



**Submission to the  
Senate Inquiry into the  
Fair Work Bill 2008**

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**Title:**

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## **Executive Summary**

Carers Australia welcomes the opportunity to respond to the Senate Inquiry into the Fair Work Bill 2008. The introduction of new workplace legislation provides the opportunity to ensure that Australian workplaces support carers and their families. Carers Australia believes that the current draft Fair Work Bill 2008 introduces no significant legislation which will support family carers to engage with or remain in paid employment.

Australia's 2.6 million family carers provide unpaid care and support to family members and friends who have a disability, mental illness, chronic condition, terminal illness or who are frail. Our carers come from all walks of Australian society and come into the caring journey at various stages throughout their life. These carers are sometimes referred to as 'family carers' to distinguish their role from other caring roles in our society such as paid care providers.

It is now well known that family carers experience significantly lower levels of workforce participation compared to the general population. There are significant barriers that preclude family carers from participating in the workforce, particularly a lack of flexible working arrangements and lack of sufficient leave. Carers who are currently working and those who may wish to enter or re-enter the workforce need support to balance work with their caring responsibilities. This support can be provided through greater access to leave provisions and flexible working arrangements that encourage family carers to engage in or remain in paid work.

The ability of family carers to experience a reasonable standard of living is affected by the ability to find stable and supportive employment and reduce reliance on government income support payments to make ends meet. There is a need to ensure that employment is a feasible prospect for those carers who wish to work, for both social and economic reasons. This goal can be supported by extending the leave standards and flexible working arrangements of the Fair Work Bill 2008 to apply to carers who provide unpaid care and support to family members and friends with a disability, mental illness or disorder, chronic condition, terminal illness or who are frail.

Carers Australia would like to see 'carer-friendly' workplaces become a reality in Australia. Carer-friendly workplace legislation that recognises and provides for the needs of family carers has been introduced in other parts of the world including the United Kingdom and New Zealand. Introduction of these measures would have benefits for carers, employers, the broader Australian workforce and the economy.

The government cannot afford to ignore opportunities to address the ageing workforce and increases to income support payment expenditure. With the ageing population the number of people caring and cared for will increase. It is the responsibility of government to encourage greater benefits for family carers in the workplace through legislation to remove barriers to work wherever possible. This action would reflect a strong stance on social inclusion while displaying foresight in economic management. Greater social inclusion for carers includes the ability to experience a well-balanced life and engage in meaningful work should they so choose. Amendments to the Fair Work Bill that address the needs of family carers would display the government's commitment to social inclusion. The introduction of the Bill provides an opportunity to put words into action in an effective way.

The recommendations of this submission focus on the following strategies to assist family carers

- Extension of current paid and unpaid carers leave standards
- Equivalent Carers to Parental leave for family carers
- Unique Carers Leave entitlements for family carers as an alternative to the above
- Access to flexible work arrangements for family carers

Carers Australia strongly supports the recommendations put forward by the Human Rights and Equal Opportunity Commission's *It's About Time: Women, men, work and family (2007)* report. HREOC supports greater leave entitlements and a separate Carers Leave Standard that is equivalent to Parental Leave Standards. With regard to the Australian Fair Pay and Conditions Standard HREOC recommended

- a) That the Personal/Carer's Leave Standard be increased from 10 days to 20 days per annum with 10 days to be non-accumulative.
- b) That the Australian Government consider introduction a new 12 month unpaid Carer's Leave Standard to be made available to employees who attend to the care of a seriously or terminally ill dependent. Like the Parental Leave Standard, this new Standard should be job protected and available to employees who have 12 months continuous service.

Carers Australia recommends the following amendments and inclusions to the draft Fair Work Bill 2008.

