



Committee Secretariat  
House of Representatives Standing Committee on Education and Employment  
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28 February 2012

### **Inquiry into the *Fair Work Amendment (Better Work/Life Balance) Bill 2012***

Carers NSW appreciates the opportunity to provide a submission to the Inquiry into the *Fair Work Amendment (Better Work/Life Balance) Bill 2012*. Carers NSW supports the *Fair Work Amendment (Better Work/Life Balance) Bill 2012* (the Bill) particularly the proposed amendments to strengthen and extend the right of carers to request flexible working arrangements. These amendments are long overdue, and have the potential to significantly improve the ability of carers to balance employment with their caring responsibilities.

The introduction of this Bill is particularly timely, given the introduction of the National Carer Recognition Framework, the recent acknowledgement by the Australian Government<sup>1</sup> and the Productivity Commission<sup>2</sup> of the need to extend carers' right to request flexible working arrangements, and the Australian Government's commitment to a participation agenda and "opportunity for all".<sup>3</sup> Carers must also have the opportunity to enjoy the benefits and dignity of work.

Carers NSW has recently made a submission to the Fair Work Act Review being conducted by the Australian Government Department of Education, Employment and Workplace Relations (DEEWR). We have attached a copy of Carers NSW submission to the Review to inform this Inquiry of the importance of improving the ability of carers to balance employment with their caring responsibilities.

Carers NSW submission to the Fair Work Act Review addresses:

- the impacts of caring on workforce participation
- the consequences of low workforce participation for carers
- the policy and legislative grounds for amending the *Fair Work Act*
- the need for an extension of the right to request flexible working arrangements.

Carers NSW hopes that the Committee will give due consideration of the contribution and needs of carers in their examination of the Bill and urges the Committee to support the extension and strengthening of the right to request flexible working arrangements.

Yours sincerely,

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CEO  
Carers NSW

## Endnotes

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<sup>1</sup> Australian Government, *National Carer Strategy*, Canberra, 2011, p 24.

<sup>2</sup> Productivity Commission, *Caring for Older Australians*, Report no. 53, Canberra, 2011.

<sup>3</sup> Julia Gillard, 'The Dignity of Work': Address to the Sydney Institute Annual Dinner, 13 April 2011, Sydney, 2011. Available at: <http://www.pm.gov.au/press-office/dignity-work-address-sydney-institute-annual-dinner>



Fair Work Act Review  
Department of Education, Employment and Workplace Relations  
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14 February 2012

## **Carers NSW submission to the Fair Work Act Review**

Carers NSW is pleased to provide a submission to the Fair Work Act Review. This submission will focus on the experience and workforce participation of carers and will address the extent to which the *Fair Work Act 2009* (the Act) has been consistent with the object of assisting employees to balance their work and family responsibilities by providing for flexible working arrangements (section 3(d) of the Act). This submission will demonstrate the need to amend the Act to improve the ability of carers to balance their work and caring responsibilities, as is consistent with the Commonwealth *Carer Recognition Act 2010* and the National Carer Strategy.

### **About Carers NSW**

Carers NSW is the peak organisation for carers in NSW. It is a member of the national Network of Carers Associations and has an exclusive focus on supporting and advocating for all carers in the state.

The core work of Carers NSW is to:

- be the voice for carers in NSW
- undertake research, policy development and advocacy
- provide carer services and programs
- provide education and training for carers and services providers
- build capacity in the sector.

Carers NSW's vision is that caring is accepted as a shared community responsibility and that all carers in NSW are recognised, valued and supported by their communities and by governments.

### **About carers**

Carers NSW defines a carer as any individual who provides unpaid care and support to a family member or friend who has a disability, mental illness, drug and alcohol dependencies, chronic condition, terminal illness or who is frail.

Carers are the main providers of care in the community, and have been described as the 'invisible workforce' by the National Health and Hospital Reform Commission. It is estimated that carers provide 74 per cent of the assistance required by aged people and people with disabilities.<sup>i</sup> In 2010 Access Economics estimated that the financial cost of replacing the care provided by carers would be over \$40 billion, for that year.

