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Submission No. 160

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House Standing Committee on Family and Human Services
The Secretary of the Committee
House of Representatives
Parliament House
CANBERRA ACT 2600
AUSTRALIA

Ballarat, 28 September 2005

Dear Hon Bronwyn Bishop and committee members,

Inquiry into Balancing Work and Family

I would like to take the opportunity to comment on the government's options to support Australians in their efforts to better balance paid work with the rest of their lives. For my PhD studies that I am currently undertaking in the School of Business at the University of Ballarat, I am analysing the Australian policy framework in terms of its ability to help individuals achieve a greater work-life balance and to facilitate a more gender egalitarian sharing of earner and carer roles. I compare the Australian legislation and propositions for change (as recently published in a discussion paper by the Sex Discrimination Unit) with its German and Swedish equivalents using an approach that is critical towards traditional assumptions about gender roles and the ways in which they have shaped intimate relationships, workplaces and government policies.

In screening the submissions that have been made so far it was obvious that many authors are focussing on the specifics of policy options while others try to promote their respective ideological agenda. With my own submission, I aim to make a case for the government to take an inclusive approach to reforms and to appreciate that there cannot be a one-size-fits-all solution as advocated by some conservative stakeholders.

In summary, my argument is that the ultimate decision to craft a satisfactory work-life arrangement, including the decision to have children and the ways to raise them, remains with the individual. However, if the government's goal is to increase the total number of children and reduce the stresses suffered by the carers of those children then it has to provide a legislative framework that:

- a) creates an economical, social and moral environment that is supportive of people's decision to have children and
- b) allows the parent(s) to choose freely between a range of options to raise their child(ren) based on what fits best their individual situation.



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My major concern is that the neo-liberal strategy followed by the current government limits the debate about work-life pressures and a falling fertility rate in fundamental ways. By restricting the discussion to what is perceived as being achievable according to a neo-liberal worldview the reforms are almost destined to fall short of potential and will do little to improve the situation of current and future parents in this country. My claim is that we need to look beyond Australia and beyond a neo-liberal agenda to get an idea of what is possible in terms of re-defining the interface between paid work and private life and between men and women in their sharing of paid and unpaid work. An examination of present-day public policies in many European countries, especially Scandinavia, may serve as an inspiration for the Australian debate and will demonstrate that we are lagging far behind what is perceived as 'best practice' government policy.

In the following, I will analyse some of the ideological assumptions that underlie current government policies and the consequences they have for actual and prospective parents in 21st century Australia. I will then make a case for a more open-minded and inclusive approach to family, tax and labour market policy design building on the policies that have been introduced by federal governments in Scandinavia and other European countries.

I hope that my contribution is valuable in the discussion process and I am happy to provide further input and clarification of the points made.

Best regards,

A handwritten signature in cursive script that reads 'Nadine Zacharias'.

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Submission to Inquiry into Balancing Work and Family

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Current Australian legislation and its ideological foundations

The Australian legislative framework in its current form does little to help employees balance their dual commitment to employment and caring activities or other private responsibilities for that matter. Also, there is no effort to move towards an 'Earner-Carer society' (Gornick & Meyers, 2003) which is characterised by an equitable sharing of paid and unpaid work between women and men as well as parents' ability to care for their own children and not rely exclusively on out-of-the-home care. To support this argument it is necessary to look more closely at the pieces of legislation currently in place in Australia.

The Sex Discrimination Act (1984)

The Sex Discrimination Act can arguably be regarded as an important avenue of employed parents to appeal to their right of having equal access to job opportunities. After Australia's ratification of the ILO convention 156 in 1990 the family responsibilities provisions were inserted into the Sex Discrimination Act to facilitate broader social changes towards a more equal sharing of unpaid work to allow women to participate more equally in the labour market (Goward, Mihailuk, Moyle, O'Connell, de Silva, Squire, Tilly & O'Connell, 2005; International Labour Organization, 1993). The Sex Discrimination Act (1992) defines discrimination on the grounds of family responsibilities as less favourable treatment of employees with real or perceived family responsibilities compared to other employees without such responsibilities in the same or not materially different circumstances.