- Carers Australia recommends that Division 7, Subdivision A *Paid Personal/Carers Leave* provisions be extended to 20 days per annum with 10 days to be non-accumulative.\*
- Carers Australia recommends that Division 7 Subdivision B *Unpaid Personal Carers Leave* provisions be extended to provide a minimum of 10 days unpaid personal carers leave for carers of a person with a disability, chronic condition, mental illness, terminal illness or frailty.
- Carers Australia recommends that Division 5, Section 195 *Parental Leave and Related Entitlements* be extended to include carers of a person with a disability, chronic condition, mental illness, terminal illness or frailty.
- Carers Australia recommends that as an alternative to Recommendation 3, The Fair Work Bill be amended to introduce a separate Carers Leave and Related Entitlements Standard equal to the proposed Parental Leave and Related Entitlements Standard for carers of a person with a disability, chronic condition, mental illness, terminal illness or frailty.\* The standard should include 12 months to a maximum of two years unpaid leave to more than one carer of the same care recipient and entitlements to job protection on return to work.
- Carers Australia recommends that Division 4, Section 65 *Requests for Flexible Working Arrangements* be amended to include carers of a person with a disability, chronic condition, mental illness, terminal illness or frailty.

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\* Corresponds with recommendations from HREOC report *It's About Time: Women, men, work and family (2007)*.

## 1. About Carers Australia

Carers Australia is the national peak body representing those Australians who provide unpaid care and support to family members and friends with a disability, mental illness or disorder, chronic condition, terminal illness or who are frail.

Carers Australia's members are the Carers Associations in each state and territory that deliver specialist information, counselling and others services to carers in the community. Carers Australia is informed about carer issues through its member Carers Associations (the Network of Carers Associations) and its participation in national and international forums.

We believe that all carers are entitled to the same rights, choices and opportunities as other Australians in order to enjoy optimum health, social and economic wellbeing and to participate in family, social and community life, employment and education.

## 2. About Australia's Carers

Australia has almost 2.6 million carers, and nearly 500,000 of these are primary carers – the people who provide the most care<sup>1</sup>. Carers are sometimes referred to as 'family carers' to distinguish their role from other caring roles in our society such as paid care providers. Many carers are termed 'sandwich carers or the sandwich generation' because they care for more than one person – a frail parent, a partner or a child with a disability or chronic condition. The majority of these carers are women.

Nearly 2 million carers are of workforce age, but many have had to leave the workforce, reduce the hours they work, or work below their skill capacity because of their caring responsibility.<sup>2</sup>

Carers are the foundation of our aged and community care system, and the annual replacement value of the vital care they provide is over \$30.5 billion. In 2005 it is estimated that carers provided 1.2 billion hours of unpaid care and the productivity loss of this care is approximately \$4.9 billion.<sup>3</sup>

### Diversity of carers

Carers are from all walks of Australian society and come into the caring journey at various stages throughout their life. The Australian Bureau of Statistics has identified:

- 350,000 Australians under the age of 25 provide care to a family member who has a disability, or a mental or chronic illness<sup>4</sup>
- 170,000 carers under the age of 18<sup>5</sup>
- 31,600 Indigenous carers over the age of 15<sup>6</sup>
- 620,000 of Australia's carers born outside Australia<sup>7</sup>
- 366,700 of those born in other than main English-speaking countries<sup>8</sup>.

### 3. About this Submission

Carers Australia's submission to the Inquiry into the Fair Work Bill 2008 focuses on the current lack of provisions for carers in the proposed legislation and in the Australian workplace. The current draft Fair Work Bill 2008 introduces no significant changes to legislation which will support family carers to engage with or sustain paid employment.

This submission would like to restate the importance of these amendments to the current Fair Work Bill 2008 and the social and economic benefits that can be gained from a workforce that supports family carers. An important step to a socially inclusive workforce is the introduction of 'carer-friendly' workplace legislation.

Our submission builds on recommendations of previous submissions to Government

- Carers Australia's submission to the Draft National Employment Standards (March 2008), and
- the Human Rights and Equal Opportunity Commission's paper-- *It's About Time: Women, men, work and family* (2007).<sup>9</sup>

These submissions recommend that the Australian Government amend workplace legislation to

- promote and protect the right for all family carers to request flexible working arrangements
- reflect the diversity of caring relationships through a broader definition of caring relations
- remove the inequity between non carers, parents caring for under school age children, and family carers by
  - a) extending the proposed Parental Leave and Related Entitlements Standard to include carers of a person with a disability, chronic condition, mental illness or frailty.
  - b) extending the proposed Personal/Carer's Leave and Compassionate Leave Standard to 20 days per annum with 10 days to be non-accumulative.
  - c) introducing a new 12 month unpaid Carer's Leave Standard (for family carers) to match Parental Leave Standards and be job protected and available to employees who have 12 months continuous service.

