, working towards a 26 weeks paid leave maternity leave arrangement in the medium term. Many universities already offer paid leave well beyond this level, for example, and this area is an important area for leadership.

Cultural leave

We note particularly that current arrangements do not include cultural leave. This is one of the measures required to enable the public sector to meet its policy aims of increasing the employment of Aboriginal South Australians.

Child care

The AISR survey of DFEEST employees found that provisions most sought by employees in relation to work/life balance included measures to address a lack of access to child care and a lack of after school and holiday programs for children over 13 years. The provision of child care services in accessible community locations and in some cases in workplaces offer the means to give employees better access to child care and to reduce travel times. The increasing length in the working day for carers through extended commuting are affecting work/life balance for many employees (Pocock 2003, 2006). They also affect children. Employees also stated that they would be assisted by an area being set aside in workplaces for high school children to do homework. (AISR pp. 6 & 34).

In addition, employees reported problems in managing after school and school holidays given that school holidays run for 12 weeks per year and annual leave is available for only 4 weeks. Further many parents find the absence of programs for children over 13 years an important concern (p. 34).

3. Access & implementation: ‘Even simple things can be a battle’

Public sector employees continue to experience difficulties in accessing employment provisions relating to work/life balance. The question of access is of great significance, illustrating how the agreement to particular provisions is only half the action needed: employees and supervisors need education and facilitative action to ensure their use.

At present, problems arise from a lack of knowledge amongst workers and managers about provisions and the rights and responsibilities attached to them. A persistent resistance by some public sector

managers to the practical implementation of family friendly conditions of employment is also hampering employee access. In addition, organisational culture relating to hours of work, definitions of commitment and rights to a career is undermining the implementation of provisions and efforts to equalise women's and men's direct caring work.

Specific areas in which access and implementation problems occur are set out below.

Lack of knowledge

In carrying out its day-to-day industrial work the Association has found that workers and managers are still not fully aware of employment provisions relating to balancing of work and life responsibilities, including fundamental details on eligibility and rights. Too often the implementation of provisions is regarded as an option rather than a requirement under the South Australian Government Wages Parity (Salaried) Enterprise Agreement. We have particularly noted a lack of awareness that provisions may cover the care of aging parents as well as children. The Association's experience is supported by the findings of the AISR survey of DFEEST employees (p. 35). The attached case studies of 'Brenda' and 'Linda' also illustrate the negative impact that a lack of accurate knowledge of rights and entitlements can have on employee access to conditions and ongoing employment.

Organisational culture & management attitudes

Public sector organisational culture and management attitudes constitute significant barriers to employees achieving a balance of work and life responsibilities. Attitudes persist within public sector organisations that discourage men from taking leave for parenting or assuming more care of children and that limit women's career opportunities as the main carers and users of leave.

The Association has noted a widespread belief within public sector organisations that workers who want a career must be prepared to work long hours. The AISR survey of DFEEST also found a perception amongst some managers and employees that long hours and visibility in the workplace indicated a committed and productive worker (p. 4). Survey respondents reported that they felt pressured to work long hours due to factors including work loads and management expectations. 50% of survey respondents report working 40-49 hours per week (pp. 4 & 5). 30% of women and 25% of men would prefer less hours (p. 37). Working hours consistently above and beyond the normal working week are a major barrier to fulfilling caring responsibilities and equal opportunity in employment. Issues of workload, staffing, organisational expectations regarding hours worked and the basis upon which employees are valued must be addressed if balance is to be achieved.

While there may not be overt opposition to parenting, a subtle climate exists where it is assumed that caring and careers don't mix. Our members tell us that careers go down hill with the use of leave and reductions in hours. In accordance with Association experience, the AISR survey noted a strong belief amongst men and women respondents that reduced hours have a negative effect on career prospects (p. 5).

The case studies of 'Brenda' and 'Linda', who were threatened with the loss of their full-time positions following the birth and early care of a child, illustrate a view amongst managers that use of provisions for work/life balance means that a worker is less committed to and has reduced rights regarding ongoing employment. Some managers still assume that if family is a priority then work cannot be a priority. These patterns and cultures are not uncommon in workforces around the developed world. However, the South Australian Government has the capacity to change these cultures and must if the aging of the workforce and the loss of working carers skills is to be stemmed.

