

FLEXIBLE AND PART-TIME WORK IN AUSTRALIA: SOME RESPONSES TO THE NEED FOR WORKLIFE BALANCE

By

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English (& longer) version of the presentation to 'Egalite homes/femmes et articulation travail /famille:vers un nouveau modele?',an international conference held in Paris, 30 September-1 October 2010, by Alexandra Heron was based – [LINK here to FRENCH version](#)

INTRODUCTION

This paper will draw on the organisational research of my two co-authors in Australia over the past few years in three large employers which aimed at understanding how to increase the availability of quality part-time jobs (as well as answering of the research questions). I will also describe research by us all on the development of legal rights for employees to seek flexible work arrangements in Australia. First, however, I will describe briefly the industrial and social context for the research and draw comparisons with France relying on OECD comparative data. The situation for working women in Australia is really different to that for women in France. I hope that this will explain why promoting good quality part-time work is seen as one avenue to improve women's economic situation in Australia – and an explicitly feminist project which I believe is not the case here. I will then move on to describing the research mentioned above.

CONTEXT

There is considerable political and cultural ambivalence in Australia about the role of mothers in the workplace. In comparison with France (2007 figures), Australia has fewer couple families with a child under 14 where both parents work [52% cf 68%] and fewer again with dual full-time earners [22% of all couple families with child under 14 cf 42%]. Whilst fewer Australian women aged 25-54 participate in the workforce (about 74% in 2006 cf 81% in France)¹, a greater proportion of those who do, work part-time (which on 2006 OECD figures accounted for 40% of women's employment in Australia and 22% in France) and in shorter hours jobs. The latter are generally of poorer quality in Australia than full-time jobs. [In Australia short part-time hours (19 or less) account for 17% of the female workforce: in France, 8% (2007).] Overall 33% of French working women are part-time as are 43% of Australian working women. Overall, 30% of Australian jobs are part-time (OECD comparative figures for 2006 are c27% in Australia and 13% in France). In Australia nearly $\frac{3}{4}$ of these are filled by women. Indeed nearly half of employed women work part-time. Of those working full-time, 33% in Australia work for 40 or more hours per week compared to 19% in France.²

Men in Australia tend to work longer hours than in France: the peak for men's working time is between 40-44 hours weekly with 30% of men working these

¹ OECD statistical annex

<http://www.oecd.org/dataoecd/29/27/38749309.pdf>

² OECD family data base accessed on 8 September 2010 at:

<http://www.oecd.org/dataoecd/1/56/43199547.pdf>

hours. 37% worked 45 hours or more. In France there is less variation in working time and 54% of men worked between 35 and 39 hours, 16% between 40-44 and 23% over 45.³ Australia has a very gender polarised working time regime.

Importantly, over half of part-time employees (comprising 25% of total female employment)⁴ have no job security and are 'casual'. They can have the numbers of their hours and the times and days their hours are scheduled changed with no notice and can be sacked for no reason and with no notice. They have no entitlement to paid sick leave or paid holiday leave.

Australian women are unlikely to seek to combine full-time work and caring responsibilities in the near future. Quite the contrary in fact! The proportion of dual full-time earner couple families has declined over the past 30 years as more women have entered the workforce. Surveys indicate many more full-time women wish to reduce their hours than part-time women wish to increase theirs.⁵

The increase in part-time jobs during the 1980s and 1990s has occurred in many OECD countries including Australia. Unsurprisingly, therefore, the quality of part-

³ OECD family data base accessed on 8 September 2010 at:

<http://www.oecd.org/dataoecd/30/40/43367847.pdf>

⁴ ABS Labour Market Statistics Catalogue. No. 6105, July 2010. In Australia in 2010, of women aged 15+, 57% worked, whereas 70% of men did so. 30% of jobs were part-time. However, 44.6% of employed women worked part-time filling over 70% of such jobs. 85.5% of employed men worked full-time.