### 4. Background

#### The social inclusion agenda

Social inclusion has been highlighted as a government priority. To support its agenda, a Social Inclusion Unit has been established in the Department of Prime Minister and Cabinet. Ministers have commented on the need to provide all Australians with opportunities to participate in all aspects of life.



Senator Stephens, in her address to the National Civil Society Dialogue said “To be socially included, we believe that all Australians must be given the opportunity to:

- secure a job
- access services
- connect with family, friends, work, personal interests and local community
- deal with personal crisis
- have their voices heard.”<sup>10</sup>

Carers Australia strongly supports these comments, and believes that the bill provides an opportunity to improve on the ability for all Australians to secure a job.

The Australian Labor Party has clearly stated that supporting workforce participation is an essential part of the social inclusion agenda.

In his pre-election address Prime Minister Rudd stated:

‘Labor believes that as well as being good for individuals, increasing workforce participation benefits local communities, regions and the broader economy. Communities are more prosperous and cohesive when those who *can* work, *are* working.’

There is consistent evidence that family carers have lower rates of paid labour force participation, work fewer hours, and experience higher levels of financial stress. However, many carers who are disengaged from the workforce would like to return to work if they can balance it with their caring responsibilities.<sup>11</sup> Carers who wish to work should be supported to do so through workplace legislation that recognises their needs.

Carers Australia considers the government has missed a valuable opportunity in the current draft Bill to legislate on behalf of a large proportion of vulnerable Australians and encourage greater workforce participation. We call upon the government to honour its commitment to increased social inclusion for all Australians. Exclusion from the workforce means **social exclusion**.

## Carer workforce participation

Family carers are an at-risk group in terms of workforce participation, and their ability to access employment has a direct effect on other vulnerable people in our society.

In reference to the general population, workforce participation for carers is significantly lower and unemployment rates are higher. Data indicates for carers and non carers of prime working ages 25-54 that

- approximately 47 per cent of male primary carers aged 25–54 years were employed full-time compared with 80 per cent of men who were not primary carers
- 18 per cent of female primary carers aged 25–54 years were in full-time paid employment compared with 39 per cent per cent of women who were not primary carers<sup>12</sup>
- 60 per cent of young primary carers (15-25) were unemployed or not in the paid work force compared with 38 per cent of the general population.<sup>13</sup>

Additionally, **carers with intensive caring responsibilities** including: sole parent carers of a child with severe disability; parents of a child with lifelong disability; adult children caring for a parent with dementia; and people caring for a partner with acquired brain injury, appear to be at an **elevated risk of long-term unemployment**.<sup>14</sup>

In terms of future workforce participation by carers, The Australian Institute of Health and Welfare (AIHW) has projected that by 2013, of the 265,200 female primary carers between the ages of 25-59, 121,900 (46%) will be unemployed or not in the labour force. Of the projected 96,400 male primary carers in 2013, 43,400 will be unemployed or not in the labour force.<sup>15</sup> This suggests there will be around **165,000 carers unemployed or not in the labour force** by 2013.

## Barriers to workforce participation

While family carers share barriers to employment with other disadvantaged job seekers, they have significant additional barriers that are not experienced by other jobseekers. These unique barriers can be viewed as products of inadequate support for their caring responsibilities

- lack of time and energy to engage in paid work
- lack of carer-friendly workplaces to accommodate their caring responsibilities and
- few alternative support options for the person whom they assist.<sup>16</sup>

### Identified employment barriers associated with caring<sup>17</sup>

#### Individual barriers:

- limited time and energy available due to caring responsibilities
- lack of confidence often associated with time out of workforce
- social isolation and limited social and job networks
- poor health
- debilitating emotional status associated with caring such as depression and grief
- lack of knowledge about how to market themselves to employers
- costs involved in seeking work
- poor career motivation.

#### Systems barriers:

- lack of assistance for people with disabilities, illness, mental illness and older people i.e. alternative care for the person they support so that carers can participate in work and/or training
- perceived and real financial disincentives in the income support/tax system to combine care with work and/or training
- poor recognition from employment service providers to identify carers and address their needs.