The recent report provided by the Sex Discrimination Unit (Goward et al., 2005) has demonstrated that although this definition appears to be broad enough to include a variety of incidents, the Act does not cover indirect discrimination and has been interpreted as applying to dismissal only. Most significantly, however, men are not eligible to access the family responsibilities provisions. This is because the courts have linked family

responsibilities to women as if they were the only carers due to biological characteristics and thus exclude men by definition, irregardless of their actual involvement with their children. Goward et al. (2005) state that the consequences of such interpretation are that the Sex Discrimination Act and the family responsibilities provisions in particular reinforce stereotypes and traditional role assumptions and lock parents into breadwinner and carer roles. I argue that the Act needs re-writing and re-interpretation in the court system to include fathers more explicitly and to present parenting as a shared effort between mothers and fathers.

Government support policies: monetary transfers and carer leave

Besides the Sex Discrimination Act government support for families and carers in terms of money and leave are important. Again, the current Australian legislation regarding monetary transfers to carers relies heavily on a male-breadwinner/female-homemaker model and benefits unproportionally those families who have only one earner (Goward et al., 2005). Blatant examples are the Family Tax Benefit Part B which is income tested only on the lower earner's income (Australian Government Family Assistance Office, 2005) and the Parenting Payment which is restricted to one partner in low income, two-parent families (Centrelink, 2005).

In terms of carer leave it is remarkable that Australia is one of only two OECD countries that have not introduced a national paid maternity leave scheme as a publicly funded entitlement (Charlesworth, 2004). Instead, Australian women and men who are employed in permanent or long-term casual positions have access to 52 weeks unpaid parental leave (Whitehouse, 2004). This leave can be shared by parents but, apart from the first week following birth, cannot be taken by both parents at the same time (Baird, 2004). The use of unpaid parental leave is low (11 per cent) but is significantly higher for women than for men (Baird & Litwin, 2004).

The lack of a national scheme for paid maternity leave has resulted in mixed solutions provided by employers in the public and private sector and I am investigating this phenomenon in more depth as it is a uniquely Australian one. In general, public sector

organisations were three times more likely to provide paid maternity leave than the private sector (25.8 per cent compared to 6.8 per cent) (ADAM, 2003 as presented in Baird, 2004). Moreover, the survey conducted by Baird and Litwin (2004) in 2002 found that more men than women worked in organisations that offered paid maternity leave (24 per cent compared to 18 per cent). Under current practice, more than 50 per cent of Australian working women have no access to paid maternity leave entitlements (HREOC, 2002).

Marian Baird (2004) describes the focus of the paid maternity leave debate on individual business solutions as 'business orientation'. She argues that this perspective and the solutions provided by companies recognise women's employment and offer paid maternity leave as a workplace rather than a welfare entitlement. However, she points out that the 'business orientation' is not associated with benefits to women but rather with benefits to the company in the form of a narrowly defined business case and thus, bottom-line benefits. Charlesworth (2004) criticises the narrow approach to the business case and argues that its conception needs to be broadened to include a range of different intangible drivers, such as social, moral and emotional benefits. With a broader approach, she maintains, it is possible to emphasise not only potential financial benefits to the employer but also to the economy overall. Finally, including intangible drivers in the decision to introduce paid maternity or parental leave might lead to reinstate social justice and gender equity as explicit goals of such policies.

The provision of paid paternity leave is even less frequent than that of paid maternity leave. Baird (2004) shows that only 5.8 per cent of enterprise agreements include paid paternity leave compared to 9.8 per cent that include paid maternity leave. Also, the paid time off work for fathers is much less than that for mothers with 56 per cent of companies offering one week of paid paternity leave or less and 82 per cent of employers surveyed offering six weeks of paid maternity leave or more.