⁵ Abhayaratna, J, Andrews, L, Nuch, H, and Podbury, T, (2008), *Part-time Employment: the Australian Experience*, Staff Working Paper, Productivity Commission, June 2008; OECD Employment Outlook, 2010, OECD Paris. As the OECD notes, however, 'Fewer workers might be identified as a voluntary part-time as if they had been asked "is better and more affordable childcare facilities were available, then would you want to work full time?"' They suggest that the evidence is that preference data may not strongly predict behaviour

time work is of increasing interest to policymakers. A major report on part-time work was produced in 2008 in Australia. International interest is also growing: this year has seen an OECD paper⁶ and a UK Government report⁷ on the subject. There appears to be a growing consensus that part-time work is often poor quality and locks women in particular out of progressing their earning power and careers at work. There is debate about whether women's apparent satisfaction with such jobs indicates that the quality trade-off is worthwhile, but that is the subject of another paper.

Australia has no similar legislation to the Part Time Equal Treatment Directive⁸ requiring part-time workers in full-time workers in comparable employment to be treated equally. Until 2008 (in one state)⁹ and 2010 (nationally)¹⁰ legal provisions enabling employees to seek part-time work in their existing jobs did not exist as an explicit right. There were limited and complex other legal avenues to do this which had only limited success.

Australia does have, however, an unusual industrial relations system. It has been based on industrial tribunals settling terms and conditions of employment by industry by binding arbitration. It sets these terms and conditions - which have the force of law – after listening to employer and employee/union

⁶ OECD (fn 5).Employment Outlook, 2010, OECD Paris.

⁷ Lyonette, C., Baldauf, B. and H. Behle (2010). 'Quality' part-time work: a review of the evidence', Government Equalities Office, London.

⁸ Available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0081:EN:HTML>

⁹ Equal Opportunities Act 2008 (now 2010) (Vic).

¹⁰ Fair Work Act 2009 (Cw).

representations. The system has been much weakened over the past 20 years. It nevertheless has historically provided considerable employee protection especially in terms of women's wages. This has for example delivered a narrower pay gap than many in the OECD in the 1980s. This has been much weakened through deregulation in recent years with one result being the widening of the pay gap. No universal limit on working hours applies, however.¹¹ Thirty-eight hours is the norm but effectively unlimited compulsory overtime may be demanded by employers in many jobs. This may be paid or unpaid.

The constraints on full-time work for women include:

- their partners' long hours and significantly less involvement in domestic labour and childcare including in international comparison¹²
- problems with availability and affordability of childcare;
- a tax/benefit system which discourages second earners in a family;
- cultural constraints on mothers working full-time and men working part-time.

So it is likely that Australian women in their prime age years will continue to work part-time. In that context, therefore, improving the availability of good jobs at reduced hours is seen as one strategy to improve women's economic position.

¹¹ Whitehouse, G., Zetlin, D. and J. Earnshaw (2001). Prosecuting Pay Equity: Evolving Strategies in Britain and Australia, *Gender, Work & Organization*, 8(4): 265–386.

¹² Craig, L. and K. Mullan (2009), The policeman and the part-time sales assistant: household labour supply, family time and subjective time pressure in Australia 1997-2006, *Journal of Comparative Family Studies*, 40 (4): 545-560; Craig, L., forthcoming.

What is meant by quality in Australia in this context? Australian scholars including my colleagues, have been at the forefront of developing indicators for assessing the quality of part-time work. These include:¹³

- pay and conditions being available on a pro rata basis to equivalent full-time positions
 - including access to training and career opportunities
- available in all industries and at all occupational levels, enabling the exercise and acquisition of skills and increased earning capacity
- carer-friendly hours, job protection and employee voice in designing the pattern of hours worked
- ability to increase part-time hours in the same or a promotion level job.

The aim is to embed part-time and flexible work hours as part of the organizational norm at work. This involves tackling cultures of long unconstrained hours and those with inflexible working patterns. A big job!

The research I am going to summarise now was into three organisations:¹⁴

¹³ Chalmers, J, Campbell, I and Charlesworth, S, (2005), 'Part-Time Work and Caring Responsibilities in Australia: Towards an Assessment of Job Quality', *Labour & Industry*, 15(3): 41-66; DIIRD (Vic) (2005), 'Quality Part-Time Work: Working Better for Everyone – A Report from the Quality Part-Time Work Project', Melbourne; Lyonette et al., fn 7.