#### Labour market barriers:

- lack of understanding from employers about the caring role in recruiting and employing arrangements
- lack of understanding from colleagues and co-workers
- lack of flexible working arrangements available to carers
- lack of recognition of carers' transferable skills.

Perceived barriers to employment as identified by unemployed primary carers are shown in the table below.

**Table 1: Perceived barriers to employment**

Effect of caring on work	% unemployed primary carers
Lack of alternative care arrangements	30
Difficulty in arranging working hours	16
Age	12
Loss of skills from being out of workforce	4
Not specified	36
No barriers anticipated	1
Total <sup>1</sup>	99

Source: ABS (2004a) *Survey of Disability, Ageing and Carers: Caring in the Community*

This data clearly shows that the primary barrier to employment was seen to be a lack of alternative care arrangements, and the second most commonly identified barrier was difficulty in arranging working hours. This suggests an underlying need for flexibility in carers' paid employment in the absence of replacement care arrangements.

Clearly for the majority of unemployed primary carers something needs to change. The Fair Work Bill 2008 could have a positive impact on the difficulty that carers have in arranging work hours by providing **access to flexible work arrangements and improved leave provisions**.

A national Newspoll of 2,284 Australians aged 18 and over who work full or part-time undertaken as part of the *Taskforce on Care Costs: The hidden face of care* (2007) identified the following issues with regard to carers' engagement in work

- there is a direct relationship between work and the high cost of care, particularly for carers of people with a disability or chronic health condition
- balancing work and care is an issue for now and the future, particularly with high levels of projected aged care
- carers experience difficulties balancing their work and caring responsibilities, and accordingly chose jobs that are below their skill level in order to obtain a level of flexibility
- enhanced access and quality of services, together with workplace flexibility, would most assist carers to balance work and care<sup>18</sup>

Again, flexibility is noted as a priority for working carers.

## 5. Carer-friendly Workplace Legislation

In comparison to other developed nations, Australia is lacking workplace legislation that provides specific benefits to family carers. Workplace legislation in both the United Kingdom and New Zealand promotes access to flexible work arrangements on the basis that an employee is a family carer.

In November 2007, the New Zealand Government passed the Employment Relations (Flexible Working Arrangements) Amendment Bill to give "anyone who has a caring responsibility not only for children but also for people with impairments and older or sick relatives or whānau (extended family – Maori

<sup>1</sup> may not total 100% due to rounding

word]" the right to vary their hours or their place of work. The United Kingdom amended its Employer Rights Act 1996 in April 2007 to provide flexible working rights for family carers.<sup>19</sup> Australia's Fair Work Bill 2008 currently includes sound provisions for carers of children of school age, but includes no provisions that acknowledge the merit of other caring roles in our society.

Carers Australia advocates strongly for policies that consider the needs of family carers in the workplace and believes that the introduction of targeted workplace legislation will result in carer-friendly Australian workplaces. An Australian workforce that is carer-friendly would mean foreseeable benefits for government, employers and the nation's economy while supporting carers and their families.

## **6. Long-term Benefits for Carer-friendly Workplace Legislation**

### **For Government**

It has been estimated that family carers save the government over \$30.5 billion a year<sup>20</sup> in care costs, for this reason alone it would be sound economic management for the government to support carers. Further economic advantages in supporting carers to work include increasing employment levels, reducing the number of carers requiring income support payments, and greater contributions to the Australian tax pool from working carers.

### **Tapping into a large skill source**

Senator the Hon Ursula Stephens said in her address to the ACE Conference, "Australia's long-term prosperity depends on securing the full social and economic participation of all Australians. If not, we will pay a high price for peoples' ongoing marginalisation in the decades ahead."<sup>21</sup>

Carers Australia agrees with Senator Stephens' view and believes that full participation should include attracting the potentially large skill source of carers to the workforce. The average age of family carers—35-64, correlates with the prime working age, when workers are often settling into career paths and looking to take up senior positions.

