



**Biennial Conference 2003
Discussion Paper**

Work-Life Balance

EXECUTIVE SUMMARY

In 2001 the New Zealand Council of Trade Unions commissioned research into work-life balance after anecdotal evidence suggested that work hours, leave entitlements and the challenges of balancing work and family were critical issues for workers. The findings: *Thirty Families - Interim Report of the Thirty Families Project: Impact of Work Hours on New Zealand Families* identified that work hours was a significant issue for many workers, their families and communities.¹

Addressing the challenges of balancing work and life is developing political momentum. In August, the Government established an interagency steering group chaired by the Department of Labour to develop and co-ordinate an integrated work programme to develop policy options around work-life balance.² It is anticipated that this process will include substantive public consultation between late October and December 2003.

This discussion paper is the next phase of the CTU's work programme relating to work-life balance. While the Thirty Families report identified that the quality and quantity of work hours have a significant impact on the quality of life of workers and their families, a range of other factors are of critical importance. This paper draws together the experiences of unions from internal discussion and areas of the CTU's existing work programme relating to aspects of work-life balance. This includes work on reviews of the Employment Relations Act, paid parental leave and minimum wages, submissions on the Holidays Bill and Holidays (Four Week's Annual Leave) Amendment Bill, and participation in the Pay and Employment Equity Taskforce.

One of the most salient features of unions' experience is the way work-life balance is not a problem exclusive to one area and impacts on workers in all corners of the labour force. Rather than focusing on single solutions, a range of strategies need to be employed that are flexible, meet the needs of a diverse workforce and recognise the intersection of issues.

Although it is true that the availability of part-time work has enabled many workers to choose less hours and spend more time caring for dependants, to study or pursue other interests – it is not a solution that delivers benefits to everyone. There is also an ongoing challenge of ensuring this work is secure and meaningful for workers.

This paper identifies that the concerns of unions concentrate in six areas of work-life balance:

1. Modes of employment
2. Hours of work
3. Leave entitlements
4. Pay
5. Workplace culture

¹ *Thirty Families: The Impact of Work Hours on New Zealand Workers and Their Families*. New Zealand Council of Trade Unions (2002).

² Minister of Labour, "Co-ordinated approach to work-life policy" press release, 19 August 2003.

6. Individuals' life, family and community participation.

The challenges of developing concrete actions that will improve work-life balance in these areas demand a broad range of responses from a range of players. The Government, employers, unions and the community all have a role. The Government has a role in leading by example as an employer, regulator and funder. Employers have an interest in the business benefits of work-life balance such as increased staff retention, reduced absenteeism, a better recruitment pool, increased staff loyalty, morale and job satisfaction, and improved public image.³ Unions on the other hand can take leadership through collective bargaining and advocating for improvements to the minimum code on behalf of members. Nevertheless, it is also recognised that a core element of improving work-life balance is changing the entrenched values and culture of workplaces.

What will make a difference?

From the outset, the Government has a clear role in taking the lead as an employer, funder and regulator. Areas where the Government can take the lead include:

1. Addressing information gaps and ensuring the collection of robust statistical data about casual, temporary and fixed term work in New Zealand.
2. Operating as a model employer and funder. This includes:
 - Ensuring that State sector employers recognise and support work-life balance.
 - The Government engaging in responsible contracting to ensure minimum requirements relating to work-life balance are included contracts with the private sector.
 - Ensuring that that work-life balance is a core consideration in policy making, implementation and evaluation.
 - Strengthening EEO monitoring and compliance provisions in the State sector.
3. The continuous improvement of the minimum wage, and phasing out of the youth minimum wage.
4. Adequately resourcing the recommendations of the Pay and Employment Equity Taskforce including those that will support the extension of outcomes to the private sector.
5. Amending the Employment Relations Act to provide greater recognition of collective bargaining.
6. Greater protection of workers in various forms of precarious employment. This includes:
 - Tightening the use of fixed term contracts so workers are assumed to be permanent unless there is a genuine reason for not doing so.
 - Ensuring coverage clauses in collective agreements cannot exclude casuals.
7. Amending the minimum code to extend leave entitlements. This includes:

³ Source EEO Trust, <http://www.eeotrust.org.nz/worklife/business.shtml>

- Legislating for four weeks annual leave.
 - Removing the threshold qualifying period of six months for bereavement leave and special leave.
 - Amending the Parental Leave and Employment Protection Act to:
 - a) address the exclusion of workers who work less than 10 hours a week;
 - b) address the exclusion of employees who have changed employers during the past 12 months;
 - c) increase period of leave to 14 weeks consistent with ILO Convention 183 on Maternity Protection;
 - d) extend entitlements to seasonal workers and workers subject to shutdowns;
 - e) consider the case for extending the scope of paid parental leave by introducing a partial levy for the self-employed, along the lines of the existing ACC levy on those who are self-employed; and
 - f) setting the payment level at 100% of earnings up to a maximum cap, set at the average male wage.
8. Legislating to provide breastfeeding breaks and facilities upon a return to work from parental leave.
 9. Specific recognition in the minimum code of the right to breaks during work time.
 10. Ratifying ILO Convention 156 concerning the rights of workers with family responsibilities.
 11. Ratifying ILO Convention 103 providing for paid breastfeeding breaks for women.
 12. Ensuring the activities of the EEO Commissioner and EEO Trust are well resourced to enable both to develop streams of work contributing to work-life balance.
 13. Reform of the benefit system. This includes a reduction of the abatement regime which is a high effective marginal tax rate for beneficiaries, and increasing benefits by \$20 per week with the aim of progressively restoring benefit levels in real terms to 1990 levels prior to benefit cuts.
 14. Improving access to quality affordable childcare and education including progressively introducing universal free early childhood education.

Unions

Unions have a distinct role and responsibility in collective bargaining and campaigning on behalf of members. However, this must be supported by robust collective bargaining provisions in the Employment Relations Act which provide that bargaining is a fundamental and/or defining characteristic of union membership.

Strategies for unions can include:

1. Continuing to bargain for improvements in collective employment agreements that improve work-life balance. This includes:
 - Improvements in pay, including the payment of overtime.
 - Promoting recognition that workers, regardless of their mode of employment have access to training and other career opportunities. This includes prioritising paid training in work time.
 - Defining unreasonable hours and/or unreasonable overtime. This includes the right to refuse unreasonable overtime in agreements.

- Developing guidelines or clauses relating to 'reasonable' workload levels.
 - Negotiating timelines relating to hiring replacement staff when an employee leaves.
 - Specific recognition of breaks.
 - Provisions that define when the distribution and number of hours in a set time period become the permanent hours of an employee.
 - Extending the coverage and payment of paid parental leave and holidays above statutory minimum entitlements.
 - Family friendly, work-life balance and EEO policies and programmes. This can include a array of provisions such as paid breastfeeding breaks during working time; religious and cultural leave for days of cultural significance; part-time employment options upon re-entry into work after a period of paid parental leave and access to phone calls to family during work time.
 - Unions must also take the lead as model employers.
2. Campaigning for legislative change and ratification of international human rights standards. This includes:
- Changes to the Holidays Act and Parental Leave and Employment Protection Act.
 - Continuous improvements in the minimum wage and phasing out of the youth minimum wage.
 - Specific legislative recognition of breaks during work time, including breastfeeding breaks.
 - Strengthening monitoring and compliance mechanisms in existing EEO legislation.
 - Organising around future recommendations of the Pay and Employment Equity Taskforce with a view to promoting pay and employment equity for all workers in the public and private sectors.
 - Campaigning for the ratification of ILO Conventions 156 concerning the rights of workers with family responsibilities and ILO Convention 103 providing for paid breastfeeding breaks for women.