Line managers also retain assumptions and expectations regarding different roles for men and women that limit the capacity of employees to combine work, careers and family. These assumptions affect

approval of requests for access to conditions and/or management views of the person as a worker thereafter.

Particular workplace barriers to men's take up of provisions include the novelty of men's utilisation, the negative attitudes of immediate supervisors, workload measured, measurement of effort through 'time served' rather than outcomes, and perceptions that career breaks or reduced hours irreversibly affect careers (AISR Report p. 32)

The Association continues to have to deal with the affects amongst members of negative managerial attitudes to particular provisions, including flexitime, part-time work and working from home. The AISR survey reveals the opposition of some senior managers, including to other senior managers, to the use of flexitime. Respondents recounted being made 'to feel terrible' if accumulated time was taken or requested to be taken. One worker described his workplace where there is very little leave taken and hours flexibility as 'one-way flexibility'. Respondents also reported feeling that their job security was threatened if they regularly accessed flexible work arrangements (p. 34).

Part-time work

While there is a 'right' to return from maternity leave on a part-time basis, workers can experience great resistance to an application for a reduction in hours. Resistance can arise from personal views of managers unsupportive of part-time work, assumptions that certain occupations or areas of employment cannot accommodate such employment and a lack of support for certain numbers or patterns of hours that a worker may require in order, for example, to accommodate available child care.

Obtaining approval for a conversion from a full-time to a part-time position in order to care for an ageing parent or to accommodate personal ageing and approaching retirement can also be difficult. The case study of 'Giles' illustrates this difficulty.

'Giles' is 60 years old and works as a technician. He wishes to reduce his full-time hours to 3 days per week to help his wife care for her aged mother who lives with them and has high care needs. He also wishes to spend more time on a hobby. The response of local management to his broaching working part-time was negative. It was felt that as the area had just employed another full-time worker it would look foolish to allow him to reduce hours. It was also felt that no-one would be available to work the remaining .4 or .5 position. There was a limited pool from which such jobs were filled.

Giles believes that the work could be managed with some rearrangement of staff. He also argues that he would be available to help train a person taking up the .4 or .5 position, which will have to occur in the not-too-distant future anyway as he nears retirement.

This case study points to several management issues that must be addressed if part-time work is to be reasonably available. The first is local management uncertainty about how the implementation of part-time work in situations of ageing, care and retirement will be viewed by senior and human resource management. Local management may be reluctant to support applications for part-time work due to fear that hours remaining from the conversion of a full-time position will be lost to the work unit. This fear is increased in a budgetary climate where vacant positions may not be filled and where workload pressures already exist. It is also apparent that in some workplaces a conservative management approach prevails, including a reluctance to think creatively, on matters relating to work/life balance. A lack of forward thinking and making provision for the inevitable loss of skilled/experienced staff through retirement is also evident.

Return to full-time work following working part-time

Although the reversion to a permanent full-time position following maternity leave and a period of part-time work is a right, the attached case studies of 'Brenda' and 'Linda' demonstrate persistent resistance by some managers to the implementation of provisions on child rearing leave and flexible work arrangements. Such resistance includes acting contrary to organisational policy and the Enterprise Agreement and pressuring staff to accept management decisions.

Our members report frustration, family and financial pressures arising from an inability to return to full-time employment following a period of part-time work. Of course some workers wish to work part-time in an ongoing capacity. However, others do not. The main reasons given for becoming unwillingly stuck in a part-time job are management's failure to approve the reinstatement of a previously full-time position and an inability to find an alternative position. Members are also forced to deal with unreasonable delays in decision-making regarding shifts between full-time and part-time work.

Contract work & maternity/parental leave

Although a contract employee may be eligible for maternity and parenting leave, she/he may be reluctant to claim such leave for fear of jeopardising the renewal of the contract. Both managers and employees may be unclear as to whether a contract can accommodate the taking of leave for life responsibilities. The terms of a contract may actually work against the taking of leave and flexible work arrangements.

Working from home

The AISR survey of DFEEST employees found that working from home was the flexible work arrangement most wanted but unable to be accessed by respondents. Barriers to access included a lack of IT at home and an unfavourable management view of such work as being 'time off' (p. 6). These findings concur with Association contact from members, who report a lack of management support for applications to work from home. The case study of 'Beth' illustrates management antagonism to working from home, the extraordinary requirements that can be imposed on a worker in presenting her case for approval and the discouraging time taken to make a decision. 'Beth' applied for approval to work from home following a medical report concerning her pregnancy and considering her family's need to maintain her full-time income as long as possible. Many Australian workplaces now successfully support some work from home with very positive impacts on productivity, retention and worker satisfaction. The South Australian Government could be providing leadership on this issue.