Carers are also a qualified demographic, in 2003 it was estimated that 47.9 per cent of carers had a qualification at certificate level or above, only marginally below that of non carers (50.8%).<sup>22</sup> The majority of carers are women, and ABS data indicates a larger proportion of women have higher qualifications than men. In 2006:

- 24.8 per cent of females between the ages of 25-64 years had attained a bachelor degree or higher compared to 22.7 per cent of men
- 10.5 per cent of females between the ages of 25-64 years had attained an advanced diploma or a diploma, compared to 7.9 per cent of men.<sup>23</sup>

However, these skills are often under-utilised, 2007 research by the Taskforce on Care Costs (TOCC) found that nearly half (44%) of working carers had selected a role at work below their skill level because it provided the flexibility they needed to balance their work and caring responsibilities.<sup>24</sup>

## Easing pressure on the Social Security system

Increases in government expenditure on carer payment and carer allowance highlight the need to support family carers to engage in paid employment.

The *Caring and women's labour market participation study* undertaken by the Australian Institute of Family Studies found that the number of people receiving government payments that support carers is substantial and increasing. In June 2007 there were 116,614 people receiving Carer Payment and 393,263 receiving Carer Allowance an increase of 145% in Carer Payment and a 102% increase in Carer Allowance since June 2000. Associated with the increase in the number of carers are increases in government expenditure, with a 283 per cent increase in the cost of Carer Payment and a 223 per cent increase in the cost of Carer Allowance since June 2000.<sup>25</sup>

In 2003 around 57% of primary carers reported a government pension or allowance to be their main source of income.<sup>26</sup>

Further, reliance on government payments extends beyond the immediate support provided to family carers in the form of Carers Payment or Carers Allowance. If carers are not engaging in the workforce, their ability to build up superannuation is greatly reduced, increasing the need to access the Aged Pension.

To provide an example: it has been found that a woman without post-secondary schooling, who at 30 takes on the role of a primary carer for a child with a disability would expect to have less than \$20,000 of superannuation at age 65. Reliance on government social security for carers like these post-retirement is highly likely.<sup>27</sup>

The Inquiry into the Fair Work Bill is just one opportunity for the government to take a long-term view of Australia's income support system and consider preparations that will encourage demographics like carers to stay in the workforce now and reduce the pressure on the income support system in the future.

## Greater tax contributions

Like all Australian workers, family carers can make a significant contribution to the economy by providing greater contributions to the tax pool if they are employed. Supporting carers to engage in paid work will lead to greater economic contributions by carers, decreasing reliance on income support payments as a primary source of income and increasing carers' ability to pay tax.

## For Carers

Family carers who are engaged in work experience benefits of employment that go beyond improving the financial situation for themselves and their families.

Work can often provide respite from the demands of caring

“Working part-time is my time out. It has helped me survive on a long-term basis”  
Carer of husband and mother<sup>28</sup>

Work provides a sense of social inclusion and opportunities for the future

“I need to work for the social interaction as well as the sense of achievement...I feel work is beneficial to gain the necessary skills to get a job when my caring ends. It is very hard for a carer, after devoting their lives to caring to find a job to support themselves when the caring role ceases. There is not the opportunity to gain skills, make social contacts, save for the future.”  
Carer of husband<sup>29</sup>

The introduction of flexible work arrangements could also support carers to pursue their career goals. Often, carers work below their skill level in order to stay employed or find the flexibility or conditions in a job that allow them to continue their caring role, this can mean changing career paths or being unable to make use of their qualifications.

“The biggest challenge I face as a carer is having to put my career on hold. After working so hard for six years, juggling the care of my own children, a part-time job, university studies (at which I excelled) and caring for my frail-aged mother I am really disappointed that this caring role is basically excluding me from satisfying, part-time work in my chosen field.”  
Carer of mother<sup>30</sup>

Many family carers do not have the opportunity to use their skills to reach their full career potential. The ability for carers to have the choice to pursue careers that they are qualified for is just one benefit that can be gained from the introduction of carer-friendly workplace legislation.

## Carers currently engaged in the workforce

It is important that family carers who are currently working are supported to remain in the workforce and have the ability to balance work and caring.

Around 57% of male primary carers who had left work to take on a caring role had done so because alternative care did not meet their needs, or because they were unable to change their working arrangements.<sup>31</sup> This highlights the need for flexible working arrangements to support family carers to remain in the workplace.

