# Work and family balance through equal employment opportunity programmes and agreement making in Australia

John Burgess and Lindy Henderson
*University of Newcastle, Newcastle, Australia, and*

Glenda Strachan
*Department of Managment, Griffith University, Nathan, Australia*

## Abstract

**Purpose** – The purpose of this article is to assess the ability of formal equal employment opportunity (EEO) programmes and workplace agreement making to facilitate work and family balance for women workers in Australia.

**Design/methodology/approach** – This article uses documentary analysis and semi-structured interviews in six Australian organisations that are required to develop formal EEO programmes.

**Findings** – Formal EEO programmes and agreement making are limited in their ability to promote work and family-friendly arrangements at the workplace. Informal arrangements and managerial discretion are important in realising work and care balance.

**Research limitations/implications** – The paper is Australian based, and the case studies were confined to six organisations, which restricts the findings.

**Practical implications** – Leave and work arrangements need to be required within agreements and EEO programmes. Most programmes gravitate towards minimum requirements, hence, it is important to ensure that these minimum requirements provide for work and care reconciliation. Programmes beyond the workplace, such as funded childcare, are important in this context.

**Originality/value** – The article highlights that formal mechanisms cannot achieve work and care reconciliation for women workers if they are built upon very limited minimum requirements, are voluntary and are dependent upon a bargaining process at the workplace.

**Keywords** Family friendly organizations, Equal opportunities, Women workers, Australia

**Paper type** Research paper

## Introduction

Discussions of work and family policies, work-life balance and family-friendly workplaces or similar terms are now commonplace in both the academic and popular press. These debates, while they present a gender-neutral face, are of particular importance in relation to women's labour force attachment because of the historic roles women have played within the home and within the public sphere of paid work in most western countries. The difficulties faced by women who are both paid worker and family carer has been the subject of extensive research (Bardoel *et al.*, 2000; Campbell and Charlesworth, 2004) and considerable debate in Australia (ACTU, 2004; Pocock, 2003; Howard, 2005). Research indicates that Australian families are finding it difficult to "juggle" their dual roles as employees and parents, with 60 per cent of women and 90 per cent of men in the workforce being part of a two-parent household with dependent

children, and with the number and share of single parent families increasing (Russell and Bowman, 2000; Pocock, 2002). Bittman and Rice (2002) have catalogued the growing time pressures for individuals and families in the face of extended paid and unpaid working hours, especially for women workers. The pressure of time and energy expended at home may impinge on work performance, and pressures at work may impact on home and family life (Glezer and Wolcott, 1998). Management practices or attitudes within the workplace can make the juggling act more or less practicable (Eaton, 2003).

Which policies and practices enable individuals to balance paid work and family commitments or even what constitutes that balance, is contentious. The most common approach is to present a checklist of measures that are assumed to be family-friendly (OECD, 2001; ACTU, 2005). Where the checklist originated is far from certain but it appears in official reports and documents such as the OECD (2002) report on family-friendly policies which covers three areas: employment and workplace relations, the tax transfer system and direct support for parents. In Australia, the forms of direct support for work and family are limited (Pocock, 2005). The peak trade union organisation, the Australian Council of Trade Unions (ACTU), identifies working hours, control over hours of work, and leave arrangements including parental, annual and carer's leave as the three main areas to be addressed in reconciling work and family needs, assuming adequate safety nets and adequate incomes (ACTU, 2004; ACTU, 2005). Other research has identified similar groupings. For example, in their review of family-friendly arrangements, Campbell and Charlesworth (2004) identified three broad categories of arrangements that are important in reconciling work and family: access to special leave and absences that allow temporary withdrawal from work for caring needs while retaining workforce attachment, access to part-time work, and flexible work schedules that allow for fluctuations in the pressure and responsibilities of care. These criteria have been accepted as the basis for work and family balance in the present study.