Next steps

Next steps for unions include:

- Investigating the effect of the European Working Time Directive and options for specific recognition in legislation of the right to refuse “unreasonable hours of work” taking into account the needs of different industries.
- Contributing the perspective of the union movement in the context of the Government’s consultation on work-life balance.
- Improving the sharing of information on experiences, policies and practices relating to work-life balance to shape where unions want to go.
- Developing a manual of model clauses relating to work and life for collective bargaining purposes.
- Organising around work-life balance in unions and developing union strategies.

INTRODUCTION

What is work life balance?

Discussion about the meaning of work-life balance often draws on the soft components of work-life balance such as free gym memberships and coffee machines at work. However, for unions the “fundamentals” of decent work such as secure employment, decent pay, leave and working conditions supported by affordable care arrangements for family members, significantly enhance workers’ ability to balance work with the rest of their lives. This paper has adopted a definition of work-life balance focusing on what measures are needed to create an environment where all workers, without discrimination, are able to choose employment arrangements that maximise their full potential in paid employment and family, social and cultural life.

The scope of work-life balance goes beyond those already in paid work. First, it is recognised that unpaid work makes up a significant proportion of people’s contribution to the economy, particularly women. The undervaluing of unpaid work is an important dimension of discussion about work-life balance. Secondly, broader issues relating to the relationship between work-life balance and social safety nets cannot be ignored. The transition from the unemployment benefit and domestic purposes benefit into paid employment is influenced by the ability to balance work and life. While the CTU recognises the significance of these issues, this paper generally focuses on the experiences of workers in paid employment.

Although this paper does not explore wider issues relating to taxation and the transition from the unemployment benefit and domestic purposes benefit into paid employment, these areas are part of the wider economic environment influencing outcomes for workers in marginalised parts of the labour market. The CTU favours reform which includes a reduction of the abatement regime which is a high effective marginal tax rate for beneficiaries, and increasing benefits by \$20 per week with the aim of progressively restoring benefit levels in real terms to 1990 levels prior to benefit cuts.

A changing society and economy

In the last twenty years, the nature of work in New Zealand has changed dramatically. While the impact of globalisation, structural adjustment and modern workplace technologies have changed the way work is organised, the changing composition of families and responsibilities within families have transformed the way work is viewed. Meanwhile workplaces have largely continued to operate based on a traditional model of a male breadwinner, who works without a career break to raise a family, supported by a female spouse who takes primary responsibility for the care of children.

The shape of the workforce is diverse and will continue to change in the future. The imperatives for workplaces to meet the needs of the New Zealand workforce now and in the future will grow.

- One in five New Zealanders have a disability and disability increases with age. Disabled people face significant barriers to participating in paid work. Overall people with disabilities are less likely to be in the labour force. In 2001, 40% of adults with disabilities were employed, compared to 70% of adults without disabilities.⁴ People with disabilities also earn less. In 2001, 56% of people with disabilities reported that they earned less than \$15,000 (gross) in the previous year compared with 40% of non-disabled adults⁵ The barriers faced by people with disabilities in employment and families with dependants with disabilities are acute. In addition, parents of children with disabilities or who suffer from ill health face extra burdens in balancing work with care.
- Policy interventions will need to be able to meet the needs of a more diverse population structure. Maori and Pacific Island populations growing more rapidly due to a younger age structure and higher fertility rates,⁶ and in addition, migrants are coming from a broader range of countries than in the past.⁷ Policies relating to work-life balance will need to recognise diverse life experiences, cultures, religions and family structures.
- New Zealand's population is growing older as the result of greater life expectancy and a fall in fertility rates which will lead to an ageing workforce and place pressure on the labour supply. Recently, an Australian academic Siobhan Austen argued that addressing future labour market problems would benefit from a greater focus on moving more prime aged people into work – particularly women who represent 65% of non-employed or under-utilised labour in Australia.⁸ She argues that in order to engage more women in the workforce or work more hours, the government needed to introduce better family-friendly policies.⁹ The issues for New Zealand are not dissimilar and there are growing economic imperatives for the Government to consider how improving access to the labour market can reduce future pressures.

The role of the industrial relations framework

The broader industrial relations framework is a key driver in setting the tone of relationships in the workplace. The role of unions to collectively negotiate improvements to conditions for members depends on legislation that promotes genuine collective bargaining. While the CTU welcomed the introduction of the Employment Relations Act, it has concerns about whether the Act adequately promotes collective bargaining. In its submission on the review of the Employment Relations Act, the CTU suggested strengthening provisions to ensure that the legislation includes:

1. A good faith assumption that a collective agreement will be settled.

⁴ Statistics New Zealand *Disability Counts* (2002) p 17.

⁵ Ibid.

⁶ Ministry of Social Development, *Population and Sustainable Development 2003*. June 2003 p 37.

⁷ Ibid.

⁸ "The Jobs Letter" Jobs Research Trust No.193, 29 September 2003 p 2.

⁹ Ibid.

2. Greater encouragement of multi-employer collective agreements.
3. Intervention by the Employment Relations Authority upon application, in certain cases (such as new agreements, or cases of serious good faith breaches, or protracted negotiations) to assist a settlement being reached. Such an intervention should not impinge on fundamental rights such as the right to strike, or ratification. The primary aim of such intervention should be to assist workers achieve collective agreements.
4. Freely negotiated union security arrangements which support collective bargaining.

The role of international human rights standards

The right of workers to just and favourable conditions of work, and to rest and leisure including reasonable limitation of working hours and periodic holidays with pay, are fundamental human rights reflected in the International Bill of Rights and other United Nations Human Rights Instruments.¹⁰ In addition, the International Labour Organisation (ILO) has developed a number of standards that support a range of dimensions of work-life balance including standards relating to workers with family responsibilities, equal remuneration, minimum wages, forty-hour week, holidays with pay, non-discrimination, occupational safety and health, part-time work, and paid maternity leave.¹¹

New Zealand has ratified a range of international human rights standards that are given effect, to varying extents, in domestic legislation. This includes the Employment Relations Act 2000, the Health and Safety in Employment Act 1992, Human Rights Act 1993, Parental Leave and Employment Protection Act 1987, Equal Pay Act 1972, Government Service Equal Pay Act 1960, Minimum Wage Act 1983, Holidays Act 1981 and Injury Prevention, Rehabilitation and Compensation Act 2001. A range of social security related legislation also has relevance.

Despite being a party to a number of standards, New Zealand has not ratified ILO Conventions 156 on Workers with Family Responsibilities, Convention 131 on Minimum Wage Fixing, Convention 132 on Holidays with Pay and Convention 155 on Occupational Safety and Health and Convention 175 on Part-Time Work.

¹⁰ These rights are recognised in the United Nations Universal Declaration of Human Rights in 1948, and subsequently reflected in the International Covenant on Economic, Social and Cultural Rights. Other United Nations Standards such as the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) focus in more detail on the rights of women in work. This includes the right to paid maternity leave, safe and healthy working conditions, the prevention of dismissal on the grounds of pregnancy or maternity leave, equal employment opportunities, and necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life.

¹¹ ILO Convention 156 on Workers with Family Responsibilities 1981, ILO Convention 100 on Equal Remuneration 1951, ILO Convention 26 on Minimum Wage Fixing Machinery 1928, ILO Convention 131 on Minimum Wage Fixing 1970, ILO Convention 132 on Holidays with Pay (Revised) 1970, ILO Convention 111 on Discrimination (Employment and Occupation) 1958, ILO Convention 155 on Occupational Safety and Health 1981, ILO Convention 47 on the 40 Hour Week 1935; ILO Convention 175 on Part-Time Work 1994 and ILO Convention 183 on Maternity Protection 2000.