This difference in paid leave provision for mothers and fathers supports the argument that paid maternity leave acts to reinforce women's primary care role and thus the traditional gender order (Charlesworth, 2004; Connell, 2004). However, some advocates explicitly base their claims for an introduction of paid maternity leave on the idea that women are and

should be the primary carer and that their 'double roles' should be acknowledged by social and business policies (Baird, 2004). This worldview, just like the Sex Discrimination Act and the tax transfer system, supports the emergence of the common couple arrangement of the male full-time breadwinner and the female homemaker or part-time wage earner who retains primary care responsibilities.

The Workplace Relations Act (1996)

The last piece of legislation that has major implications for employees' ability to balance their employment and private life commitments is the Workplace Relations Act (1996). The Workplace Relations Act takes a unitarist view of the employment relationship, i.e. it assumes no fundamental conflict of interest between employees and employers. Consequently, it is assumed that the safety net traditionally provided by awards and union-negotiated certified agreements is no longer needed. The Australian safety net has been substantially eroded since the introduction of the Workplace Relations Act and further cut-backs are being debated (Howard, 2005). The preferred tool to regulate the employment relationship is perceived to be the Australian Workplace Agreements that are currently forced onto employees, e.g. in the University sector. Although the government appreciates that "there is no single solution for managing demands of work and family" (Howard, 2004) it aims to make everyone the same under a unified industrial relations system. This appears to be a fundamental contradiction.

In terms of provisions to balance employment and care responsibilities, the two policies most commonly included in formal agreements are family/carer leave and part-time work which were each enclosed in around one quarter of all certified agreements (Department of Employment and Workplace Relations & Office of the Employment Advocate, 2004). Not only is this number very low, furthermore it has been shown as early as 1990 that stand-alone policies do not work (Cutcher-Gershenfeld & Kossek, 1997; Galinsky & Stein, 1990; Glass & Estes, 1997). Employees benefit from work-life initiatives if their company has a comprehensive set of policies in place that are formalised, available to all employees, communicated throughout the organisation and supported by the organisation's culture and senior management.

Employer-sponsored work-life balance policies

As the Workplace Relations Act advocates that the primary responsibility for workplace arrangements should rest with the employer and not with the government, I would like to briefly elaborate on so called work-life balance policies that have been introduced in many Australian organisations. The approach to implementing the policies can often be described as 'piecemeal' at best (Zacharias, 2002). However, even if work-life policies are integrated in a strategic way there is still doubt that they can ever provide 'real' solutions to working parents. There are two major concerns: Firstly, Charlesworth (2004) points out that work-life balance policies ignore underlying gendered structures that shape workplaces and work-life arrangements, namely the heavy reliance on the traditional male-breadwinner/female-homemaker ideology as I have demonstrated above. Secondly, Kingston (1990) argues that the focus on a rather narrow set of policies obscures the complexities in the ways that organisational practices, structures and cultures shape work-life arrangements and thus constrains the scope of policy debates. Thus, it can be said that work-life balance policies seem to be incapable of delivering real benefits to employees and that the debate needs to be focused on government intervention because business solutions are inherently limited.

Work-life balance, neo-liberal labour market politics and the attitudinal barriers to change

Having said this, I wonder about the success of a reform of the family support policies in the face of a neo-liberal workplace relations framework that fails to deliver basic conditions to employees to even start thinking about a family. Kingston (1990, p. 441) states that "[a]fter all, the primary concern of employees with family responsibilities is the availability of a job with good security and adequate pay. This is the essential foundation for a sustaining, stable family life. If private businesses fail to deliver on this count, all other concerns about 'responsiveness' [of workplaces to work-life concerns] are largely moot". Looking at the changes to the industrial relations safety net proposed by the government this essential foundation of job security and adequate pay is no longer a given in the Australian context as

it does not oblige or even encourage Australian employers to provide their employees with safe and adequately compensated jobs.