These policies alone do not necessarily promote positive inter-relationship between work and family demands. For example, several research studies have questioned the contribution of temporary and part-time work in realising work and care balance. This type of working arrangement can offer little security and few career prospects (Campbell and Burgess, 2001; Watson *et al.*, 2003), little control over working conditions and generally fewer rights and benefits or lower pay (Watson, 2004) in comparison to other forms of work. Yet working part-time is a common expedient for Australian women who are also carers. There is a large body of macro-level information on workforce and working time arrangements (Preston and Burgess, 2003; Pocock, 2003) and on the content of agreements in Australia (Whitehouse and Zetlin, 1999) that provides a pointer to ongoing developments in reconciling work and care arrangements. Formal policies and programmes do not always translate into actual outcomes (Campbell and Charlesworth, 2004; Eaton, 2003). It is therefore important to examine not only the policies available but also access to these and the views of individuals about their use.

The quality of work and family policies and the extent to which they are available across the workforce is an important issue currently in Australia. New industrial relations legislation (Workplace Relations (Work Choices) Act 2006) passed in Australia in 2005 and 2006 has changed the ways working conditions are regulated by

drastically reducing the coverage of industry and occupational awards (that establish minimum employment conditions across industries and occupations) and emphasising workplace and individual agreements for wages and working conditions (Australian Government, 2006). This change has placed the onus on trades unions (where they have members) and employees to negotiate settlements with employers for appropriate conditions and opportunities for all workers, including men and women who have the care of children or elderly family members. This bargaining system occurs in an environment with few minimum standards that apply to all workers (Sappey *et al.*, 2006). This change is justified as being in the interests of economic growth (Howard, 2005). As with earlier moves towards the decentralisation of the industrial relations system, it is claimed this will offer "better ways to reward effort, increase wages and balance work and family life" (www.workchoices.gov.au).

This study seeks insights into how tensions between work and family commitments are reconciled at the workplace using both formal and informal processes. We undertook a number of case studies in 2004, before the new legislation was introduced, and here we re-examine the interview and organisational data. Factors which militate against a harmonious balancing of work and family pressures are easier to identify than those that promote this balance, but in these cases we sought to uncover both positive and negative issues. Did women in the sample have an acceptable balance between paid work and family responsibilities and, if so, how was this achieved? If not, what were the major obstacles to achieving work and family balance? What role did legislation, mechanisms for encouraging and monitoring equal opportunity for women at work, agreement making and formal equal opportunity policies in the workplace play in striking the balance? It seemed that these case studies might provide important clues about the potential impact of the latest industrial legislation. While "choice" is the current slogan for the government in terms of industrial relations, how did this "choice" occur within the workplace?

This article focuses largely on what the organisation provides and what accommodation is made at the workplace, although we recognise that individuals also use strategies and processes outside work to balance work and care. We examine leave arrangements, part-time work access and flexible work schedules in the case study organisations. These are not the only care arrangements available nor the only ways through which work and family balance can be obtained but may be regarded as "core" workplace programmes to assist women workers meet care responsibilities. These are also processes that may be formalised through industrial instruments, such as workplace agreements, and company policy documents, and may be developed and monitored through compulsory reporting.

### The research methodology and the research process

The article reports on an analysis of six private sector enterprises with employee numbers ranging from 325 to 1,800. They were chosen because they are diverse in terms of size, industry, location, trade union membership and proportion of women in their workforces, and because they had demonstrated in EOWA (Equal Opportunity for Women in the Workplace Agency) reports that they were committed to equal opportunity for women. In Australia there is a requirement for organisations with over 100 employees to develop Equal Employment Opportunity (EEO) programmes at the workplace and to provide EEO reports annually to the EOWA (Burgess *et al.*, 2005a).