MODES OF EMPLOYMENT AND HOURS OF WORK

This section identifies a range of unions' concerns about the effects of modes of employment and hours of work on work-life balance. This includes the impact of precarious forms of employment, the ability to exercise genuine choices about employment arrangements, under-employment, employers' unpaid expectations, understaffing, long hours, effects on health and safety, and breaks.

Non-standard employment

In this section, non-standard employment is used to describe work which is not full-time, and is either, or a combination of, part-time, casual, fixed term or temporary work. The term "precarious employment" refers to low quality employment typified by low wages, low job security, limited control over workplace conditions, risks to health and safety and limited opportunities for career progression or training.¹² Although precarious employment arrangements occur across all modes of employment, it is more pronounced in non-standard employment arrangements, particularly among casual, temporary and fixed term workers.¹³

The experiences of workers in non-standard modes of employment, such as part-time, fixed term and temporary work are very different. On one hand, many workers prefer the ability to work less hours by engaging in non-standard employment arrangements such as part-time work in order to spend time more time caring for dependants, to study or pursue other interests. On the other hand, a number of workers in more precarious employment arrangements, have limited control over workplace conditions, have limited access to rights under the minimum code (such as parental leave, holidays and domestic leave), face greater risks to health and safety, and have limited training and career development opportunities. These elements give rise to a range of consequent impacts on the rest of workers lives, which are identified throughout the rest of this section.

Unions have identified general measures to address the insecurity of employment arrangements for workers in precarious employment could include:

- Tightening the use of fixed term contracts so workers are assumed to be permanent unless there is a genuine reason for not doing so.
- Ensuring coverage clauses in collective agreements cannot exclude casuals.
- Improved minimum code rights for casual workers.
- Recognising that access to training and career development opportunities should be available to all workers regardless of their mode of employment.

¹² Based on the definition in Tucker, D. *Precairous Non-Standard Employment: A Review of the Literature* Labour Market Policy Group, Department of Labour, (December 2002) 5.

¹³ Ibid.

It is notable that there is no consistent and reliable data on the extent of casual, temporary and fixed term work in New Zealand.¹⁴ The information shortfall means that it is difficult to assess the extent of casual, temporary and fixed term work and the sectors that are affected. The only detailed research that has attempted to measure casual, temporary and fixed-term work in New Zealand in 1991 and 1995, found on both occasions that 11% of New Zealanders were in these employment arrangements.¹⁵ It also showed that:

- Fixed term employment increased from 1.1% in 1991 to 3% in 1995.
- Temporary employment increased from 1.7% in 1991 to 2.6% in 1995.
- Casual work fell from 8% in 1991 to 5% in 1995.¹⁶

Data collected for the Association of University Staff (AUS), suggests that a growing number of staff are being retained on fixed term contracts in universities. Research by the New Zealand Council for Educational Research for the AUS in 1998 suggests that is a particular issue for women. Academic women were three times more likely than academic men to be employed on a limited-term contract (27% compared to 8%) or on probation for a tenured position (12% compared to 4%).¹⁷

The CTU has identified that the collection of robust data about the extent of casual, temporary and fixed term work, and the sectors that are affected should be a priority for the Government in addition to identifying ways to improve protections for workers in precarious employment arrangements.

Choice of employment arrangements

A common theme emerging from all modes of employment is the relationship between the degree workers' are able to choose their employment arrangements and work-life balance. Research suggests that workers with limited control over their employment arrangements (particularly those in precarious employment) are more likely to face difficulty in balancing work and life.

- Almost half of employees questioned in a 1998 survey of the retail sector said that they had no choice over the hours and days they worked and one third of respondents stated that hours of work had a significant negative impact on the quality of family life.¹⁸

¹⁴ The Census, Household Labour Force Survey and Quarterly Employment Survey do not collect data on the extent of casual, fixed term or temporary employment in New Zealand.

¹⁵ Research undertaken by Brosnan, P and Walsh P, *Non-standard Employment in Australia and New Zealand* referred to in Tucker, D. *Precarious Non-Standard Employment: A Review of the Literature* Labour Market Policy Group, Department of Labour, (December 2002) 20.

¹⁶ Ibid.

¹⁷ Chalmers, A. *Workload and Stress in New Zealand Universities in 1998*. New Zealand Council for Educational Research and Association of University Staff, 1998.

¹⁸ Note that the survey was limited to 210 respondents in the retail sector in Auckland and cannot be considered a representative sample. See McLaughlin, C and Rasmussen, E. "Freedom of

- A recent literature review by the Department of Labour on precarious employment noted a link between precariousness and limited choices over hours of work including uncertain and irregular hours.¹⁹
- Although hours of work is regularly included in work-life balance policies, research by Treasury has recently concluded that:

“...the mere availability of flexible work schedules seems to have little effect on work/family balance. For flexible working hours to benefit workers they need some (perceived) control over that flexibility. If the firm is in control of a worker’s hours, flexibility tends not to improve work/family balance”.²⁰

Underemployment

The Service and Food Workers Union (SFWU) represents a number of workers who struggle to find enough hours to support themselves and their families. The SFWU considers that this combined with low pay has led to a proliferation of multiple job holding in the service industry.

The 2001 Census shows that 70,100 people in the workforce were multiple jobholders, of which 58% were women.²¹ Unfortunately there is limited information about the employment preferences of multiple jobholders. However, statistics on the number of women in part-time work wanting more hours (23% as at March 2002) suggest that a notable group of these workers are under-employed.

“Unpaid” expectations

Employer’s expectations that employees carry out activities relating to their work on an unpaid basis emerge in a number of areas. Some unions have reported cases where employers have required workers upskill and obtain further qualifications for the job, but in their own time and at their own expense. In other cases workers are expected to carry out extra work in their own time. For example, it is common for teachers to be expected to carry out extra curricular activities outside class hours. It is also common in call centres for employers to require staff to “log in” and prepare for the day in their own time.

Understaffing

There is widespread concern among unions about the impact of understaffing in determining the length of work hours. The Thirty Families report identified that

choice and Flexibility in the Retail Sector” *International Journal of Manpower*, Vol 19, No 4, 1998 MCB University Press, England.

¹⁹ See Tucker, D. *Precarious Non-Standard Employment: A Review of the Literature* Labour Market Policy Group, Department of Labour, (December 2002) p 55.

²⁰ Varuhas, J, Fursman and Jacobsen, V. *Work and Family Balance: An Economic View*. New Zealand Treasury Working Paper 03/26, September 2003, p 22.

²¹ Statistics New Zealand data referred to in Ministry of Women’s Affairs, *Work and Family Balance, A Policy Perspective* for the WAM/WOM Work and Family Workshop, Sydney, March 2002, p 5.

employers facing financial pressure or simply trying to make their workplaces more efficient, have shrunk workforces and expanded work expectations of other staff.²² A similar theme emerged in some qualitative responses in the State Services Commission's Career Progression Survey. It indicated that some staff who worked overtime to cover staff shortages perceived this as the result of "deliberate decisions to delay filling vacancies".²³ The negotiation of timelines for the hiring of replacement staff when a worker leaves may be one practical bargaining solution to this problem.

The Finance Sector Union (FINSEC) has identified staff shortages as a key issue for members. In a recent postcard survey of staff in the finance sector, more than a quarter of respondents said that there were not enough staff to do the job every day, and almost a fifth of staff said that there were not enough relief staff.²⁴ In addition, 13% of respondents raised concern about their inability to go home on time.