One argument that has been put forward by the Sex Discrimination Unit is that further workplace regulation would be perceived as difficult by employers when current rights are not being fully used. The authors argue that this is due to the fact that by establishing policies that advocate a more gender egalitarian sharing of paid and unpaid work the federal government would use companies to engineer social attitudes. However, the same report states that the opposite is the case. It is reported that women and men “show strong acceptance of flexible and egalitarian gender roles” (Goward et al., 2005, p. 53) and that they do believe that housework and child care should be shared more equally between the sexes. I argue that gender equality *is* a community attitude but it does *not* serve Australian employers that exploit traditional gender relations for their own benefit. This can be illustrated by the high casualisation of women and particularly mothers, their concentration in low paid, low skilled and less valued jobs and industries, the gender wage gap, the exploitation of fathers in demanding more performance on the job in exchange for job security (e.g. Broomhill & Sharp, 2004; Campbell, 2002; Campbell, 2004; Pocock & Alexander, 1999).

Also, the current rights may not be fully used because of the problems in that regulation that has been pointed out earlier (it does not include men, relies on outdated assumption of traditional gender roles, does not cover indirect discrimination) and because these rights clash with entrenched and sacred workplace norms and realities (Blair-Loy & Wharton, 2002; Cletcher-Gershenfeld & Kossek, 1997). To argue that there cannot be any further regulation because current offers are not used ignores the fact that the current regulations are inherently flawed and not comprehensive enough to allow employees to use these options as a matter of ‘free’ choice.

Furthermore, the report stated that “[i]t is clear that legislative responses to discrimination are more generally accepted where they carefully balance the social and economic imperatives to eliminate discrimination and inequality with the need to allow business to operate without undue restriction” (Goward et al., 2005, p. 87). Here lies the crux of my argument. I am concerned about the motivation and ideological barriers of a neo-liberal

government to craft a comprehensive policy reform that aims to give 'real' choices to employees who are or become parents when, in fact, its priorities are to enable unrestricted business practices for employers and the free reign of market forces.

It has been argued that countries that enact a neo-liberal model of labour market orientation do not place high priority on political solutions to achieve a compatibility of work and private spheres but instead leave the initiative to employers (Lohkamp-Himmighofen & Dienel, 2000). Private life concerns are regarded as such and the role of the state is considered to be non-interventionist (Ruerup & Gruescu, 2003). Also, the gendered division of labour is a largely unchallenged assumption (Lohkamp-Himmighofen & Dienel, 2000; Ruerup & Gruescu, 2003) and government policy relies on traditional gendered assumptions as has been demonstrated above. On the other hand, countries following a liberal labour market orientation do neither actively encourage nor outspokenly discourage women's labour market participation (Ruerup & Gruescu, 2003) but this can be explained with the need for the flexible and cheap labour provided by women that serves capitalist interests (Whitehouse, 2004) as I have demonstrated above for the Australian context.

In my view, a 'real' solution requires significant changes to the ways in which we do business and in the ways in which we support families on a federal government level. This argument is supported by research undertaken in Scandinavia (e.g. Gornick & Meyers, 2003; Haas, Allard & Hwang, 2002; Rostgaard, 2002; Rostgaard, 2002; Sjoeborg, 2004) as I demonstrate later in this piece. Everything else is tinkering with the margins which does not help as is illustrated by the failure to make 'work-life balance' policies work successfully (e.g. Charlesworth, 2004; Connell, 2004; Lewis, 2001; Lewis, Rapoport & Gambles, 2003; McDonald, Brown & Bradley, 2005; Pocock, 2005; Rapoport & Bailyn, 1996). In their current form, family responsibilities and paid work requirements clash fundamentally and are irreconcilable without government intervention. Policy makers need to clarify what exactly is understood by an 'undue restriction' on employers and how much of the ambitious agenda to achieve real gains in terms of work-life balance and gender egalitarianism can be realised without constraining the great powers of employers that they currently hold over their employees' working conditions.