Of the six organisations, two had exceeded the minimum reporting status by being classified by the EOWA as an Employer of Choice for Women Employees (EOCFW) and another had successfully applied to have annual reporting requirements waived in recognition of having achieved good practices (EOWA, 2007a). They had not necessarily made an undertaking to provide family-friendly workplaces or develop programmes to promote work-family balance, and such programmes are not a specific requirement of the legislation. However, other studies have shown that policies and practices that deal with "work family balance" are a feature of organisations' reports to the EOWA, as in the finance industry All six workplaces were located in the east coast of Australia, two located in state capital cities and the other four in large regional cities. Table I outlines their main characteristics. Other findings from the case studies have been published elsewhere (Burgess *et al.*, 2005a; Burgess *et al.*, 2005b).

The research combines the analysis of formal documents, namely reports to EOWA and workplace industrial agreements, with interviews at the workplace. Equal employment opportunity reports to EOWA and Enterprise Agreements are public documents and provide some insight into the way employment matters are dealt with in organisations. Enterprise Agreements state the conditions of employment such as access to carer's leave, sick leave, and family (maternity and paternity) leave, flexible start and finish times, flexible vacation arrangements, and requirements regarding overtime and weekend work which are relevant to achieving work and family balance. These are formal and enforceable documents and represent an agreed baseline for workers in that organisation (or section of it). The researchers visited the main work-site for each organisation and interviewed human resource (HR) managers, other managers and a selection of female employees, using a semi-structured interview protocol – typically, three sets of interviews at each workplace. One focus group was conducted at each workplace with between two and nine women employees in each organisation. Interviews took place at the workplace and averaged 30 minutes each. The interviewees were volunteers but were nominated by the HR manager in each organisation. They were asked about the work they did, their working conditions, their level of satisfaction with current arrangements at the workplace and their ambitions. The interviews included discussion of work-family balance issues and programmes. A condition of access to the organisation was that the identity of the organisations and its employees would remain confidential.

Using these four sources of data (reports, agreements, interview with HR manager and with female workers) allows examination of the process whereby policies and programmes are developed and applied, and also examination of women's perceptions and experiences at work of programme development, relevance and access. The interviews also reveal the role of informal mechanisms in managing work and family.

The case study method is limited (Punch, 2005) in terms of its generality and the interviews were limited in terms of their coverage of the workplace. Nevertheless, the case studies are instructive. Our interest is with how work-care balance is negotiated within workplaces and what function, if any, formal processes associated with EEO reporting and agreement making have in determining these outcomes. In this sense, the experiences collected at the workplaces are suggestive of what role the formal mechanisms play in balancing work and care and how this role is reconciled at very different workplaces across a number of locations.

| Organisation | Metal manuf'ture | Technology | Hospital | Leisurewear | Recreation facility | Engineering manufacture |
|---|---|---|---|---|---|---|
| Industry sector | Heavy manufacture | Machinery, component manufacture and service | Health care | Design, market, whole-sale, retail | Tourist park | Heavy and light manufacture and service |
| Location | Regional | Metropolitan | Metropolitan | Regional | Regional | Regional |
| Total employees | 1,007 | 1,049 | 1,800 | 704 | 327 | 335 |
| Female employees (%) | 5 | 17 | 83 | 61 | 53 | 14 |
| Female managers (%) | 17 | 13 | 65 | 50 | 32 | 1 |
| Full-time % female | 4 | 14 | 86 | 82 | 47 | 10 |
| Part-time or casual female (%) | 98 | 60 | 75 | 35 | 64 | 90 |
| Ownership | Multi-national | Multi-national | Religious – not for profit | US listed company | Australian + US | Private, Australian |
| EEO reporting status | Normal | Normal | EOFCW | Waived | EOFCW | Normal |

**Source:** EOWA online searchable database of reports

Table I.
Profile of the research
organisations

**Results**

*Reports to EOWA*

The Workplace Relations Act 1999 requires non-government organisations with more than 100 employees to prepare and implement a programme intended to eliminate employment discrimination and to contribute to the achievement of equal employment opportunity for women. Reports are submitted annually (biennially from 2008) to the EOWA, the statutory government agency responsible for educating employers and monitoring their programmes. Most reports are public documents and can be accessed online at the EOWA website (www.eowa.gov.au). However, organisations that apply and have met certain criteria to the satisfaction of EOWA are exempt from reporting for up to three years and do not have their reports displayed on the EOWA website. In the case of the waived organisation, the EEO report was provided to the researchers by the organisation.