Further, of employed primary carers identified by the ABS 2003 Survey of Disability, Ageing and Carers, almost one third (32%) reported that they needed time off work. Where this time off is not provided this may influence carers decision to reduce work hours or cease employment. Improved access to leave would help family carers have the time away from work that they need.

## Carers looking to enter/re-enter the workforce

As caring is something that can occur at any stage of life, many family carers may be in a position where they have never been able to enter the workforce, or may have previously worked but have had to take on a caring role for a period of time. Carers may be looking to enter or re-enter the workforce for a variety of reasons.

- Carers who may have been providing care for some time and want to combine work with caring
- Carers who no longer need to provide care and want to begin working or return to work
- Young carers transitioning from school to work who may be entering the workforce for the first time

These are just examples of groups of carers with the potential to join the labour market if provided with targeted work provisions that assist family carers. Involvement in paid work would provide these people with the chance to experience the respite, socialisation and sense of social inclusion, empowerment and wellbeing that employment can provide for family carers.

## For Employers

Internationally, improving conditions for family carers in the workplace has resulted in substantial benefits for employers. Carers UK has focused on the benefits of including carers in the workplace for several years, and is the lead organisation in a partnership program called Employers for Carers, which is part funded through the European Union. The partnership is with major employers including BT Group, HSBC, Pricewaterhouse Coopers, and the Department for Constitutional Affairs.

The program objectives are to identify and promote the business benefits of supporting carers in the workplace, and to influence employment policy and practice to create a culture which supports carers in, and into, work.

Far from compromising business objectives, this program has shown that offering carers flexible ways of working brings impressive business results. The reported business benefits of this program included

- lower staff turnover
- reduced recruitment and training costs
- greater productivity
- lower absenteeism
- higher staff morale
- higher levels of trust in working relationships
- improved company image
- improved recruitment.<sup>32</sup>

These results provide an indication of the benefits for employers who support the needs of carers.

## 7. Inclusions to the Fair Work Bill 2008

Carer's leave provisions currently assume that the caring duties of the person will not be great, and are designed to respond to incidental occurrences of illness or injury affecting a family member. This ignores the reality of caring responsibilities and assumes that caring should be done outside of, or additional to, a nine to five workday. Flexible work arrangements are also only made expressly available to people caring for children under school age.

Small amendments to the current draft Fair Work Bill could mean a vast improvement for carers currently in the workplace and increase family carers' ability to engage in paid employment. We believe that all workplaces have the capacity to implement legislation that is 'carer-friendly' and employers, the economy and the government will benefit from workplace policies that support carers.

We would like to see acknowledgement in the Bill of the demands of caring responsibilities alongside provisions that improve working conditions for carers. We would also like to see equality of treatment in the Bill between those who provide care to children/dependants and those who provide care to persons with a disability, chronic condition, mental illness, terminal illness or frailty.

While much more can be done to assist carers to work— improving access to quality alternative care arrangements, education programs for employers, introduction of anti-discrimination policies— this submission's recommendations will focus on direct amendments to current provisions of the Fair Work Bill.

These inclusions will focus on two main needs: **access to extended, targeted leave arrangements** and **access to flexible work arrangements**.

### Extension of Paid Personal/Carers Leave

The current provision of 10 days paid leave per year does not meet the needs of family carers. For these carers, any care leave of ten days would be quickly expended on caring responsibilities with no allowance for carers to take personal time for sickness or other reasons. Even where unpaid leave provisions are used in addition to paid leave, these provisions are not adequate.

If carers cannot receive additional leave entitlements it is suggested that extending this leave provision to all workers would benefit carers. It is suggested that 10 days of the leave be made non-accumulative to recognise the different purpose for the provision of personal and carer leave, and the different needs of carers and non carers different purpose of personal and carer leave.

#### Recommendation 1:

Carers Australia recommends that Division 7, Subdivision A *Paid Personal/Carers Leave* provisions be extended to 20 days per annum with 10 days to be non-accumulative.

### Extension of Unpaid Personal/Carers Leave

Ideally, unpaid leave could be accessed by family carers where paid leave has not provided enough time to attend to the needs of the care recipient. Family carers should be able to access extended unpaid carers leave on a short-term or emergency basis to be used when paid leave provisions have been expended.



The current provision of 2 days unpaid leave does not meet the needs of family carers, we would like to see unpaid leave extended.