A nation-wide survey also conducted by FINSEC in 2002 of AMI staff revealed that 91% of those surveyed said that their workload had increased during the last year. Almost half of respondents said that they had too much work to manage and seven percent said that they could not cope with the amount of work they were given. In addition, over a third of respondents said that staffing levels were too low.²⁵

The impact of understaffing also affects the delivery of services. Recently the New Zealand Nurses Organisation (NZNO) called for mandated nurse-to-patient ratios to bring nurses back into nursing and make hospitals safer for patients.²⁶ Unmanageable workloads, staff shortages and unpaid overtime have all been identified as contributing to the problem. NZNO President, Jane O'Malley also noted that international research showed that higher nurse to patient ratios are a major factor in lowering mortality rates and better patient outcomes in hospitals.

"Far too many nurses are leaving nursing because of work overload and many nurses feel demoralised because they can not deliver the care they went into nursing to provide."²⁷

The major unions in the aged care sector, the Service and Food Workers Union and NZNO, have for some time had concerns about the ability of the sector to deliver quality care and identify a strong relationship between the ability to deliver care and conditions of employment. Both unions identified that nurses, caregivers and support workers in the sector are affected by unstable employment situations, lack of training and educational

²² New Zealand Council of Trade Unions, *Thirty Families: The Impact of Work Hours on New Zealand Workers and Their Families*. (2002) p 18.

²³ State Services Commission. *Career Progression Survey 2000*. April 2002, 69.

²⁴ FINSEC Flash, June 2003 http://www.finsec.org.nz/home_fs.html

²⁵ FINSEC Flash, August 2002 http://www.finsec.org.nz/home_fs.html

²⁶ New Zealand Nurses Organisation "NZNO president calls for nurse to patient ratios" press release, 23 September 2003.

²⁷ Jane O'Malley, New Zealand Nurses Organisation "NZNO president calls for nurse to patient ratios" press release, 23 September 2003.

opportunities, inadequate staffing and skill mix, poor rates of pay, and unsafe conditions of work.

Breaks

Currently there is no provision in the minimum code for breaks during working time. Anecdotal evidence from unions suggests that some employers are establishing unreasonable policies relating to breaks. The National Distribution Union (NDU) recently reported that an employer in Auckland allowed workers 40 minutes rest during the day allocated in five minute instalments. The NDU is also aware of another case where workers are required to take afternoon breaks at their machines.

Long hours

The Thirty Families report identified that some workers have hours of work that are simply too long. This was sometimes coupled with little or no payment for any extra hours worked and fears about the consequences of refusing long hours.²⁸ Almost all of those workers interviewed as part of the Thirty Families report who worked more than 45 hours per week regarded their hours as long, unreasonable and having a significant impact on their own lives and the lives of their families.²⁹ The report also identified that long hours seem to be an accepted and entrenched part of the culture of New Zealand workplaces.³⁰

Unions also have wider concerns that modern technologies, such as mobile phones, laptops and email at home has extended workers availability during the day into the evenings.

In 2002, 21% of employed persons reported that they usually worked 50 or more hours per week compared to 17% in 1986. This number has been relatively unchanged since 1994. Although the number of working hours has increased for both women and men, employed men are more likely to be working long hours than women. In 2002, 30% of employed men and 10% of employed women reported that they were working more than 50 hours per week.³¹

The increasing demands on workers to work additional hours is also evident in the public sector. A survey conducted by the State Services Commission in 2000 shows that 76% of those surveyed reported working more hours than they were employed for. Almost one in five (19%) said they worked 10 or more additional hours a week.³² A quarter of survey respondents said that one of the factors deterring them from applying for a

²⁸ New Zealand Council of Trade Unions *Thirty Families: The Impact of Work Hours on New Zealand Workers and Their Families*. (2002) 3.

²⁹ Ibid at 2.

³⁰ Ibid at 5.

³¹ Ministry of Social Development. *The Social Report 2003: Indicators of Social Wellbeing MSD 2003*, 56.

³² State Services Commission *Career Progression and Development Survey 2000*. April 2002, 69.

higher-level job was because they felt they would not be able to balance their work and family responsibilities. In addition, almost one in five had been deterred by the long hours associated with higher-level jobs.³³

ILO Convention 47 on the Forty-Hour Week, (which has been ratified by New Zealand) provides that member states adopted the principle of a forty-hour week. The principle of the forty-hour week is incorporated domestically to some extent in the Minimum Wage Act.³⁴ It provides that employment agreements must fix the maximum number of hours (exclusive of overtime) to be worked in any week by any worker at 40 hours. However, these hours (exclusive of overtime) may be greater than 20 where the parties agree. In addition, where the maximum number of hours (exclusive of overtime) is not more than 40, the parties must endeavour to fix the daily working hours so that those hours are worked on not more than 5 days of the week.

In practice, the Act places no impediment on employers requiring workers to work for more than 40 hours per week, and or to work more than five days per week. The CTU recognises that in practice some workers prefer to work more hours and working more than five days a week. However, although the Act requires agreement between the parties, in practice many workers feel they have no choice if they wish keep their jobs. The Thirty Families Report identified that:

“Many workers described their workplaces as places where long hours are entrenched, where refusing them meant being tainted as a poor worker, destined for negative treatment, redundancy, undesirable tasks, or the failure to be offered further work”.³⁵

There have been a number of international developments relating to working hours. Most significantly, in 1998, the 15 member states of the European Union adopted the European Working Time Directive. It includes provisions recommending that national legislation or collective agreements provide an upper limit of a 48-hour maximum working week. Currently, the United Kingdom allows workers to “opt out” of the 48-hour limit. The European Commission is due to review the “opt out” provision later this year.

A number of European Union countries have taken the lead from the European Union Directive and have legislated for shorter working weeks. France for example, introduced legislation providing workers cannot be made to work longer than 35 per week without the provision of extra holidays, and/or financial compensation.

In Great Britain, the Trade Union Congress (TUC) has recently launched a campaign against long hours. Research by the TUC shows that “one in four people who have signed an opt out from working time regulations were given no choice about opting out.

³³ Ibid at 13.

³⁴ See s.11B, Minimum Wage Act.

³⁵ *Thirty Families: The Impact of Work Hours on New Zealand Workers and Their Families*. A report commissioned by the New Zealand Council of Trade Unions (2002) 5.

Two out of three people who work more than 48 hours have not been asked to sign an opt out”.³⁶

In a recent test case taken by the Australian Council of Trade Unions, the Australian Industrial Relations Commission ruled that employees cannot be forced to work unreasonable hours of work. It ruled that an employee could refuse to work overtime if it is unreasonable. Unreasonable overtime may be determined by taking into account an employee's family responsibilities and their health and safety.

In addition, in response to growing evidence of an excessive hours culture, the Australian Council of Trade Unions has resolved to “at an appropriate time seek further limits on total hours of work and, in appropriate circumstances, a 48-hour cap on average total weekly hours of work in the award system and in legislation”.

The growing evidence of a long hours culture requires further attention including exploring the effect of the European Working Time Directive and options for specific recognition in legislation of the right to refuse “unreasonable hours of work” taking into account the differing needs of different industries.

Health and Safety

Excessive hours, multiple job holding, split shifts and unpredictable hours of work has a range of effects on the health and safety of workers. The effect of long hours on health was a major concern for workers interviewed in the Thirty Families report. Almost three-quarters of workers interviewed did not take regular breaks or rest during work time.