The 2009 Survey of Ageing, Disability and Carers (SDAC), undertaken by the Australian Bureau of Statistics, provides a snapshot of carers and their role:

- 12 per cent of the Australian population are carers (2.6 million people).
- There are 771,400 primary carers (the person who provides the most informal assistance to an individual).
- Almost a third of primary carers have been caring for ten years or more.
- Six per cent of primary carers have been caring for 25 years or more.
- 66 per cent of primary carers care for 20 hours or more per week.<sup>ii</sup>

## **1. Carers and workforce participation**

Caring is associated with low workforce participation. Carers often withdraw from the workforce as a result of their caring responsibilities. According to SDAC 2009, only 40 per cent of primary carers were employed compared to 66 per cent of those who were not carers. Those carers who do remain engaged in the workforce often work fewer hours, and below their skill level. According to SDAC 2009, 48 per cent of employed primary carers worked part-time, compared to 31 per cent of employed people who were not carers.<sup>iii</sup>

The difficulty of combining employment with caring is an issue affecting women in particular. Women are more likely than men to be carers, and are more than twice as likely to be primary carers.<sup>iv</sup> Even amongst primary carers, women are more likely to have more intense caring roles. Almost 40 per cent of female primary carers care for 40 hours or more per week, compared to around 27 per cent of male primary carers. This is particularly significant given that there is an inverse relationship between caring and employment. As caring responsibilities increase employment rates decrease.<sup>v</sup>

Research by the National Centre for Social and Economic Modelling (NATSEM) has identified significant differences in the employment patterns of female carers and other women. According to this report, over half of female primary carers aged 30–64 years were not in the paid labour force compared to less than a third of other women in the same age group. Further, of those women who did work, female primary carers spent fewer hours in paid employment than other women. Only one-fifth of female primary carers were in full-time employment compared to nearly two-fifths of other women aged between 30–64 years of age.<sup>vi</sup>

The impacts on employment are often long term. It is likely that female carers who leave employment because of their caring responsibilities will not re-enter the labour force once their caring role ends.<sup>vii</sup> The NATSEM report found that even caring for just one year has a negative impact on earnings, and can have sustained effects over the carer's lifetime.<sup>viii</sup>

Given the “dramatic impact” that employment can have on social and emotional wellbeing, as well as financial security,<sup>ix</sup> it is vital that the ability of carers to balance paid work and caring is dramatically improved.

## **2. Policy and legislative context**

The National Carer Recognition Framework introduced by the Commonwealth Government provides a clear policy and legislative imperative for improving the ability of carers to balance work and their caring responsibilities.

The first element of the National Carer Recognition Framework is the Commonwealth *Carer Recognition Act 2010*. This Act establishes the Statement for Australia’s Carers, which states:

All carers should have the same rights, choices and opportunities as other Australians, regardless of age, race, sex, disability, sexuality, religious or political beliefs, Aboriginal or Torres Strait Islander heritage, cultural or linguistic differences, socioeconomic status or locality.

Carers should be supported to achieve greater economic wellbeing and sustainability and, where appropriate, should have opportunities to participate in employment and education.<sup>x</sup>

The second element of the National Carer Recognition Framework is the National Carer Strategy. The vision of the National Carer Strategy is that carers in Australia are valued and respected by society and have rights, choices, opportunities and capabilities to participate in economic, social and community life.

The Strategy contains six priority areas. Priority area three is economic security, recognising the need for carers to “have economic security and opportunities to participate in paid work”.<sup>xi</sup> Under this priority the Australian Government has made a number of commitments, including to:

Consult with stakeholders on expanding the right to request flexible working arrangements under the Fair Work Act 2009. This will include consideration of expanding the right to request flexible working arrangements to employees caring for older Australians and those caring for a person with a serious long-term illness or disability.<sup>xii</sup>

The National Carer Strategy Implementation Plan is currently under development and may include further initiatives to improve the workforce participation of carers.

## **3. The need to extend the right to request flexible working arrangements**

...in the end looking after someone is almost a parental role, and it’s not negotiable, you need to do it. It seems odd that we have all this stuff about looking after children and we just don’t have any formal recognition for looking after the elderly. If you change the conversations that we are having about leave and work to as if it was a child, then you realise that

there's something wrong. Because no one would ask you to give your child to someone else, or can't someone else go to the first day of school.<sup>xiii</sup>

#### Working carer of two frail aged parents

The Act includes as an object "assisting employees to balance their work and family responsibilities by providing for flexible working arrangements". This is an important object, particularly for carers, but one that could be better achieved through an amendment to the National Employment Standards (the Standards). Currently, the Standards only include a right to request flexible working arrangements for employees who are parents, or have responsibility for the care of a child, to assist them to care for their child if the child is under school age or under 18 and has a disability. Forty-five per cent of primary carers care for a partner, and 22 per cent care for a parent.<sup>xiv</sup> As the majority of primary carers are not assisted by this Standard, it fails to achieve this object of the Act.

