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**Submission to the Fair Work Amendment  
(Better Work/Life Balance) Bill 2012**

February 2012

Submission prepared by:

Carers Queensland Inc.

Title

Submission to House of Representatives Standing Committee on  
Education and Employment re the Fair Work Amendment  
(Better Work/Life Balance) Bill 2012

Date

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## **About Carers Queensland Inc.**

Carers Queensland is a peak body representing the diversity of citizens who provide unpaid care and support to family members and friends who have a disability, mental illness, chronic condition, terminal illness or are frail aged.

Carers Queensland believes that all carers, regardless of their age, disability, sexuality, religion, socioeconomic status, geographical location or their cultural and linguistic differences, should have the same rights, choices and opportunities as all Queenslanders.

Our vision is that caring is accepted as a shared community responsibility and that all carers should be able to enjoy optimum health, social and economic wellbeing and participate in family and community life, employment and education like other Queenslanders.

Carers Queensland advocates on behalf of carers to influence policies and funding and in doing so, raising awareness of carers' needs and issues, enhancing the quality of life of those with caring responsibilities and supporting carers to participate fully in family, education, employment, social and community life.

Carers Queensland welcomes the opportunity to make this submission to the House of Representatives Standing Committee on Education and Employment with regard to the Fair Work Amendment (Better Work/Life Balance) Bill 2012.

Carers Queensland is supportive of the proposed amendments to the Fair Work Act 2009 as a means of promoting and facilitating the social inclusion of carers and assisting carers in employment to balance their work and caring responsibilities through the provision of enhanced recognition and flexible working arrangements.

## Context

One in seven or 494,200<sup>1</sup> citizens of Queensland identify as providing care and support to another person who has a disability, mental illness, chronic condition, terminal illness or is frail aged. This is considered to be a conservative figure as many individuals will see their caring role as a familial obligation and therefore not necessarily identify as a carer. There are 256,800 carers in Queensland in the workforce. Of this group 63,600 are primary carers and 193,200 are secondary carers. 50% of primary carers and nearly 69% of secondary carers are employed in full time positions.

Caring occurs throughout our society, in all cultures and amongst men and women of all ages. Some people become carers at short notice due to an accident or medical emergency. For others caring is literally a life long commitment. Many carers will attempt to combine their caring responsibilities with their work obligations. Carers who are combining paid employment with providing care and support can be found in all industries and occupations and all employment situations.

Research from both Australia<sup>2</sup> and the United Kingdom<sup>3, 4</sup> indicates that the majority of carers in employment have changed their jobs or working arrangements in order to accommodate their caring responsibilities. Many carers chose a position that was below their skill level because it afforded them the flexibility to balance work and caring responsibilities. Others leave the workforce early to accommodate their caring commitments. The UK<sup>5</sup> research suggests that one in three citizens can expect to provide care and support (either as a primary or secondary carer) for a frail aged person or a person with a disability in the near future. There is no reason to believe that the situation in Australia would be significantly different.

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<sup>1</sup> Australian Bureau of Statistics 2009, *Survey of Disability, Ageing and Carers*, Canberra

<sup>2</sup> Australian Institute of Family Studies, *The nature and impact of caring for family members with a disability in Australia*. Report No. 16, 2008.

<sup>3</sup> Taskforce on Care Costs, *2007 Report. The hidden face of care: Combining work and caring responsibilities for the aged and people with a disability*.

<sup>4</sup> Sheffield Hallam University, *Who Cares Wins: The Social and Business Benefits of Supporting Working Carers*. A Report for Carers UK. 2007

<sup>5</sup> Ibid Reference 3 and 4

Australia is experiencing a workforce shortage, particularly in relation to skilled labour, placing pressure on employers to retain skilled employees and attract suitably skilled recruits. Some of the labour force pressures and skills deficits currently experienced in Australia could be relieved by increasing the workforce participation of carers.

## **Carer Legislation and Frameworks**

The Carer Recognition Act 2010<sup>6</sup> aims 'to increase recognition and awareness of carers'. The Act provides a definition of a carer and sets out obligations for Commonwealth public service agencies and includes that Statement for Australia's Carers.

The Statement for Australia's Carers outlines the principles for recognising carers, their contribution to society and facilitating their social inclusion.

**Principle 5** Carers should be acknowledged as individuals with their own needs within and beyond their caring role.

**Principle 9** Carers should be supported to achieve greater economic wellbeing and sustainability and, where appropriate, should have opportunities to participate in employment and education.

Similarly, the Queensland Carers (Recognition) Act 2008<sup>7</sup> and the accompanying Queensland Carers Charter seeks to promote the increased recognition and awareness of carers and places obligations on Queensland public service and statutory agencies to support employees with caring responsibilities.

Facilitating re-entry to the workforce and continued workforce attachment is supported through specific strategies and policy directions in both the National Carers Strategy<sup>8</sup> and the Queensland Carer Action Plan 2011-2014<sup>9</sup>.

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<sup>6</sup> Carer Recognition Act (2010) (Cth)

<sup>7</sup> Carers (Recognition) Act 2008 (Queensland)

<sup>8</sup> Department of Families, Housing, Community Services and Indigenous Affairs, *National Carer Strategy (2011)*

<sup>9</sup> Department of Communities, *Queensland Carer Action Plan 2011-2014*

## **Recommended amendments to the Fair Work Amendment (Better Work/Life Balance) Bill 2012**

Carers Queensland welcomes the current amendments to the Fair Work Act 2009 including the inclusion of carers as a specific group of employees who may request flexible working arrangements. Notwithstanding, Carers Queensland recommends the adoption of a definition of a 'carer' into the Fair Work Amendment (Better Work/Life Balance) Bill 2012. Carers Queensland believes that the adoption of a standard definition will facilitate a greater consistency of interpretation by employers considering requests for flexible working arrangements. Furthermore, a standard interpretation of the term could potentially reduce appeals to Fair Work Australia. The inclusion of a definition of 'carer' supports Principles 5 and 9 of the Statement of Australia's Carers.

1. It is recommended that the definition embedded in the Carer Recognition Act 2010 be adopted and inserted into the Fair Work Amendment (Better Work/Life Balance) Bill 2012.

The level of support and assistance provided by a carer is often determined by the severity and nature of the disability or illness of the person they are supporting. For some individuals caring is literally a lifelong responsibility. For others, the provision of care and support is required on 'as needs' basis; due an acute period of ill health for example.

2. Recognising the unpredictability of need for assistance and support Carers Queensland recommends that requests from carers for flexible working arrangements be considered without reference to qualifying time frame, particularly for carers employed on a casual basis.