Purchased leave

Purchased leave of up to 4 weeks additional leave each year is an important means for employees to manage the reality of their children having 12 weeks per year of school holidays. However, Association members continue to complain of management's rejection of their applications for purchased leave, even though sufficient staff are available to cover such leave.

Use of grievance procedures

Grievance procedures constitute a mechanism whereby employees can take up grievances relating to caring responsibilities. However, they are not being used in relation to work/life balance issues, not because there are no grievances relating to the implementation of provisions, but because there is scepticism of the grievance panel's limited powers (i.e. it can only make recommendations to a CEO) and anxiety about what taking a grievance might mean for one's future career.

4. Recommendations

Considering the previous analysis of employment provisions and issues regarding their access and implementation, the Public Service Association submits the following recommendations.

4.1 Provisions

The Public Service Association recommends that:

- Provision be made for cultural leave to enable Aboriginal & Torres Strait Islander employees meet their particular family responsibilities.
- An area being set aside in workplaces for children to do homework where demand exists.
- That the state Government continue to expand the provision of quality, community-based childcare and – where aggregations of workers with need exist – to support work-based child care centres.
- That the South Australian Government adopt a forward-looking program of further increasing paid maternity and paternity leave provisions, working towards a 26 week paid leave maternity leave arrangement in the medium term.

4.2 Access & Implementation

The Public Service Association recommends that:-

- Management receive training on public sector family friendly provisions and their implementation, including how to recognise and deal with the ‘why not’ and ‘yes but’ responses to employees’ applications to access family friendly provisions.
- There be a planned program of clear and strong communication from senior management in support of implementation of all provisions and emphasising that Chief Executives have the final authority to approve/refuse applications for flexible working arrangements, and not local managers.
- The Office of Public Employment or other relevant agency regularly publish material for employees and local managers on family friendly provisions; answering ‘FAQs’ on content and approval processes and publicising the successful accessing of provisions by men and women at all levels. Such material to also show that managers are valued for their flexibility, positive attitudes and creative handling of matters relating to life responsibilities.
- Clear policy guidelines relating to FTE establishments and changes in the hours of positions be promulgated to allay the fears of local managers that the creation of part-time from full-time positions will lead to loss of hours to the work unit.
- A working group, to include union representation, be established on contract employment and family responsibilities, with the aim of developing policies on contract funding and timetables that will facilitate the combining of contract employment with parenting leave and flexible working arrangements.
- All project contracts be checked to ensure that they do not indirectly discriminate against project workers with caring responsibilities.
- Greater emphasis be given in public sector employment to performance and outcomes rather than ‘time-served at work’ assessments. Such assessment to include reciprocal

management/employee assessment, assessment of organisational factors impacting on an individual's performance and be developed in consultation with representative unions.

- Mechanisms and guidelines be developed to give workers greater access to purchased leave and opportunities for more flexibility during school holidays.
- A panel be established in each administrative unit and public sector organisation to review local management decisions on matters relating to work/life responsibilities balance. The review panel to consist of a representative of the CEO and the relevant union. Each panel to report annually to the OPE on issues addressed and outcomes.
- Agencies incorporate strategies for the implementation of provisions for balancing work and life responsibilities as part of their workforce planning strategies.

4.3 General

The Public Service Association recommends that:

- A survey of employees and managers across occupations and levels in administrative units and other public sector organisations on the current state of work/life balance and the requirements for, and impediments to, achieving work/life balance. Elements in this survey could usefully deploy elements of the 'work/life' index measure to be established under the South Australian Strategic Plan in cooperation with the Centre for Work + Life, Hawke Research Institute, University of South Australia.
- The survey be developed and conducted in consultation with representative employee organisations.
- Policy/provisions responses be developed considering the findings of the survey and in consultation with employee organisations.
- Data be collected and published by the Office of Public Employment on the taking of maternity and paternity leave, the amount of time taken, rate and the basis of return to work, rate of reverting to full-time work by the child's 2nd birthday and use of compressed weeks and purchased leave.
- The OPE be allocated the resources necessary to enable it to carry out its obligations under clause 9.1.4 of the South Australian Government Wages Parity (Salaried) Enterprise Agreement, which is to: 'continue to promote, monitor and evaluate the use of VFWA (Voluntary Flexible Work Arrangements) within administrative units'.