¹⁴ Charlesworth S and Baird M 2007 'Getting Gender on the Agenda: The Tale of Two Organisations', *Women in Management Review*, 22(5):. 391-404; Charlesworth S. and Cartwright S. (2007) 'Part-time Work: Policy, Practice and Resistance in a Manufacturing Organisation' in Fastenau, M, Douglas, K and Branigan, E (eds) *Women and Work: Current RMIT University Research 2006* RMIT Publishing, Informit E-library; Charlesworth, S., Keen, M. and Whittenbury, K. (2009) 'Integrating Part-time Work in Policing Services: Policy, Practice and Potential', *Police Practice and Research: an International Journal* 10(1) 31-47.

- a utility company, a state-owned corporation operating in effect as a private company but within the public sector. 3500 employees of which nearly one quarter were women (23%)
- a manufacturing company, part of a multinational, with 8000 employees, 10% of whom were women [7% of production workers; 8% of senior management; the rest in admin or canteens job]. 1% of employees worked part-time; and
- a police force for a State (Victoria) with a population of about 5 million: in 2004, 15.5% of police officers were women and of all officers, 3% worked part-time. All the part-time jobs were in the lowest three grades (of 12) and not on career paths until the beginning of the research. During the research project fieldwork appointed a woman and a man to job share a sergeant's position, the first ever.

Researchers were embedded in the organisations observing and at times participating in daily organisational life¹⁵

Traditionally work in these organisations has been organised around full-time work as the norm. This meant that most employees conformed with Williams'¹⁶

'ideal worker', that is someone who could commit without constraints to whatever

¹⁵ The research approach followed the Collaborative Interactive Action Research model incorporating the dual agenda theory of scholars such as Rhonda Rapoport & Lotte Bailyn in the US and Suzan Lewis in the UK. It predicts that if changes are made to work practices to increase gender equity and worklife balance, these will improve gender equity at home as well as at work and also improve organisational effectiveness.

¹⁶ Williams, J. (2001). 'Unbending gender: high work and family conflict and what to do about it', Oxford University Press.

full-time work patterns were currently required by their employer usually because they relied on their partner to do the necessary domestic and care work. The research examined barriers to the introduction of part-time work in all jobs including senior ones and potential solutions. In two organisations this was the main focus. In the third, the aim was to improve maternity leave policy including the right it provided to employees to return to work part-time after leave. Part-time positions existed in all three organisations, but these were in jobs which did not have the same opportunities as part-time jobs for training or career development opportunities. This lack was considered to reduce the recruitment and retention of women in these male dominated industries. This was of concern at that time to their senior management which wished to increase the representation of women in the organisations and retain skilled women employees who would leave if no part-time work was available to them.

The barriers to change uncovered in the organisations were similar to those found elsewhere, in terms of 'headlines':

- gendered cultures resistant to change;
- deficits in managerial skills in managing part-time workers;
- poor work organisation and administration (eg management processes and systems built around the template of a full-time job)

As action research, all three research projects were able to find ways to overcome some of these problems by tailoring solutions to the organisation where they arose.

Cultural

Broadening the gendered appeal of part-time work

The research highlighted cultural attitudes hostile to the introduction of part-time work. The conformity to the ideal worker norm is illustrated by one production worker who is quoted as saying 'real men don't work part-time'. This deeply gendered approach to working hours was reflected by resistance to altering inflexible shifts in production work and to limiting working hours in sales, with both types of work being seen as inappropriate for part-time hours. Consequently, few women worked in them.

In the police service, part-timers were excluded from career progression jobs. They were seen as 'part-committed' due to their part-time hours. The perpetuation of organizational myths about the difficulty of working with part-time workers was witnessed by researchers. Even where managers had positive experiences of supervising part-time workers, they would discuss with colleagues the problem of doing so.

What helped move the part-time agenda forward?