The work-life debate has two aspects: paid employment and everything that happens outside of it. My perception is that there is a lot of attention given to the fact that most fathers and increasingly mothers are in the paid workforce and on how they can adapt their private lives to fit around that new reality. Much of the debate presents unpaid work and its gendered division as the linchpin of work-life issues. Very little attention, on the other hand, is given to the idea that it may be workplace structures or even the very ways in which we conduct business that need to be changed in order to realise a better balance between paid work and the rest of life. Long hours, inflexible schedules and cultural barriers have been identified as obstacles to men's greater involvement with housework and their children (Goward et al., 2005). However, is it not fair to say that these same phenomena cause work-life stresses for both parents in the first place and result in the 'double shift' for women who feel obliged, due to cultural pressures, to take responsibility for child rearing and housework? Alternatively, women drop out of this traditional lifestyle pattern by not having children whether this is by choice or circumstance (Cannold, 2005).

By accepting the current workplace imperatives as an unchangeable, almost 'natural' law the discussion fails to unveil that they are in fact social rules and practices that can be challenged and altered. As a result, individuals are held accountable for choices that they make within constraints which are beyond their control. I would like to point out that neither the 40 hour work week with its 9 to 5 and Monday to Friday distribution nor the 24-7 globalised economy are working conditions conducive to parents, especially given the rigid and limited schedules of child care centres, kindergartens, schools, etc. There are real structural issues that prevent parents from being able, as individuals, to achieve a better work-life balance and that also restrain employers in their attempts to help.

The need for government intervention and the example of the Scandinavian welfare states

There seems to be some recognition in their own ranks of the crucial role of governments in creating an environment that allows for the redefinition of carer and earner roles for women and men, employers and employees. "Governments may be unwilling to take on more responsibility for these matters but, almost by default, remain responsible for ensuring that

the system works properly; oversighting if not regulating where appropriate” (Goward et al., 2005, p. 126). The Prime Minister has paid tribute to his unwillingness to take more responsibility, declaring the workplace a level playing field and announcing the “post-feminist stage of the debate” (John Howard quoted in Hewett, 2002). However, as the report by the Sex Discrimination Unit has demonstrated “[w]ithout equal footing in the labour market and equal sharing of unpaid work, women and men face different choices” (Goward et al., 2005, p. 127) as well as different consequences of their choices.

Whether the leading political figures like it or not, if the goal of the Australian government is to encourage people to have more children and to raise them in a more gender egalitarian way, to spread the joys and sorrows of raising children and engaging in paid employment more evenly between partners, it needs to give legislated rights to parents and in doing so curtail the rights of employers. I am back to my major concern: the government with its neo-liberal ideology faces a fundamental conflict of interest in this debate. This is illustrated by the fact that the suggestions provided in the report by the Sex Discrimination Unit (Goward et al., 2005) fall terribly short of their potential and do not do any justice to the good analysis of the presented material. They are tame and vague propositions that do not stretch the limits of the current approach in any way and ignore many of the valid points raised earlier. I cannot offer a solution to the problems in the unique Australian context. But I would like to point out some options that are currently practiced in European countries that may illustrate the possibilities that are open to us.

- a. ***Legislative and social policy change:*** There is a variety of policy options that are practiced in European countries that should be considered for the Australian context. I would like to recommend Gornick and Meyers’ (2003) book “Families that work: policies for reconciling parenthood and employment” that provides multiple policy recommendations for the US American context that is similar to the Australian one. The authors draw on cross-country analysis of family policies in ten European countries and Canada and all of the following information is taken from their compilation.

i. Leave policies:

1. Paid maternity leave for 14 to 18 weeks at full wage replacement levels is provided by Denmark, France, Germany, Luxembourg and the Netherlands. These expenses are shared between health insurance providers, employers and/or government.
 2. "Daddy days" (between 2 days and 4 weeks) are available to fathers straight after birth or adoption in all of the Nordic countries, Belgium, Luxembourg and the Netherlands, usually at full wage replacement levels. Those days are granted to fathers as a use-or-lose approach and cannot be taken by the mother.
 3. Paid parental leave is available in most European countries, however, the length and conditions of the leave vary greatly. The approach of the Nordic countries is usually perceived as "best practice" and has been found to produce the best results in terms of gender equality. Denmark, Finland, Norway and Sweden provide extended periods (10 to 134 weeks) of paid time off work (usually at 80% of wage levels) until the child reaches a certain age (maximum is 9 years). In Sweden and Norway, these benefits are also available when the parents participate in employment at reduced hours.
 4. The Nordic countries apply use-or-lose approaches as an incentive for fathers to take parental leave, i.e. if fathers do not take a certain part (two to four weeks) of the leave the couple loses it because it is not transferable to the mother.
 5. These policy approaches serve a multitude of purposes: they give new parents peace of mind regarding their financial situation and job security while settling into their new roles, they introduce fathers to the joys and duties of caring for infants and later on encourage fathers to take full responsibility for their children which may lead to a higher long-term involvement of fathers into care and housework. At the least it increases the appreciation of the work involved in raising children.
- ii. Right to part-time work:* the European countries have implemented the EU Directive on Part-Time work which grants a legislative right to permanent part-time work to parents. They can reduce their working hours to a certain degree (20 to 60 percent) for a number of years (maximum is 8 years after birth of child) but retain the benefits of full-time employment (relative to the number of hours