It has been shown elsewhere that working long hours is associated with various negative effects, such as decreased productivity, poor performance, health problems, and lower employee motivation.³⁷ The same study noted that case study research in the UK suggests that some employers have serious concerns about the adverse impact of long working hours on productivity and quality of output.

A recent review of 93 research studies in 11 countries covering a range of industries and employing a number of methodologies has shown that that the growth of these types of work arrangements are having adverse effects on workers health and safety.³⁸ Of the 93 studies, 76 found that precarious employment was associated with a measurable deterioration in occupational safety and health.

The experience in New Zealand accords with the broad findings common to those studies:

³⁶ Trade Union Congress. “War on Long Hours Culture”, press release, 7 September 2003.

³⁷ *Working Long Hours in the United Kingdom*, (Employment Relations Research Series No.16)

³⁸ Quinlan M, Mayhew C & Bohle P *The Global expansion of precarious employment, work disorganisation, and consequences for occupational health: a review of recent research* International Journal of Health Services, Vol 31 Number 2 – 2001 pp 335-414

- First, precarious employment is often associated with economic pressures or changes to payment and reward systems that endanger health. These include competitive tendering and consequent “corner-cutting” by subcontractors, the outsourcing of dangerous tasks, payment by results and low pay, work intensification and overload, long hours of work, and the limited resources that small businesses can devote to occupational health and safety.
- Second, precarious employment can be associated with dangerous forms of work disorganisation such as the difficulty of ensuring adequate training of temporary or labour hire workers, especially where the workforce is young and inexperienced or where there is a high level of labour turnover. Outsourcing and labour hire contracting means the introduction of “strangers” to the workplace, disruption of informal flows of safety knowledge and communication, and an increase in complexity and ambiguity in rules and procedures. Downsizing can result in a loss of knowledge with the loss of more experienced workers and resulting multi-tasking may result in additional risks if workers are not suitably retrained. Precarious workers are often in a weak position to raise or complain about occupational safety and health issues, particularly in a non-union environment.
- Third, the occupational safety and health regulatory framework is designed and implemented to predominantly deal with permanent employees in large workplaces. On multi-employer work-sites, such as construction sites, complex webs of legal and management responsibility and control, increase risk. To compound this, changes to labour legislation weakened minimum standards and union input resulting in unionised workers working excessive hours at low rates of pay.

In New Zealand the employment and occupational health and safety laws, have had a negative effect on worker and union involvement in occupational safety and health standard setting and management. The Employment Contracts Act, introduced in 1991, was essentially a measure to de-unionise the workforce and severely limited union access to workplaces without employer consent. Similarly the Health and Safety in Employment Act contained no mandatory employee participatory mechanisms. In addition, collective bargaining almost halved in the 1990s, enterprise documents and individual employment contracts were almost universal, and union density fell from 35.4% of the labour force in 1991 to 17% by 1999.

The result for occupational safety and health protection was

- The widespread weakening of employee participation in occupational safety and health.
- A lessening of employee knowledge and awareness of health and safety issues.
- A weakening of union representation and bargaining on health and safety issues.
- An increasing unwillingness of workers to report occupational safety and health problems.

What will make a difference?

The Government:

1. Develop specific measures to improve the protection of workers in various forms of precarious employment. This could include:

- Tightening the use of fixed term contracts so workers are assumed to be permanent unless there is a genuine reasons for not doing so.
 - Improving minimum code rights for casual workers.
 - Ensuring coverage clauses in collective agreements cannot exclude casuals.
2. Address information gaps by ensure the collection of robust statistical data about casual, temporary and fixed term work in New Zealand;
 3. Provide specific recognition in the minimum code of the right to breaks during work time.

Unions can bargain collectively for:

- Improvements in pay, including the payment of overtime, and recognition of the often unpaid components of work including training.
- Defining unreasonable hours and/or unreasonable overtime. This includes the right to refuse unreasonable overtime in agreements.
- Timelines relating to hiring replacement staff when an employee leaves.
- Provisions that define when the distribution and number of hours in a set time period become the permanent hours of an employee.
- Promote provisions enabling workers to have access to training and career development opportunities regardless of their mode of employment.

Unions also need to investigate further the effects of the European Working Time Directive and options of specific recognition in legislation of the right to refuse “unreasonable hours of work” taking into account the needs of different industries.

LEAVE ENTITLEMENTS

The issues for unions relating to leave entitlements have been clearly articulated for some time. Recently the CTU and affiliates have campaigned on aspects of leave entitlements in the context of the Holidays Bill, Holidays (Four Week's Annual Leave) Amendment Bill and the Review of the Parental Leave and Employment Protection Amendment Act 2001.

In addition, unions have wider concerns about the application of leave entitlements. For example, it is becoming more common for employers to require staff to find their own replacement when they are on annual leave or sick leave.

Eligibility for leave under the Holidays Act

Under the existing framework, special leave of no less than five days is available per year, if a worker, their partner or any dependent is sick, or a relative dies.³⁹ The availability of leave is also limited to employees who have worked for the same employer for more than six months.

The limitation to 5 working days poses difficult choices for workers to ensure that special leave is not consumed by one or two significant events during the course of a year. The CTU supports proposals to allow leave to accumulate and separating domestic leave and bereavement leave in the Holidays Bill.

If the Holidays Bill is passed in its current form, questions remain about whether these changes adequately meet the needs of workers. Possible union solutions include the collective negotiation of provisions providing:

- Separate entitlements to sick leave and domestic leave rather than treating them as a single entitlement to special leave. Separate domestic leave could for example include time out to attend special family related events, such as school sports days and functions, and recognise days of cultural significance.
- A broader entitlement to bereavement leave taking into account the reality that workers who lose close family members may need several days away from work. Similarly tangihanga leave often requires several days away from work and time to travel.

An additional concern is the impact of existing leave provisions on casual employees. A recent determination of the Employment Relations Authority in *Ewart (Labour Inspector) v Mount Cook Airline Limited* (2 April 2003 CA36/03) illustrates that it is impossible for an employee to qualify for special leave unless he or she has been employed continuously for that employer for more than six months, regardless of the fact that the employee may have worked throughout that period for the same employer as a "casual" employee.

In its submission on the Holidays Bill the CTU proposed that the six-month qualifying period be abolished to enable sick leave and bereavement leave to be provided to an

³⁹ s.30A(7) Holidays Act 1981.

employee in respect of any 12-month period of employment beginning when employment commences.

Leave under the Parental Leave and Employment Protection Act

The CTU has had longstanding concerns about the exclusion of many part-time, and most casual and seasonal workers, from the qualifying criteria in the Parental Leave and Employment Protection Act. This can also impact on other groups such as teachers who move between schools and resident doctors who do not stay in one hospital continuously during their training. Existing requirements for eligibility under the Parental Leave and Employment Protection Act are that employees must have worked:

- a) at least 10 hours a week on average, including at least one hour in each week or 40 hours a month; and
- a) have worked for the same employer for the past 12 months.

Statistics supplied by the Department of Labour to the CTU in 2001 estimated that 36.5% of all female employees and 28.8% of male employees fell outside the eligibility criteria of the principal Act. One year's tenure with a single employer (rather than working at less 10 hours a week) accounts for the bulk of this ineligibility.

The CTU has identified the need for in-depth policy work identifying options for ensuring that the growing numbers of workers in non-standard employment arrangements have access both to parental leave and to payment while taking leave. In this regard, it is notable that ILO Convention No. 183 on Maternity Protection applies to all employed women 'including those in atypical forms of employment'.