The reports are structured to the extent that there are certain employment matters (recruitment and selection; promotion, transfer and termination; training and development; work organisation; conditions of service; harassment; and pregnancy, potential pregnancy and breastfeeding) that must be addressed. Policies and practices that relate to work and family balance are not requested specifically but since the juggling of roles in and outside the paid workforce has been shown to be a major issue for women workers, it seems reasonable to expect that organisations would consider this issue. In addition, the analysis depended on the researchers identifying components of the organisations' stated workplace programmes that address what we regard as the core elements of a programme that would support work and family balance, namely appropriate leave arrangements, access to part-time work and flexible work schedules.

In Australia the EEO reporting mechanism is management focused (Thornton, 1999; Bacchi, 1996). Organisations are directed to analyse the gender equality issues in their workplace and to formulate appropriate strategies (EOWA, 2007a). Table II indicates the range of issues identified as priorities for action and shows a wide variation in the sorts of issues deemed important. The male-dominated organisations focused their efforts on recruiting women in non-traditional roles to prevent or remedy instances of harassment and overt discrimination and to provide more opportunities

| Organisation | Priority issues |
| --- | --- |
| Metal manufacture | Non-display of inappropriate material, supply networked computers for flexible work from home, supply appropriate protective equipment, women in management and non-traditional roles |
| Technology | Lack of female representation in non-traditional areas; promotion, transfer, termination; revamp EEO committee |
| Hospital | Review selection process, succession planning, training/development, work-life balance policy, leave policy |
| Leisurewear | Education re EEO and harassment policy |
| Recreation facility | Leadership training, wages and benefits equity |
| Engineering manufacture | Lack of women in non-traditional roles, increasing women managers, EEO/harassment training, formalising HR policies and procedures |

**Source:** EOWA online searchable database of reports

**Table II.**
EEO reports: priority issues

for women in professional and managerial grades. Four of the reports were silent on the issue of work-life or work and family policies but two mentioned work-life balance or the need to "help employees balance work and family". These were the hospitals that faced a chronic shortage of nurses, and technology, which has relatively few female employees and many employees who work long or unsocial hours or travel extensively. Two organisations made mention in their reports of their facilities for working from home, especially for women on maternity leave, and several reports included statements about keeping in contact with employees on maternity leave.

The organisations used a variety of means to identify issues of concern for their female employees. Four of the six organisations used an employee survey as one part of the process of arriving at priority areas, and although all but one had an employee consultative committee on site, the reports do not reveal the extent to which these two mechanisms were able to influence the construction of the reports or the issues identified as important in them.

What we can conclude from the case studies is that the formal EEO reporting process does not appear to have generated formal programmes specific to reconciling work and family balance. EEO was largely seen in terms of procedures and practices applying within the organisation. There was a lack of engagement with the intersection between work and care responsibilities for women workers.

*Workplace agreement making*
If the EEO reporting mechanism is able to by-pass the issue of how women reconcile paid work and family life, does the industrial relations system do any better? An examination was made of the content of publicly available industrial agreements for each organisation for their potential to assist in reconciling work and family balance. In the course of the last 20 years, Australia has moved from a regulatory system of arbitration and central wage-fixing, resulting in federal and state awards (minimum pay and conditions provisions across industry), to a system of decentralised agreement making between workers (unionised and non-unionised) and management at the enterprise level. Since 1996 collective agreements have been augmented by individual (largely non union) agreements known as Australian Workplace Agreements (AWAs) (Burgess and Macdonald, 2003). The Australian industrial relations system has become extremely complex since the varieties of instruments and agreement making processes that are available have proliferated (Bray and Waring, 2005).