Making explicit the consequences of traditional, existing practices for organisational effectiveness, helped produce a change in attitude in the two police workplaces where the research was conducted. This was done by disseminating information on how well part-timers were performing in the work places concerned

In the manufacturing and utility companies the researchers found 'men as well as women who could or did not want to comply with company expectations of limitless time commitments'. By holding focus groups in male work areas, it became possible for these views to be uncovered and expressed. Identifying working time issues as worklife balance matters and not issues of gender equity broadened the appeal of the part-time work agenda beyond women with caring responsibilities. This helped begin to validate it within the organizational culture.

This was true too in the police force. Certain changes to work organisation described a bit later, had cross gender appeal because it enabled better worklife balance for fathers as well as mothers.

Drawing men into change initiatives such as these built on what we know is happening within Australian society, a shift towards men wanting more

involvement in their children's lives resulting in often very difficult tensions between work and family commitments.¹⁷

In all the organizations, part-time work policies were introduced or strengthened with the clear support of the most senior management. This provided an important signal that the work culture should change towards acceptance of part-timers. Relying on ongoing senior management commitment was a problem, however, in all the organizations. When such managers changed in all cases, ongoing commitment to cultural change decreased.

Managerial skills

Managerial resistance to part-time work was found to be increased in all organisations by (1) the lack of formal policies and procedures for implementing it; (2) lack of training for managers in how to implement the policy fairly. This is illustrated by one senior sergeant in the Victoria police commented to the researchers 'we got thrown part-time and never got thrown a book to go with it'.¹⁸ The lack of formal procedures to follow lead to some seeking part-time work succeeding and others failing depending upon the attitudes of their managers to part-timers. This created considerable insecurity for those wanting to ask for part-time hours.

¹⁷ Pocock, B, Skinner, N and Pisaniello, S, (2010). 'The Australian Work and Life Index 2010: How Much Should We Work? Working hours, holidays and working life: The Participation Challenge', Centre for Work + Life, University of South Australia.

¹⁸ Charlesworth et al. (fn 14).

What helped move the part-time work agenda forward?

Formal policies were introduced in two organisations and improved in the third. In ManuCo the policy aimed to enable any worker to seek part-time hours even though they had no caring responsibilities. The idea was to integrate part-time work better into the work organisation by altering its perception as 'just' to accommodate mothers.

The formal policies and procedures guided managers as to how to deal with applications for part-time work, criteria for accepting and refusing an application, how to create a part-time position including how to reduce workload to avoid the part-time worker being faced with work intensification.

Training in implementing the policy was put into practice at ManuCo and to a lesser degree in the Victoria police. They developed a handbook with the researchers' input and rolled out training and provided specific support in individual work sites to managers in implementing PT work. This included how to manage part-time workers in an equitable way. For example, ensuring the quality of their work is maintained and improved in terms of skills, responsibility and career opportunities, including training.¹⁹ Where a long hours culture is entrenched, this can be difficult to achieve without addressing this issue first.

Poor work organization and administration

¹⁹ For example, see DIIRD (fn 13); Bardoel et al. (2007); Charlesworth and Whittenbury (fn 14)

Unnecessary rigidities in work organisation²⁰

Ensuring continuity: In the Victoria Police officers had to prepare all the paperwork relating to the court cases they were working on. The management view was that only full-time officers could therefore do Court work. This created prevented part-time workers undertaking a police role which provided a path to career progression as well as more interesting work. The researchers found that, in practice, this requirement presented difficulties for full-time as well as part-time staff.

What helped move the part-time work agenda forward?

- At the police station studied, a position was funded to assist all officers, whatever their hours worked, with this aspect of the job. It united the interests of part-time and full-time staff and assisted both to improve work performance;²¹

Although part-time work was available in Victoria police, shifts remained organized in a rigid fashion (part-time hours being accommodated by working fewer shifts and sometimes more regular ones). Shift rigidity was also a problem in ManuCo

²⁰ In ManuCo part-time workers were removed from certain sorts of work which they preferred to continue to perform (Charlesworth et al. (2009) (fn 14)). As described above, an adherence to particular hours patterns was seen as essential for particular types of work.

²¹ Charlesworth and Whittenbury (2007) (fn 14).