In the CTU's submission on the Parental Leave Amendment Bill, it referred to how the ten-hour threshold affected the female-dominated primary education sector. The CTU noted that typically school support staff and cleaners, who have on-going employment, do not receive pay for most of the school holidays. In other words, they work and are paid for only 43 weeks of the year. This is an important issue with, for example, a high incidence of part-time employment amongst the 8,000 support staff working within primary schools. It also clearly has ramifications for workers in other parts of the education sector or within other institutions which shut down or are 'on holiday' for significant periods of time.

In addition to leave entitlements, other aspects of parental leave should also be considered including ratifying ILO Convention 103 providing for paid breastfeeding breaks for women and establishing legislated right to breastfeeding breaks and facilities upon a return to work from parental leave.

Union solutions

Unions have and can bargain for improvements to leave in a number of ways:

- Unions have successfully negotiated for enhanced paid parental leave in some sectors. Additional improvements can include right to paid breast feeding breaks; enhancements to payment levels; and leaving jobs open for staff who take time out from work for an extended period beyond the maximum length of parental leave provided for in the Parental Leave and Employment Protection Act.

- Enhancements to the existing minimum entitlements such as negotiating separate entitlements to sick leave and domestic leave. Domestic leave provisions can recognise the need to take leave to meet broader community and family responsibilities.
- Unions have negotiated enhancements to bereavement/tangihanga leave to:
 - a) extend eligibility to include a broader range of personal connections recognising the diversity of relationships; and
 - b) extend the length of leave to recognise the reality that workers occasionally need several days away from work where a close relationship is involved.
- Longer periods of leave available for workers who work 12-hour shifts.
- Extending the right to special leave regardless of an employee's mode of employment and the length of time they have worked for the employer.

What will make a difference?

The Government:

1. Amend the minimum code to extend leave entitlements. This includes:
 - Legislating for four weeks annual leave.
 - Removing the threshold qualifying period of six months for bereavement leave and special leave.
2. Amend the Parental Leave and Employment Protection Act to:
 - Address the exclusion of workers who work less than 10 hours a week. Possible solutions include extending the criteria for eligibility to more than one employer or removing the 10-hour threshold entirely.
 - Address the exclusion of employees who have changed employers during the past 12 months.
 - Increase period of leave to 14 weeks in accordance with ILO Convention 183 on Maternity Protection.
 - Extend entitlements to seasonal workers and workers subject to shutdowns.
 - Consider the case for extending the scope of paid parental leave by introducing a partial levy for the self-employed, along the lines of the existing ACC levy on those who are self-employed.
 - Set the payment level at 100% of earnings up to a maximum cap, set at the average male wage.
3. Recognise wider rights relating to parental leave including ratifying ILO Convention 103 providing for paid breastfeeding breaks for women and establishing a legislated right to breastfeeding breaks and facilities upon a return to work from parental leave.
4. Unions can:
 - Continue to negotiate enhancements to existing minimum standards.
 - Continue to campaign for changes to the Holidays Act and Parental Leave and Employment Protection Act.

PAY

Income level is one of the most significant factors influencing the way individuals and families participate in employment and balance work and life. The CTU has identified that improving work-life balance is critically linked to improvements to income. Low pay is associated with a range of factors including the erosion of overtime rates, the minimum wage, abatement levels for beneficiaries and the pay gap. The effects of low pay are compounded for people with disabilities and in families with single breadwinners, particularly Maori and Pacific Island families.

For some workers, particularly those in precarious employment, low wages have consequent impacts on the number of work hours in primary and secondary jobs. Other pressures include paying off student loans, the care of children and other dependants and simply meeting everyday living costs to achieve a decent standard of living.

The Government has a number of obligations as signatory to various international human rights standards relating to pay, including:

1. An obligation to ensure "the right to just and favourable remuneration" in accordance with article 7 of the United Nations International Covenant on Economic Social and Cultural Rights.
2. An obligation to pay equal remuneration to men and women under ILO Convention 100 on Equal Remuneration.
3. Obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Article 11 (1) (d) requires all governments who are parties to the Convention to "take all appropriate measures" to ensure "the right to equal remuneration".
4. ILO Convention 26 obliges the government to create minimum wage fixing machinery where "no arrangements exist for the effective regulation of wages ... and wages are exceptionally low". Recommendation 30, which is a guide to Convention 26, states that minimum wages should be set according to the "general level of wages prevailing in the country".

Overtime rates and salarisation

The principle underlying the payment of penal rates is that workers should be paid a higher level of compensation for working unsociable hours that impact on work-life balance. The deregulation of the labour market in the 1990's largely removed penal rates and overtime. This was supplemented by a move towards salarisation. In practice, this has resulted in a shift in employers attitudes to overtime as there is no longer any incentive employers to ensure that work can be completed during agreed working hours. Although the Employment Relations Act has introduced some regulation, it does not provide a legislative framework for overtime rates, and leaves such matters to individual and collective bargaining.

Research by Harbridge and Thickett in 2002 examining penal rates in collective settlements shows that settlements in the retail sector are least likely to contain penal

rates (92%) followed by the education sector (77%) and health and community services (72%).⁴⁰ An analysis of “mainly male” and “mainly female” collective settlements shows that employees covered by “mainly female” settlements are less likely to contain any penal rate provisions compared to “mainly male” settlements (70% compared to 41%).⁴¹

Minimum wages

Although unions play a key role in negotiating improved wages on behalf of members, the Government also has a role in setting minimum standards.

For some time the CTU has advocated improvements to the minimum wage. In its submission on the review of the minimum wage in 2002, the CTU identified that as the labour market has been deregulated, the minimum wage has become increasingly important as a labour market protection. It has now only been very partially re-regulated and consequently it continues to deliver highly disparate outcomes depending on relative bargaining strength. While it is an accepted fact that different outcomes will occur, there is a need to underpin the labour market with a fair minimum wage. This is particularly important for vulnerable workers in precarious employment arrangements.

In addition, improvements to the minimum wage can make a contribution to reducing the gender pay gap, particularly given the extensive limitations of current equal pay legislation and the absence of any legislation dealing with equal pay for work of equal value. The combined impact of gender and ethnicity pay gaps, makes raising the minimum wage an even more important policy mechanism for Maori and Pacific women.

The Ministry of Women’s Affairs’ has noted that “a recent increase in the Minimum Wage rate is expected to benefit women since women are disproportionately in jobs that pay minimum or very low wages.” The more in-depth background paper prepared by the Ministry of Women’s Affairs⁴² cites international literature demonstrating that “there is ample evidence, for example, that centralised bargaining systems and protective interventions such as minimum pay result in narrower gender pay gaps⁴³”.

McColgan’s 1997 analysis of minimum wage regulation and women’s wages, concludes that:

⁴⁰ Harbridge, R and Thickett G. “Gender and Enterprise Bargaining in New Zealand: Revisiting the Equity Issue”. *New Zealand Journal of Industrial Relations* 28(1) 2002 p 83.

⁴¹ Ibid.

⁴² Ministry of Women’s Affairs *Next Steps Towards Pay Equity. A background paper on equal pay for work of equal value.* (September 2002) p 40.

⁴³ Gillian Whilehouse, Di Zetlin and Jill Earnshaw (2001) Prosecuting pay equity: Evolving strategies in Britain and Australia. *Gender, Work and Organisation* 8(4): 365-386; Rubery (1998). Figart and Kahn (1997); Robyn Henderson (2000) A forward looking approach to pay equity. Presentation. NSW Department for Women; R.G. Gregory, R. Anstie, A. Daly and V. Ho (1989) Women’s pay in Australia, Great Britain and the United States: The role of laws, regulations and human capital. In Robert Michael, Heidi Hartmann and Brigid O’Farrell (eds) *Pay equity empirical inquiries.* Washington, DC: National Academy Press.

