



The Committee Secretary
House of Representatives Standing Committee on Education and
Employment

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

Thank you for your invitation to provide a submission to the inquiry into the amendments to the *Fair Work Act*. We have also incorporated comments received from Carers Victoria. We welcome legislative change that can assist carers.

We know that participating in the paid work force is extremely important for numerous carers of workforce age. Many carers struggle so much to balance their work and caring responsibilities that some of them feel forced to resign. We want carers to be supported to retain an attachment to the workforce if this is what they want and where feasible. For many individuals with caring responsibilities this requires negotiating more flexible or different working arrangements with their employers.

We commend the measures proposed in the *Fair Work Amendment (Better Work/Life Balance) Bill*. The suggested changes to requests for flexible working arrangements significantly extend the scope of these sections and assist a much broader group of carers. At present, only the carers of children who are under school age or who are under the age of 18 and have a disability are able to request flexible working arrangements. The Bill recognises that in reality carers provide care to a much wider range of individuals than the Act currently acknowledges. If passed, the proposed Bill would provide significant assistance to carers trying to balance their work and caring responsibilities.

In our recent submission to the Fair Work Act Review, we outlined: the importance of participation in the paid workforce for many carers; the business case for employing carers and making flexible working arrangements available; and what we feel needs to change

in the *Fair Work Act* to properly address the needs of carers. I have attached a copy of that submission for your information and particularly draw your attention to the section headed 'Suggestions for the Fair Work Act 2009 that would assist carers'.

Our suggested amendments are somewhat broader than those in the current *Fair Work Amendment (Better Work/Life Balance) Bill*. We have advocated the adoption of a standard definition of carer, extending the coverage of requests for flexible working arrangements, and reviewing the paid/unpaid leave and compassionate leave provisions. In relation to requesting flexible working arrangements, we believe it is important to not restrict this capacity to existing employees with 12 months continuous service. Where a person being provided with care has a change in their situation which reduces the care load, some carers want to be able to rejoin the workforce on a part-time basis. The legislation should allow a request for flexible working arrangement to be made in these circumstances.

On a more technical note, the rationale for moving the sections about requests for flexible working arrangements out of the National Employment Standards is unclear, as are the broader implications of such a change.

I hope these comments are useful. Please feel free to contact me if you require any additional information.

Yours sincerely

ARA CRESSWELL
Chief Executive Officer

2 March 2012