



Office for Employment Relations

Submission to the Senate Employment, Workplace Relations and Education Committee

Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007

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Introduction

1. The Office for Employment Relations (“the OER”) is an organisation of the Australian Catholic Bishops Conference and works in conjunction with the Australian Catholic Commission for Employment Relations (the “ACCER”) to identify and influence public policy affecting employment relations issues.
2. The OER makes this submission on behalf of The Catholic Church in Australia as a major employer engaged in diocesan and parish administration, pastoral care, education, health and aged care and community services sectors. The Church is in a unique industrial position of social advocate and employer whose work is guided by Catholic Social Teaching.
3. The OER supports the principles of the Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007 (“the Bill”) to guarantee the rights of workers to fair pay and conditions and to assist employees in balancing the relationship between work and family commitments.

CATHOLIC SOCIAL TEACHING: WORK AND FAMILY LIFE

4. Catholic Social Teaching is a set of teachings and principles based upon Christian values that aim to bring about a good and fair society. In this sense:

“the Church ...recognises the positive value of the market and of enterprise, but which at the same time points out that these need to be orientated towards the common good.”¹

5. Work is one of the principal means by which people seek personal fulfilment, dignity and make their contribution to the common good. In the words of Pope John Paul II work is:

“Personal, inasmuch as the energy expended is bound up with the personality and is the exclusive property of him who acts, and, furthermore, was given to him for his advantage. Work thus belongs to the vocation of every person; indeed, man expresses and fulfils himself by working. At the same time, work has a 'social' dimension through its intimate relationship not only to the family, but also to the common good, since ‘it may truly be said that it is only by the labour of working-men that States grow rich’.²

6. Further, Pope John Paul II, in his Encyclical on human work entitled “*Laborem Exercens*”, points to several important rights of workers. In particular, he refers to the right to work, the right to just wages, the right to form associations for the purpose of defending the vital interests of workers, the right to strike under certain circumstances, the right of women not to be discriminated against because they choose to form a family and the right to adequate rest.
7. The relationship between the employer and employees should be one of mutual respect and dignity, with both employer and employees working towards the objectives of the business and security of employment. Work exists for the person,

1 Pope John Paul II, ‘Centesimus Annus: On the Hundreth Anniversary of ‘Rerum Novarum’,

2 Pope John Paul II, ‘Centesimus Annus: On the Hundreth Anniversary of ‘Rerum Novarum’,

not the person for the work. It follows that human work should not be treated like any other resource or commodity in the market.

8. The Church regards work as the foundation for the formation of family life. In relation to the balance between work and family life Pope John Paul II has written that:

“Work constitutes a foundation for the formation of family life, which is a natural right and something that man is called to. These two spheres of values – one linked to work and the other consequent on the family nature of human life – must be properly united and must properly permeate each other. In a way, work is a condition for making it possible to found a family, since the family request the means of subsistence which man normally gains through work... It must be remembered and affirmed that the family constitutes one of the most important terms of reference for shaping the social and ethical order of human work.”³

9. While a family is often dependent on the income earned through work, the formation of a family also requires a worker to have the right to rest and to be able to attend to family and community commitments and to provide for the emotional and spiritual care and support of family members.

10. Consistent with these principles, the focus of any variation to the legislation should be to support families by assisting employees to balance their work and family responsibilities. Such time away from the workplace is particularly important in the early days of family life and the Church places great importance on the family:

“The family is a community of persons and the smallest social unit. As such it is an institution fundamental to the life of every society.”⁴

3 Pope John Paul II, *Laborem Exercens*, St Paul Publications, Homebush, 1981, paragraph 10.

4 Pope John Paul II, *Letter to Families*, St Paul Publications, Homebush, 1994, paragraph 17

“The family has a right to assistance by society in the bearing and rearing of children.”⁵

“Families have the right to be able to rely on an adequate family policy on the part of public authorities in the juridical, economic, social and fiscal domains, without any discrimination whatsoever.”⁶

“Society, and in a particular manner the State and International Organisations, must protect the family through measures of a political, economic, social and juridical character, which aim at consolidating the unity and stability of the family so that it can exercise its specific function.”⁷

11. The importance of work is recognised in the principle of the priority of labour over capital. The fundamental principle of social responsibility is the strengthening of families and providing a balanced approach to work and life.

12. Against this background of Catholic Social Teaching and the profound social, economic and organisational change in Australia, the ability of workers' to satisfactorily integrate paid work with non-work life is essential for social and economic wellbeing of the community at large. This enabling of a balance between work and family responsibilities also requires consideration of the right to fair pay, the right to reasonable hours of work and the right to security of employment.

13. An individual's ability to balance work and life will be associated with both work and non-work demands. For those who are engaged in paid employment, time spent in employment sets limits on time spent in other pursuits. Moreover, a failure to balance work and life may result in costs to work organisations, family units,

5 The Holy See, Charter of the Rights of the Family, Rome, 22 October 1983, Article 3.

6. Ibid, Article 9.

7 Ibid, Preamble 1.

individuals and communities in terms of lost productivity, increased health care and diminished quality of life.

14. Changes to the Workplace Relations legislation have put many workers in a more vulnerable position, and the Church is particularly concerned about those who are least able to negotiate for themselves in these matters.

15. Restoring the balance that assists employees to balance work and family commitments is also consistent with the Government's obligation, under section 93A, to take into account principles in ILO 156 – Convention Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities. It will assist workers with family responsibilities to enter and participate in economic activity (Article 1), promote effective equality of opportunity between men and women workers and potential workers by reducing the conflict between their employment and family responsibilities (Article 3) and promote effective equality of opportunity between male and female workers and potential workers by taking account of their needs in setting terms and conditions of employment (Article 4).

CONCLUSION

16. In principle, the objects of the Bill to ensure fair pay and conditions, security of employment, the rights of workers to rest and workers' rights to balance family and work responsibilities are supported.

17. Thank you for the opportunity to make a submission on these very important matters.

18. If Senators would like further information or wish to discuss any of these matters, the Office for Employment Relations would be happy to assist.