



April 15th, 2013

Committee Secretary
Senate Education, Employment and Workplace Relations Committees
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam,

We wish to make a brief submission to the Senate Education, Employment and Workplace Relations Committees's Inquiry into the *Fair Work Amendment Bill 2013* on behalf of the Work + Family Policy Roundtable (W+FPR).

The Roundtable is a network of 29 academics from 18 Australian universities and research institutions with expertise on work, care and family policy. Its goal is to propose, comment upon, collect and disseminate research to inform evidence-based public policy in Australia. The Roundtable held its first meeting in 2004 and since then has actively participated in public debate about work, care and family policy in Australia providing research-based submissions to relevant public inquiries, disseminating current research through publications for public commentary and through the media. Further information about the Roundtable is available on the website at www.workandfamilypolicyroundtable.org.

After a two-day research workshop supported by the Academy of Social Sciences in Australia (ASSA) in November 2012, W+FPR members identified eight policy areas that are of particular importance in the context of the 2013 election. The Roundtable has now produced a set of benchmarks against which election policies for improving paid work, care and family outcomes in Australia can be assessed.

The Benchmarks, which we have attached in confidence until they are released later in April 2013, include evidence-informed recommendations on two of the National Employment Standards on parental leave and the right to request flexible work arrangements with the *Fair Work Amendment Bill 2013* proposes to amend (see pp7-9).

Parental Leave

The W+FPR thus supports the proposed amendments to the Parental Leave Standard to allow pregnant employees to transfer to safe work if necessary, without a 12 month service requirement or the requirement for them to have completed paperwork applying for parental leave.

The Roundtable would also support further amendments to the Parental Leave Standard to:

- Remove the mismatch in eligibility in the NES to allow employees who have not been employed with the same organisation for more than 12 months to have access to unpaid leave for the purposes of receiving Paid Parental Leave or Dad and Partner Pay;
- Provide more effective enforcement of the ‘return to work’ guarantee in the NES including where a pregnant worker loses her job, introducing a presumption of discrimination unless demonstrated otherwise by the employer.

While the proposed amendment to remove the off-setting of unpaid special maternity leave against the unpaid parental leave entitlement was not expressly considered by W+FPR members in developing the Benchmarks in November 2012, such an amendment is entirely consistent with the Roundtable’s advocacy of positive policies for better work, care and family outcomes.

Right to Request Flexible Arrangements

In respect to the amendments to the right to request flexible work arrangements (RTR), the W+FPR supports the broadening of eligibility for the RTR not only to a larger group of carers but to those who have a disability or who experience domestic violence.

However as per our Benchmark recommendations we would like to see the RTR extended to *all* employees regardless of caring responsibilities. We also recommend as per the Benchmarks:

- Removing the 12 month service requirement for eligibility
- Ensuring that employers are obligated to reasonably accommodate requests for flexible work by providing a right to appeal refusals as applies to other NES
- Developing and disseminating detailed guidance material on the RTR and initiating a Fair Work Ombudsman campaign to raise awareness of this right; and

Finally, the W+FPR supports the proposed amendment to require modern awards and enterprise agreements to include a term which requires employers to consult about a change to their roster or ordinary hours of work, which also allows for representation in that consultation.

While this amendment was not expressly considered by W+FPR members in developing the Benchmarks in November 2012, such an amendment is entirely consistent with the

Roundtable's advocacy of positive policies around job security, flexibility and working time (see p 8-9).

As set out in the Benchmarks we would also support amendments to require firm working time minima in all modern awards, including a minimum engagement of 3 hours for casual workers and requiring written agreement to a regular pattern of hours and adequate notice of changes to hours for part-time workers.

Yours Sincerely

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On behalf of the Work and Family Policy Roundtable

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