Carers NSW, the network of Carers Associations and the Australian Human Rights Commission have all previously advocated for the right to request flexible working arrangements to be extended. Carers NSW recommends that this right should be extended to all carers, regardless of the age of the care recipient or the nature of their relationship. Carers NSW believes that it is unfair not to include the many carers who care for a partner, elderly parent or other relation or friend. It is also unfair to discriminate on the basis of the condition of the person requiring care. Carers of people with a disability should not be treated differently to those, for example, who care for a person who is frail aged or a person with a mental illness.

In 2007, the Australian Human Rights Commission (AHRC) identified balancing paid work and family responsibilities as one of the biggest challenges facing Australia in the 21st century. In *It's About Time* the AHRC made the case for a new framework to support a balance between paid work and family responsibilities which recognises the changes in caring needs and responsibilities across a person's life cycle, addresses gender equality and shares unpaid and paid work better across the labour market and the community, and between individuals.

The National Carer Recognition Framework provides a strong legislative and policy grounding for the extension of the right to request flexible working arrangements. Recommendations by the Productivity Commission in the recent *Caring for Older Australians and Disability Care and Support* also support the extension of this right.<sup>xv</sup>

As the AHRC has argued, changes in caring needs and responsibilities across the life cycle must be recognised. As well as assisting employees with child care responsibilities, the significant number of employees with caring responsibilities for adults must also be assisted to balance their work and caring responsibilities. In the context of an ageing population, the need for improvement in this area can only become more acute.

**Recommendation 1:** Carers NSW recommends that the right to request flexible working arrangements be extended to all carers regardless of the age of the care recipient or the nature of their relationship.

#### **4. Fair Work Amendment (Better Work/Life Balance) Bill 2012**

Carers NSW acknowledges the *Fair Work Amendment (Better Work/Life Balance) Bill 2012* tabled in the House of Representatives on 13 February. Carers NSW strongly supports the amendments that this Bill includes for carers. This Bill extends the right to request flexible working arrangements to any employee “who has responsibility for the care of another person”, to care for the other person and states that the employer may refuse the request only on “serious countervailing business grounds”.

**Recommendation 2:** Carers NSW recommends that the Inquiry consider the *Fair Work Amendment (Better Work/Life Balance) Bill 2012*.

#### **Conclusion**

Carers NSW appreciates the opportunity to provide a submission to the Fair Work Act Review.

Yours sincerely,

Elena Katrakis  
CEO  
Carers NSW

## Endnotes

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- <sup>i</sup> The Allen Consulting Group, *The Future of Community Care*, Report to the Community Care Coalition. Melbourne: 2007.
- <sup>ii</sup> Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers*, Canberra, 2009.
- <sup>iii</sup> Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers*, Canberra, 2009.
- <sup>iv</sup> Australian Bureau of Statistics, *Caring in the Community, Australia*, 4436.0, Canberra, 2011.
- <sup>v</sup> C Thomson, T Hill, M Griffiths, and M Bittman, *Negotiating caring and employment*, Final report for the Australian Research Council Linkage Grant Program, University of NSW, Sydney, 2008.
- <sup>vi</sup> National Centre for Social and Economic Modelling, *Women Carers in Financial Stress Report*, Canberra, 2008.
- <sup>vii</sup> A Page, M Baird, A Heron and J Whelan, *Taking Care: Mature age workers with elder care responsibilities*, University of Sydney, Sydney. 2009.
- <sup>viii</sup> C Thomson, T Hill, M Griffiths, and M Bittman, *Negotiating caring and employment*, Final report for the Australian Research Council Linkage Grant Program, University of NSW, Sydney, 2008.
- <sup>ix</sup> Australian Government, *National Carer Strategy*, Canberra, 2011.
- <sup>x</sup> Cwth *Carer Recognition Act 2010*, Schedule 1
- <sup>xi</sup> Australian Government, *National Carer Strategy*, Canberra, 2011.
- <sup>xii</sup> Ibid
- <sup>xiii</sup> Carers NSW, Transcript of Working Carer Focus Group [unpublished], Carers NSW 2010 Carer Survey, Sydney, 11 August 2010.
- <sup>xiv</sup> Australian Bureau of Statistics, *Caring in the Community, Australia*, 4436.0, Canberra, 2011.
- <sup>xv</sup> Productivity Commission, *Caring for Older Australians*, Report no. 53, Canberra, 2011.