Further to the above recommendations:

- The Association records its support for the project being conducted by SafeWork SA, the Population Unit of the Department of Trade & Economic Development and the Office for Women to develop a strategy for identifying and promote options to improve work/life balance in South Australian workplaces. We strongly support the effective funding of the strategy, noting that to date South Australia is significantly behind other states in the funding of such initiatives.

- The Association strongly supports current proposals for the comprehensive extension and upgrading of the South Australian Equal Opportunity Act, which has fallen behind those of other jurisdictions.
- The Association also strongly supports the recommendations of the Human Rights and Equal Opportunity Commission (HREOC) 2007 report *It's About Time: Women, men, work and family*. We urge the South Australian government to call for its implementation, especially those recommendations in relation to the legal protection of workers with family and carer responsibilities, for example:
 - Recommendation 4: That a federal *Family Responsibilities and Carers' Rights Act* be introduced to provide protection from discrimination for employees with family and carer responsibilities and a right to request flexible work arrangements.
 - Recommendation 5: That the Australian Government fund HREOC to establish a Family Responsibilities and Carers' Rights Unit to promote the principles of the new legislation, undertake educational and promotional activities, and contribute to policy and legislative development in the area of family responsibilities discrimination and carers' rights.
 - Recommendation 6: That the *Family Responsibilities and Carers' Rights Act* include a right for workers with family and carer responsibilities to request flexible work arrangements with a corresponding duty on employers to reasonably consider these requests. Refusal to unreasonably consider a request for flexible work arrangements could then be the subject of a complaint to HREOC.

The Association also supports the Work/life objectives in the State Strategic Plan 2007

South Australia's Strategic Plan 2007 sets out a number of targets that will be positively affected by increasing the capacity of public sector employees to balance work and life, including caring responsibilities. (These targets [T's] are reprinted in full in Attachment B).

In relation to these policy objectives, the implementation of comprehensive public sector employment provisions relating to work and caring will:

- a) Contribute to the retention of trained and knowledgeable employees able to efficiently and effectively advise business and the general public on administrative provisions and processes (T1.2, T1.7, T1.8).
- b) Enable smooth transitions to retirement for employees and minimise consequential organisational adjustments in an ageing public sector workforce, to the benefit of other employees, the general public and business ((T1.2, T1.7, T1.8).
- c) Provide an employment environment that is attractive to outside recruits with particular expertise desired by the state for its development, given that family considerations as well as salary levels impact on decisions regarding job applications and settlement (T1.2).
- d) Reduce work-life conflict and stress to the benefit of individual health and well-being and organisational efficiency and productivity (T2.12).
- e) Increase employment opportunities for and retention of Aboriginal South Australians, people with disability and workers, especially women, with carer responsibilities (T6.22, T6.23, T6.24).
- f) Increase the number of women in executive level positions (T6.23).

The Association also supports the examination of the impact of State and Commonwealth Industrial Relations Systems on South Australians seeking to achieve an appropriate work/life balance

The Association is most concerned at the erosion of wages, conditions and flexibility for working families being experienced by employees as a result of WorkChoices. We are also fearful of the downward pressure that this erosion may exert on the employment climate generally.

We submit that it is imperative in this context to maintain a strong state industrial relations system with the capacity to inquire into and set wages and conditions standards that will genuinely enable work/life balance to be achieved.

There is a need for strong state leadership on work/life balance issues to help counteract negative provisions and impacts of federal industrial legislation that reshape the workplace climate. Such leadership should include state government support for strong state wages and conditions standards in its submissions to state inquiries and through public sector employment provisions.

The Association submits that there is a need for comprehensive South Australian legislation and Equal Opportunity Commission funding in relation to equal employment opportunity to protect South Australian workers and families as much as possible from the negative impacts of WorkChoices.

The Association calls for the establishment of a state monitoring, advice and referral agency for workers affected by WorkChoices, based on the Victorian model.

The Association supports the recently announced inquiry by the South Australian Industrial Relations Commission into the impact of WorkChoices on South Australian employees, including its impact on the capacity of workers to balance work and life responsibilities.