worked) and their permanent employment status. However, most countries have placed restrictions on the access to that right including 'justifiable business reasons' in Germany and the Netherlands.

- iii. *Public child care:* in most European countries the government provides high-quality childcare for two thirds up to virtually all children between three and five years. Even for younger children (one to two years) the rate is fairly high (up to 74 percent in Denmark). Many countries have also adapted the opening hours of preschool programs to align the children's schedules with those of their parents, e.g. Sweden: 6.30 am to 6.00 pm all year.
- b. ***Cultural change in the workplace and attitudinal change:*** research in Scandinavia shows that legislative changes on a federal level support attitudinal change in the workplace (Haas et al., 2002) as well as on a personal level (Rostgaard, 2002; Sjoeborg, 2004) towards increased gender egalitarianism in the roles of men and women as well as increased acceptance of working parents. It has also been shown that, when there is no back-up by federal legislation, attitudinal change in the workplace and in families is slow and work-life balance policies remain under-utilised (McDonald, 2000).

As this brief overview shows, there are ample possibilities available to a government that is seriously concerned with its citizens' abilities to better manage the balance between employment and care work especially when they have young children. The seriousness on the part of the current government will have to be evaluated on the basis of the funds that are attributed to this long-term project as well as the level of regulation that is imposed on employers. Both have to be significant to prove a true commitment of the Howard government to this course. Otherwise, the reforms will not be more than a lip-service to pressing needs of everyday Australians.

Conclusions

The driver for change towards a better ability to balance paid work and private life as well as a more gender egalitarian sharing of the two spheres is the federal government. Without clear signals in the form of strong workplace and social policies, such as those introduced in the Scandinavian countries, significant changes in workplace and personal attitudes as well as in employees' ability to achieve a better work-life balance will remain illusionary.

It is of no help to the government or the Australian people to debate about 'ideal family settings' to raise children which are based on outdated moral norms. What is more important is the recognition that the majority of young Australians want to have children (Wicks & Mishra, 1998) but that there are several structural and personal barriers that prevent them from realising this goal or force them to limit the number of children (Cannold, 2005). The goal for the Australian government should be to create many options for young people to realise their plans to set up a family and to have children in the ways that are most conducive to their individual situation. It is important to point out that government legislation has to be strong enough to buffer against the increasing demands of workplaces in globalising economies and I am aware that this poses a fundamental challenge to the current government and its neo-liberal ideology.

However, turning back the wheel and conceptualising women as mothers and homemakers can hardly be the way to go in the light of women's educational and professional achievements. Australia cannot afford to lose 50 per cent of the society's potential nor can it deny women the fundamental human right of access to income and recognition provided by paid employment. Nor can it be in a child's best interest to experience the father only as a breadwinner. To claim that Australia is in a post-feminist era and that there is a level playing field for women and men in the workplace and in relationships is an incorrect and dangerous assumption. Women and men face significant structural barriers to choosing freely the roles they would like to take on in their relationships and workplaces. The way forward is to uncover and address those barriers and, in doing so, open up new opportunities for women and men and to free prospective parents of the shackles that constrained their parents and grandparents to experience the full range of human life.

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