. .there is little doubt that the implementation of minimum wage regulation, whether by means of the extension of collective agreements, as in the case in Germany and, de facto, in many of the Nordic countries, or a nationally or sectorally determined minimum wage, could have a significant effect on the salaries of the lowest-paid workers (mainly women) and, in turn, on the gender-pay gap.⁴⁴

The pressures of low pay in balancing work and life also has a significant youth dimension. Achieving a decent standard of living from employment, balancing study and work, and paying off student loans are all pressure points for young workers. The ILO Committee of Experts' recent observation concerning compliance with ILO Convention No.26 on Minimum Wage Fixing Machinery reiterated the point that:

“...the quantity and quality of work carried out should be the decisive factor in determining the wage paid..... even though the minimum wage Conventions do not forbid the determination of lower minimum wage rates for young workers, the measures in this respect should be taken in good faith and should incorporate the principle of equal remuneration for work of equal value. The reasons that prompted the adoption of lower minimum wage rates for groups of workers on account of their age and disabilities should be regularly re-examined in the light of this principle.”⁴⁵

In its submission on the 2002 minimum wage review, the CTU highlighted that there is no reason why young people should be paid less simply because of their age and submitted that the youth minimum wage should be progressively phased out.

Pay equity

As at June 2001, women were earning 84 percent of men's average hourly earnings. However, the pay gap is much wider for Maori and Pacific women with Maori women were earning 74%, and Pacific women were earning 70% of the average hourly earnings of men.⁴⁶ The reasons for the pay gap complex and are linked to the effect of taking time out to raise children, the occupational segregation of women in a small range of low paid sectors, the undervaluing work carried out by women and discrimination.

The Government has established Pay and Employment Equity Taskforce to develop an action plan for pay equity in the state sector, with a specific focus on health, education and the public service. The CTU's participation in the is based on six core principles:

1. A proactive commitment to addressing pay inequities.
2. The key role of Government (as employer, regulator and funder) in addressing pay and employment equity.
3. A commitment to decent, fair pay for all workers.

⁴⁴ McColgan, Aileen (1997) *Just Wages for Women*. Oxford: Clarendon Press, p 390.

⁴⁵ CEACR: Individual Observation concerning Convention No. 26, Minimum Wage-Fixing Machinery, 1928 New Zealand (ratification: 1938) Published: 2003

⁴⁶ Ministry of Women's Affairs *Next Steps Towards Pay Equity* (July 2002) 3.

4. Ensuring the issues underpinning pay inequities faced by different group of workers are addressed.
5. A co-ordinated and inclusive approach.
7. Promoting collectivism as fundamental to addressing the gender pay gap and employment equity.

One of the Pay and Employment Equity Taskforce's projects focuses on low pay. It is considering issues relating to eliminating low pay as a tool in narrowing the gender pay gap. In doing this work, it has adopted the European social standard relating to minimum wages which is two thirds of the average wage. In the New Zealand context this means focusing on jobs earning \$12 or less per hour.

What will make a difference?

The Government can:

- Adequately resource the recommendations of the Pay and Employment Equity Taskforce including those which will support the extension of outcomes to the private sector.
- Provide for the continuous improvement of the minimum wage, and phasing out of the youth minimum wage.

Unions can:

- Organise around the Pay and Employment Equity Taskforce's recommendations with a broader view to promoting pay and employment equity for all workers in the public and private sectors.
- Continue to promote improvements to the minimum wage and progressive phasing out of the youth minimum wage.

WORKPLACE CULTURE

Workplace culture has a significant influence on work-life balance. The experience of unions is that work-life balance policies are more likely to succeed where there is an organisational commitment to work-life balance, accompanied by unions valuing, listening to, and expressing the collective concerns of workers.

The shape of the workforce is diverse and will continue to change in the future. The imperatives for workplaces to understand and meet the needs of the New Zealand workforce now and in the future will grow. Discrimination based on sex, disability, age, sexual orientation, family status, political opinion, ethical belief, colour, race, ethnic and national origins, employment status and religious belief has been unlawful for some time. Nevertheless discrimination continues to be a pervasive problem – particularly for people with disabilities.

Changes in workplace culture demands a commitment from employers, workers and unions. Commonly identified business incentives for employers to establish a work-life balance culture include increased staff retention, reduced absenteeism, a better recruitment pool, increased staff loyalty, morale and job satisfaction, and improved public image.⁴⁷

The advantage of equal employment opportunities, work-life balance and family friendly policies is the potential to offer very practical solutions that meet specific needs of workers. This includes: paid breastfeeding breaks during work time; religious and cultural leave; flexible working hours for upon re-entry into the workforce following a period of parental leave and access to phone calls to family during work time.

However, the dependency of such measures on the level of organisational commitment must also be noted. Recently Treasury noted research by Hochschild, which suggests that:

“...while organisational support, in the form of policies about hours, part-time work arrangements and leave were important, without a culture that made taking advantage of these benefits acceptable, those more objective supports were all but useless.”⁴⁸

The Treasury report also noted other research that suggested:

“...managers without family responsibilities, or those with a wife not in paid employment, were least likely to be sympathetic to employees needs. In some cases, co-worker resentment (co-workers looking down upon other employees

⁴⁷ Source EEO Trust, <http://www.eeotrust.org.nz/worklife/business.shtml>

⁴⁸ Hochschild, A. *The Time Bind: When Work Becomes Home and Home Becomes Work* (New York, Metropolitan Books, 1997) referred to in Varuhas, J, Fursman and Jacobsen, V. *Work and Family Balance: An Economic View*. New Zealand Treasury Working Paper 03/26, September 2003, 22.

using family friendly policies or disadvantaged by their use) acted as a bar to the effective implementation of policies”.⁴⁹

This is not to suggest that work-life balance policies are of no value, however, it is clear work-life balance policies depend on the culture of the organisation and the commitment of employers, unions and workers to make them real. It also requires a commitment from the Government as a model employer and funder.

- The EEO trust has played an important role in promoting EEO to employers largely in the private sector and encouraging a greater understanding of the business benefits of EEO including work-life balance. The EEO Trust must be well resourced to ensure that this work continues.
- The Government has lead role as a model employer and funder. Although the introduction of the State Sector Act 1988 had an impact in the public sector in terms of changing workplace cultures, EEO monitoring and reporting requirements still need to be strengthened. In addition, the Government could also consider introducing minimum requirements relating to work-life balance where the State sector engages in contracts with the private sector.
- Equal Employment Opportunities Commissioner’s mandate under the Human Rights Act 1993 has the scope to include the development of codes of practice relating to work-life balance.
- Unions play an important role in valuing, listening to, and expressing the collective concerns of workers, promoting wider EEO policies and providing education.

What will make a difference?

The Government take the lead by:

- Ensuring that the activities of the Equal Employment Opportunities Commissioner and EEO Trust are well resourced to enable both to develop streams of work contributing to work-life balance.
- Operating as a model employer and funder. This includes ensuring that State sector employers recognise and support work-life balance by including minimum requirements relating to work-life balance where the Government engages in contracts with the private sector.
- Strengthening monitoring and compliance mechanisms in existing EEO legislation.

Unions can

⁴⁹ Varuhas, J, Fursman and Jacobsen, V. *Work and Family Balance: An Economic View*. New Zealand Treasury Working Paper 03/26, September 2003, 20 referring to research by Whitehouse, G and Zetlin, D. “Family Friendly Policies: Distribution and Implementation in Australian Workplaces”. *Economic and Labour Relations Review* 10(2) 221 – 239.