ATTACHMENT A

CASE STUDIES

1. Difficulty obtaining part-time work

'Giles' is 60 years old and works as a technician. He wishes to reduce his full-time hours to 3 days per week to help his wife care for her aged mother who lives with them and has high care needs. He also wishes to spend more time on a hobby. The response of local management to his broaching working part-time was negative. It was felt that as the area had just employed another full-time worker it would look foolish in allowing him to reduce hours. It was also felt that no-one would be available to work the remaining .4 or .5 position. There was a limited pool from which such jobs were filled.

Giles believes that the work could be managed with some rearrangement of staff. He also argues that he would be available to help train a person taking up the .4 or .5 position, which will have to occur in the not-too-distant future anyway as he nears retirement.

2. Pregnancy and difficulty obtaining flexible work arrangements

When 'Beth' became pregnant she was advised by both her GP and obstetrician not to physically exert herself and to reduce stress as much as possible. Beth needed to maintain her full-time income and had intended to continue working until just before the baby was born. However, travel to and from work entailed a significant walk to and from public transport each day and this physical activity was a concern. Her proposed solution was to work from home, which was an option contained in the South Australian Public Sector provisions relating to 'Voluntary Flexible Work Arrangements'. This arrangement would also assist her Department by enabling her to complete a major project that she was working on, prior to maternity leave.

Within two months of becoming pregnant, Beth discussed her preferred option with division management. She was advised that the Divisional Director did not support working from home as a matter of principle and that she should apply for part-time work. Beth pointed out that she had a right to apply to work from home and that under the 'Voluntary Flexible Work Arrangements' provisions it was the CEO that made the final decision. She knew of employees in other divisions working from home and wanted the CEO to consider her application.

Beth was given no assistance with her application and was required by local management to undertake more than what was required in the provisions, or of other applicants elsewhere. She undertook a performance review (not required in the policy) and was asked to give a detailed breakdown of what she would be doing each morning and afternoon at home. She provided support letters from her medical practitioners and organised an occupational health & safety inspection of her home.

Five months later and only 5 weeks away from taking maternity leave, Beth is still awaiting a decision. Divisional management will not say what they have recommended to the CEO. She has been concerned about her health and the unsympathetic local treatment of her application has not assisted to minimise stress. Beth believes that decisions on applications such as hers should be considered on their merits and be made much faster, especially when issues regarding pregnancy and health are involved.

3. Difficulties in accommodating voluntary relocation and family responsibilities.

'Helen' had worked full-time in the public sector in Adelaide for 20 years when she shifted to a northern town to marry. Helen had always intended and still wants to work until retirement. Prior to shifting, as a stopgap measure, she obtained a 3 month contact position with her existing employer in a town about 85 k away from her new residence. This was extended as a relief position, including some weeks of part-time work, for a further 7 months. Her permanent position remained in Adelaide. During

her contract work, Helen discussed ongoing employment options with the Director. She indicated that she was willing to work part-time so as to increase her local public sector job opportunities.

Helen was aware that another employee in the same organisation lived in the town that she travelled to each day, but that this employee travelled to work at an office just a few miles from where she lived. This person was willing to 'swap' position locations, saving them both travelling time and personal and organisational costs. In addition, Helen had become pregnant and a nearer part-time or full-time position would enable her to maintain her employment once the child had been born. Helen did not want to travel with a baby on the speeding highway each day going to and from the town some distance away.

However, this option was not entertained and Helen has not been successful in her applications for alternate positions in the region. She was offered a full-time position at an office even further away from her home and consequently declined it. She subsequently learned that it had been split in two, which meant that she could have managed both travel and child care. She believes that she is at a disadvantage in competing for local jobs as she is seen to have a permanent position in Adelaide and preference is given in a contracting regional job market to existing local employees. While Helen understands the difficulties of local job pressures, she also argues that consideration should also be given to her longstanding positive employment history, intention to return from maternity leave and to continue to work in her skills area, and her residence in the community.

4. Difficulties arising from management views unsympathetic to pregnancy, maternity leave & return to work.

'Brenda' was employed on a permanent fulltime basis before commencing maternity leave. Her position was back filled by someone from outside the public service. She returned to work on 3 days per week, with the other 2 days worked by the person who had replaced her while she was on leave. Later that year she became pregnant again and a new manager told her that although he would approve a second period of maternity leave, 'if it happened again' he 'might not be able to accommodate' her needs for leave. The same person back filled her second period of maternity leave.