**Recommendation 2:**

Carers Australia recommends that Division 7 Subdivision B *Unpaid Personal Carers Leave* provisions be extended to provide a minimum of 10 days unpaid personal carers leave for carers of a person with a disability, chronic condition, mental illness, terminal illness or frailty.

## Carers Leave Equivalent to Parental Leave

In a recent survey conducted by Carers Australia for the 2020 Summit, carers directly identified the need for greater leave entitlements as an incentive to work. Carers from this survey suggested **Carer Fixed Term Leave**, similar to Parental Leave, which would allow carers could take specified periods of break from work to focus on their caring responsibilities without losing the security of their positions.<sup>33</sup>

With a view to promoting equality between all forms of care and care provided to children of under school age we would like to see other carers included in the standard for 12 months unpaid parental leave.

The return to work guarantee that currently applies to parental leave would provide stability for carers and provisions regarding notice and periods of expiry could be introduced to prevent unreasonable hardship on the part of the employer.

**Recommendation 3:**

Carers Australia recommends that Division 5, Section 195 *Parental Leave and Related Entitlements* be extended to include carers of a person with a disability, chronic condition, mental illness, terminal illness or frailty.

## Leave Unique to Carers

As an alternative to including carers under the Parental Leave Standard, it is suggested that a separate and equal Carers Leave Standard be included in the Fair Work Bill. A separate provision would also act to identify the unique demands of caring for family carers.

The standard should provide more than one carer of the same care recipient with entitlement to a period of up to 12 months, with a maximum of two years, unpaid leave. This would recognise that often caring is a shared responsibility. It should also provide a 'return to work guarantee' with entitlements for the carer(s) to return to the position they held prior to commencing parental leave, or to entitle the carer(s) to return to a position comparable in status and pay with their former position.

**Recommendation 4:**

Carers Australia recommends that as an alternative to recommendation 3, The Fair Work Bill be amended to introduce a separate Carers Leave and Related Entitlements Standard equal to the proposed Parental Leave and Related Entitlements Standard for carers of a person with a disability, chronic condition, mental illness, terminal illness or frailty. The standard should include 12 months to a maximum of two years unpaid leave to more than one carer of the same care recipient and entitlements to job protection on return to work.

## Flexible Working Arrangements for Carers

Currently, the Bill supports flexible working arrangements to be requested where the worker cares for a child under school age. Extending this provision to family carers would provide an incentive for employers to work with carers to provide more suitable working arrangements.

Legislation that allows family carers to make up time later, choose start and finish times, have condensed full-time working weeks or work from home would be greatly beneficial to those providing care. Having these provisions in legislation would increase the likelihood of employers accepting requests from carers to access flexible work arrangements and help alleviate any concern that carers may have for requesting flexible arrangements. This would also promote equality between the caring roles of parents of under school age children and other carers.

### **Recommendation 5:**

Carers Australia recommends that Division 4, Section 65 *Requests for Flexible Working Arrangements* be amended to include carers of a person with a disability, chronic condition, mental illness, terminal illness or frailty.

## 8. Conclusion

Carers Australia believes that the Fair Work Bill presents an opportunity for the Government to address the current lack of provisions for family carers in workplace legislation and show real commitment to improving the welfare and social inclusion of all carers and their families.

At the launch of Carers Week 2008, Prime Minister Rudd outlined three key ways in which government can assist carers:

“First, we must provide greater financial support and assist carers to build retirement income  
second, we must assist carers to participate in the paid workforce  
and third we must work harder to help carers themselves stay in good health.”<sup>n34</sup>

Carers Australia agrees with this statement and believes that improved provisions for carers in workplace legislation can lead to the realisation of these three goals.

We believe that amendments to the draft Fair Work Bill 2008 that provide access to flexible work arrangements and improved leave conditions will assist family carers who choose to work to engage in paid employment. This will result in social and economic benefits for carers and their families, employers, and the Australian workforce as whole.

The Australian Government can show commitment to its social inclusion agenda by adapting the draft Fair Work Bill to include the recommendations of this submission. Family carers are an at-risk group and carers who choose to work should be supported to engage with and remain in paid employment through carer-friendly workplace legislation.

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