- Continue to promote the development of broad EEO programmes including work-life balance and family friendly policies in workplaces.
- Promote the strengthening monitoring and compliance mechanisms existing EEO legislation
- Lead by example and act as model employers

LIFE, FAMILY AND COMMUNITY PARTICIPATION

This paper has already identified that modes of employment, hours of work, income, leave, and workplace culture all influence the way workers balance work with the rest of their lives. This section explores the dimensions of life outside work that influence participation in, and wellbeing at work.

Participation in sport, recreation, religion, community events, civic responsibilities, cultural activities and caring for families all contribute to social cohesion, health and wellbeing and enable societies to grow. The social and economic benefits for society of healthy families and communities are well recognised. Participation in all these areas contribute to building social, human and cultural capital. In addition, participation in sport and physical leisure also has direct benefits for employers by reducing absenteeism and increasing individual productivity.

The effects of growing work intensity, hours and care responsibilities on individuals and families can have consequent effects on the voluntary sector. Volunteers supporting sport, for example, play a significant role as coaches, referees, administrators, officials and helpers. A survey of volunteers by Sport and Recreation New Zealand identified that the most common reason for spending less time being active compared to the previous year was increased workloads and longer working hours.⁵⁰

Unions also experience the effects of work-life balance problems. Increased workloads, work intensity and long hours, combined with family, life and community responsibilities often impact on workplace delegates involvement in union work and training. This has wider impacts for union structures at an organisational level.

Family responsibilities

Notwithstanding the wide range of influences on people's lives outside work, unions and workers have consistently identified responsibilities for the care of dependants, including disabled and elderly dependants, as a crucial issue affecting participation in paid work. The care of young children upon re-entering the workforce, access to early childhood education, arrangements during school holidays and after school care, are all areas of concern.

New Zealand has not yet ratified ILO Convention 156 relating to Workers with Family Responsibilities. The Convention emphasises that States must take measures to ensure that national policies enable people with family responsibilities who are engaged or wish to engage in employment to exercise the right to do so without being subject to discrimination and without conflict between their employment and family responsibilities.

The rapid increase in the number of women entering the workforce and the changing composition of families and responsibilities within families is one of the most significant social shifts of the last thirty years. The growing diversity in family structures including more families with sole parents and extended family structures, including households

⁵⁰ Sport and Recreation New Zealand, Sport and Physical Activity Surveys combined results of 1999/98, 1998/99 and 2000/01 at <http://www.sparc.org.nz/research/pdfs/volunteers.pdf>

with elderly and disabled dependants, has transformed individuals relationship with the work. However, workplaces continue to be modelled on a traditional concept of a male bread winner who works uninterrupted, without a career break to raise a family, supported by a spouse who takes primary responsibility for the care of children.

The Thirty Families report identified that hours of work combined with primary responsibility for the care of children and managing households had major implications for their overall workload with a number of women describing their lives as containing two jobs, their “double day”.⁵¹ In addition, the Thirty Families report identified a cycle associated with weighing up the costs of childcare with the wages that could be earned. “For a number of women, the net benefit of employment, or full time rather than part-time work, was undermined by the financial cost of childcare, combined with the emotional stress of trying to balance work and family”.⁵²

In a recent online survey by the EEO Trust on fathering and paid work found that 80% of fathers generally wished they could spend more time with their children. “Eighty two percent of respondents said their paid work negatively affects the amount of time they spend with their children while 52% said their paid work affects the quality of the time they spend with their children”.⁵³

The 1998 New Zealand Childcare Survey identified that:

- Approximately a quarter of employed sole parents, and parents from two parent families where both parents were employed took time off work to look after a children during the school holidays with employed mothers being more likely to take time off work (30%) than fathers (21%).⁵⁴
- Fifteen percent of parents surveyed identified that problems in accessing early childhood education and care affected their ability to participate in paid employment. This was more likely to affect sole parents, parents earning less than \$20,000 and parents working part-time.⁵⁵
- The impact of problems in accessing early childhood education and care on employment affected 22% of mothers compared with only 5% of men. Of mothers, sixty four percent stated that access problems prevented them from looking for a job.

⁵¹ *Thirty Families: The Impact of Work Hours on New Zealand Workers and Their Families*. A report commissioned by the New Zealand Council of Trade Unions (2002) p 34.

⁵² Ibid at p 17.

⁵³ EEO Trust “What do Kiwi fathers want?” Media Release, 8 October 2002.

⁵⁴ Department of Labour and National Advisory Council on the Employment of Women, *Childcare, Families and Work: The New Zealand Childcare Survey 1998*. (1999).

⁵⁵ Department of Labour and National Advisory Council on the Employment of Women, *Childcare, Families and Work: The New Zealand Childcare Survey 1998*. (1999) p 46.

In addition, 32% of mothers whose employment was affected were prevented from changing their hours of work, and 29% turned down work.⁵⁶

- The survey also found that of those mothers who wanted to participate in paid work or training, and did not do so because of problems accessing care or education arrangements, identified the main reasons as cost (47%), lack of informal care by someone known and trusted (30%) and lack of suitable/flexible hours (22%). Cost was identified as more of a barrier for Maori mothers, mothers from lower income families, sole parent mothers, mothers working one to 19 hours per week and mothers with no formal qualifications.⁵⁷

Overall, the 1998 survey identified that cost is one of the biggest barriers to accessing early childhood education and care.

In the 2003 budget, the Government increased the maximum number of hours for childcare for low-income families from 37 hours to 50 hours per week. It also increased funding for early childhood education. Although this was welcomed, the NZEI believes that a universal entitlement to free early childhood education should be a priority. The NZEI believes that free early childhood education removes financial barriers to participation and ensures equal educational opportunities for all young children and has immediate and lasting benefits for children's development and learning.

The Government's ten year strategic plan for early childhood education *Pathways to the Future*⁵⁸ has a vision that all New Zealand children have the opportunity to "participate in quality early childhood education, no matter their circumstances". It includes a review of funding of early childhood education services including full day education and care. A discussion document will be available in late 2003 with feedback due in February/March 2004.

What will make a difference?

The Government:

- Progressively introduce universal free early childhood education.
- Ratify ILO Convention 156 relating to Workers with Family Responsibilities.

Unions can continue to make differences by:

- Continuing to negotiate additional supports for workers with family, life and community responsibilities.

⁵⁶ Ibid.

⁵⁷ Ibid at 47 – 48.

⁵⁸ Ministry of Education *Pathways to the Future: Nga Huarahi Arataki* (2002)

CONCLUSION

Although the availability of part-time and casual work has enabled many workers to work less hours and spend more time caring for dependants, to study or pursue other interests – developing solutions relating to work-life balance is a much larger issue. The issues affecting workers relating to work-life balance is not a problem exclusive to one area, but touches on all corners of the workforce and affects workers in many ways.

In our view, developing solutions to address work-life balance issues requires a genuine commitment from the government, unions and employers addressing a wide range of areas. The key concerns identified by unions in this paper are, pay, modes of employment, hours of work, income levels, workplace culture and wider family, life and community responsibilities. Nevertheless, this by no means exhaustive and simply reflects the priority areas identified by unions.

While a range of practical measures can be adopted by unions, employers and the Government, it is also important to note aspects of this discussion which are more difficult to resolve relating to entrenched values and cultures within workplaces. Changing the way work-life balance issues are viewed, and respecting rights in the workplace requires greater employer and worker education and will take time.