While on leave, Brenda requested to return sooner than the 12 months that she had applied for, but this was refused. On her return to work Brenda was pressured by the manager to reduce her hours from the 3 days per week as requested and originally approved, to 2.5 days. She was told that the other person wanted more hours and the manager thought that this was reasonable. Brenda was informed that if she did not agree 'it would cause a lot trouble' for herself and the organisation.

Brenda requested to return to her permanent full-time position prior to her child's second birthday, in accordance with the industrial provisions regarding such return. She was then informed by the manager that her full-time position had been abolished in favour of two half time positions now filled by herself and the person who had been back filling her permanent job. Management ignored provisions stating that an employee had a right to revert to her full-time position. Outside intervention was required to secure Brenda's rightful return to full-time work.

5. Loss of full-time position arising from misinformation regarding return from leave and part-time work

Prior to taking maternity leave 'Linda' was employed as a permanent full-time employee. She applied to return to work on a part-time basis. She was told by local management that this required her to sign a form stating that she relinquished her full-time position. Linda was not aware that she was entitled to apply for part-time work; that this did not necessitate giving up her full-time position, or that she was entitled to wait until her child was nearing two years old before making a decision regarding ongoing employment on a full-time or part-time basis. Although she did not want to give up her full-time

position, Linda needed to come back part-time, so she signed the form. Linda subsequently found out about her entitlements and took the matter up with another area of management. Three months later, she is awaiting the outcome of her complaint and wish to retain her full-time position.

ATTACHMENT B

SOUTH AUSTRALIA'S STRATEGIC PLAN 2007

Targets relating to Select Committee's Terms of Reference & the public sector

T1.2 maintain Adelaide's rating as the least costly place to set up and do business in Australia and continue to improve our position internationally.

T1.7 increase the satisfaction of South Australians with government services by 10% by 2010, maintaining or exceeding that level of satisfaction thereafter.

T1.8 become, by 2010, the best-performing jurisdiction in Australia in timeliness and transparency of decisions which impact on the business community.

T2.12 improve the quality of life of all South Australians through maintenance of a healthy work-life balance.

T6.22 double the number of people with disabilities employed by 2014.

T6.23 have women comprising half of the public sector employees in the executive levels (including chief executives) by 2014.

T6.24 increase the participation of Aboriginal people in the South Australian public sector, spread across all classifications and agencies, to 2% by 2010 and maintain or better those levels through to 2014.

ATTACHMENT C - South Australian Public Sector Rights and Entitlements to Family Friendly Conditions of Employment 2007

Leave	Eligibility	Entitlement	Restrictions	Reference
Paid Maternity Leave	Full-time, part-time and temporary employees (excluding casuals) with 12 months continuous service prior to birth	14 weeks paid maternity leave. Part-time on pro-rata basis Can be taken at half pay, also can be taken over 2 separate periods May take additional unpaid leave up to a total of 104 weeks, reduced by extent of paternity leave.	Not extended by public holidays. Temporary staff eligible for paid leave within tenure of contract. Total paid/ unpaid leave must not exceed 104 weeks. May be extended in some circumstances	<ul style="list-style-type: none"> ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3 ● SA Government Wages Parity (Salaried Employees) Enterprise Agreement 2006, Clause 9.2
Paid Adoption Leave	Full-time, part-time and temporary employees (excluding casuals) with 12 months continuous employment prior to adoption	14 weeks paid adoption leave. Part-time on pro-rata basis Can be taken at half pay, also can be taken over 2 separate periods. May take additional unpaid leave up to a total of 104 weeks.	Not extended by public holidays. Temporary staff eligible for paid leave within tenure of contract. Total paid/ unpaid leave must not exceed 104 weeks.	<ul style="list-style-type: none"> ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3 ● SA Government Wages Parity (Salaried Employees) Enterprise Agreement 2006, Clause 9.2
Paternity Leave	Full-time, part-time and temporary employees (excluding casuals).	Up to 1 or 2 periods of paternity leave, not exceeding 52 weeks. Reduced by extent of maternity leave. Up to 1 week at time of birth, up to 51 weeks to be primary care giver.	Requirement for medical certificate.	<ul style="list-style-type: none"> ● SA Public Sector Salaried Employees Interim Award