- Developing best practice rostering in the police where all employees could request particular shifts and the rosters were planned accordingly (as far as possible) - The emphasis was on consultation and communication with staff.
- Sharing of the seven day night shift rosters between part-time staff was permitted and increasingly it was adopted by full-time staff as a healthier work practice.

Administrative barriers/systems in place

Resourcing

Difficulties with obtaining someone to work replacement hours in work areas when a worker reduced their hours, due to entitlement to workers being judged by the number of people working in an area rather than the number of hours performed. Additionally, bundling 'leftover' hours could create another job but one work area would be left to lose out.

- Resourcing line managers to implement part-time work. Failure to do this can mean that part-time workers remain with a full-time workload or full-time colleagues are allocated the work of a reduced hours work on top of their existing job - leading to much resented work intensification. Neither situation is conducive to a productive and positive work environment.²²

²² Charlesworth and Cartwright (2007); Charlesworth et al. (2009) (fn 14) regarding a manufacturing organisation and part of Victoria police respectively.

What helped move the part-time work agenda forward?

- Part of draft training manual for ManuCo managers (referred to above) started to address this issue, but follow-up evaluations of how it has been used not been undertaken.

Computer systems

Payment systems for part-time workers which were more administratively complex than those for part-timers (ManuCo), where paper payslips continued to be used for them. In UtilityCo those on maternity leave had to be sent paper payslips

- At UtilityCo, amongst other initiatives to improve maternity leave policy, computerized payslips were introduced, making payment administratively simpler for managers and the women on leave.

Legal rights to part-time work

Despite few rights to insist on working part-time, women returning from maternity leave commonly believe that they do have this right. Requests to work part-time are therefore frequent. Although no extensive research has been conducted into the success of these requests, a small-scale survey last year indicated that many had their requests agreed to.²³

²³ Pocock et al. (2009) (fn. 17).

Major concerns exist that such agreement is often on the basis that women return to jobs which are of lesser quality than the ones which they worked in full-time.

The importance of developing legal avenues for seeking part-time work is that these are based on the employee remaining in her job, retaining (pro rata) the same terms and conditions but working fewer hours.

Nationally since the beginning of this year, employees with one year's service with their employer, have limited access to asking for such arrangements. This 'right to request' is confined to those with children under school-age. There is no right to have a tribunal adjudicate on a refusal by the employer. The right is to a process. If the process is breached, the employer may be penalised but not required to grant the flexibility requested.

The history of the development of such a right is complicated. A stronger one has been granted by the arbitration tribunal referred to above in 2005. The then Conservative government legislated for its removal (as well as the removal of any other employee rights!)

In one state (Victoria) a more robust right was introduced in 2008 as an antidiscrimination measure.²⁴ It is wider in scope and can be used by anyone with substantial caring responsibilities, but these can be towards anyone not just a child or other family member. The law *requires* the employer to change working arrangements *unless* the employer can demonstrate their refusal to do so is reasonable. Examples include allowing an employee to work at home or start late on a particular day or reschedule a regular staff meeting so a part-time employee can attend. Unlike the national right, the Victorian law provides for an employee to seek independent arbitration by a tribunal on whether an employer refusal is reasonable. Again, unlike the national legislation, in Victoria reasonableness is decided by balancing employer and employee interests. Nationally, it appears only employer interests, convenience are to be considered.

Evaluation is yet to be done of either legislation. The OECD is pessimistic about the impact of laws such as these, even where they provide greater employee rights.²⁵ However, they are an important signal to employers and employees particularly in countries with little employee voice over working time arrangements such as Australia.

²⁴ S.14A *Equal Opportunity Acts 1995*. See the detailed analysis, Charlesworth S and Campbell I (2008) Right to Request Regulation: Two New Australian Models' *Australian Journal of Labour Law* 21(2), 1-21.)

²⁵ OECD 2010 (fn. 5).

CONCLUSION

But the very detailed look at organisational practices undertaken by the researchers at a point in the organisations' history produced insights facilitating positive practical outcomes. These have been or are currently being utilised in policy development for two State Governments. Change began in all three organisations, though how well it was sustained after the withdrawal of research assistance and scrutiny only time will tell.