Leave	Eligibility	Entitlement	Restrictions	Reference
Return to Work on a Part Time Basis		Return to Work from maternity leave on a part-time basis until Child's 2 nd Birthday at substantive level.	Not available to casuals	<ul style="list-style-type: none"> ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3 ● SA Government Wages Parity (Salaried Employees) Enterprise Agreement 2006, Clause 9.3
Parental Leave/Child Care Leave	Full-time, part-time and temporary employees (excluding casuals) with 12 months continuous employment	Unpaid leave of up to 52 weeks, up until the child starts school.	Not available to casuals. Not to be taken concurrently with parental leave of spouse if they have the same employer.	<ul style="list-style-type: none"> ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3
Recreation Leave	All employees excluding casuals	20 days per service year for F/T employees, pro rate for P/T employees.	Available in current service year (carries over)	<ul style="list-style-type: none"> ● PSM Act 1995 ● SA Public Sector Salaried Employees Interim Award ● PSM Act

Leave	Eligibility	Entitlement	Restrictions	Reference
Family Carers Leave (Family member as defined by the Equal Opportunity Act)	All employees excluding casuals	Access to 10 days paid sick leave entitlements, to care for sick family members. Does not limit right to apply for special leave.	Available in current service year. Does not carry over. May be required to provide medical certificate	<ul style="list-style-type: none"> ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3 ● SA Government Wages Parity Enterprise Agreement 2006, Clause 9.4

Leave	Eligibility	Entitlement	Restrictions	Reference
Special Leave This incorporates: <ul style="list-style-type: none"> - Personal reasons - Bereavement - Urgent Pressing - Necessity - Moving residence - Care of sick child who is a dependent 	All employees excluding casuals	15 days in any service year CEO's discretion – but as a guide - 3 days in any service year - 3 days in any service year - 1 day every 3 years - 3 days in any service year		<ul style="list-style-type: none"> ● PSM Act 1995 ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3
Long Service Leave	All employees	90 calendar days after 10 years service		<ul style="list-style-type: none"> ● PSM Act 1995 ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3

Leave	Eligibility	Entitlement	Restrictions	Reference
Sick Leave	All employees excluding casuals	90 hours per financial year (carries over)		<ul style="list-style-type: none"> ● PSM Act 1995 ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3
Leave Without Pay	All employees excluding casuals	Counts towards LSL entitlements for first 22 working days grace period. If sick certificate supplied for sick leave without pay, rec leave, sick leave, LSL and increment entitlements are not affected		<ul style="list-style-type: none"> ● SA Public Sector Salaried Employees Interim Award ● PSM Act Standard 3

Leave	Eligibility	Entitlement	Restrictions	Reference
Voluntary Flexible Work Arrangements	All employees excluding casuals and executives	As per agency policies and guidelines. Available arrangements include Flexitime, Compressed Weeks, Purchased Leave, Working at home, Part-time Employment	CE has delegation to approve, balancing operational requirements with individual's needs.	<ul style="list-style-type: none"> ● PSM Act Determination 5 ● South Australian Government Wages Parity (Salaried) Enterprise Agreement 2006, Clause 9
Compressed Weeks		9 day fortnight. Full time hours worked in a 9 day fortnight. Nominated day off	Compressed Weeks – 9 day fortnight – 6 months initial trial then may be extended to 12 months.	<ul style="list-style-type: none"> ● PSM Act Standard 3
Purchased Leave		Purchase up to 4 weeks additional leave (In effect take 4 weeks leave without pay per year and have salary averaged out over the 52 weeks.	Reduce salary amount to have access to salary during purchased leave. Counted as LWOP for dept purposes.	<ul style="list-style-type: none"> ● PSM Act Standard 3
Working at Home		Can be ongoing and regular, Ad hoc, irregular, for projects or emergencies.	OHSW inspection needs to occur at proposed workspace.	<ul style="list-style-type: none"> ● PSM Act Standard 3
Reimbursement of Reasonable Child Care Costs	All employees excluding casuals and executives	Where an employee is given less than 24 hours notice they are required to work outside ordinary hours, and consequently utilise paid child care, the agency will reimburse reasonable child care costs incurred.		<ul style="list-style-type: none"> ● South Australian Government Wages Parity (Salaried) Enterprise Agreement 2006, Clause 9.5