This complexity of industrial instruments for each organisation was evident in the case studies. A variety of awards, enterprise agreements and individual contracts (registered and unregistered) governed the minimum working conditions and arrangements for the women workers. While the content of individual agreements are not in the public domain, previous studies have highlighted that in the main they contain conditions that are inferior to awards and collective agreements and contain very few work and family arrangements (Burgess *et al.* 2005b; Van Barneveld and Waring, 2003). This finding could not be tested in the current research as the confidential individual agreements were not made available to the researchers.

At the time of the interviews, common law rights to minimum terms and conditions of employment, including holiday and sick leave, and conditions in the underlying industrial award provided a basic safety net for all employees regardless of the form of agreement making. Where women were employed in production plants, they were

subject to the same conditions as men. The Workplace Relations Act 1996 provides for minimum conditions for carers' leave and parental leave, unless an alternative agreement is made, and some of the agreements simply referred to or echoed this legislation. At Metal Manufacture, a certified collective workplace agreement with the main trade union covered most employees, including women working in manufacturing processes. Two weeks' personal leave for all employees included time for personal sickness or carer's leave, with notice to be given before taking the leave. Limited paid parental leave had been negotiated outside the enterprise agreement (EA). This EA states that "[Metal Manufacture] is committed to providing its workforce with opportunities to improve the quality of their working lives through the consideration of new working arrangements" which include flexible working hours "in harmony with the needs of the business". Flexible start and finish times were allowed in the agreement but depended on individuals, managers and the work unit agreeing. Clerical and administrative employees at Metals Manufacture are covered by a different federal award, which allows for flexible start and finish times by agreement with the section manager. Personal leave for these employees is identical to that in the EA.

Technology presents a more complex picture and is more typical of the case study organisations. As the HR manager said when asked about the industrial instruments in place:

> We have a massive wash-wash of everything. We have EAs mainly, one in Sydney and one in Melbourne. We have AWAs, they are for a group of our facility technicians and also for our customer service centre downstairs. We were able for the AWA for the [customer service centre] to put in some pretty good flexible clauses and everyone else is pretty well on a standard [Technology] contract.

Specific enterprise agreements relating to particular worksites, none of which applied to the interview sample, allow employees to "make up" time taken as personal leave, including periods from one hour to one day, including leave which may be "e.g. a visit to a bank or solicitor" and offered more flexibility than is required by law. Maternity leave is in accordance with the legislation.

A number of State Awards (for example Private Hospital Nurses Award State 2003, [Hospital] Enterprise Award State 2003) ensure that Private Hospital employees have access to the minimum standards laid out in the Family Leave Award (State) 2003 – that is, five days per year carer's leave from the pool of personal leave and the option to work part-time when returning from maternity leave until the child's second birthday. In addition, six weeks paid maternity leave is included. The Awards contain the clause "discussion should take place at each enterprise to provide more flexible working arrangements, improvement in the quality of working life" but there are no further guidelines on how this is to be undertaken.

Leisurewear's EA applies only to clerical and warehouse staff and a federal award applies to retail workers. Here, sick and carers' leave are pooled but increase with length of service. In common with other awards, there is no paid parental leave but employees may take one year unpaid leave and return to work on a part-time basis until the child reaches school age. Most employees of Leisurewear have individual contracts that are not available for scrutiny.

The Recreation Facility has an enterprise bargaining agreement that includes most workers. A few employees fall outside this agreement and work under the awards

relevant to their qualifications and role. Managers in this organisation, as in others in the study, have individually negotiated contracts, which remain private. The EA refers to the legislative minimum in terms of parental leave, with 60 hours of sick leave, cumulative to a maximum of 13 weeks, which includes carer's leave. Part-time and casual workers are governed by the EA and receive pro-rata benefits.

Engineering manufacture presents a complex picture of industrial instruments. A union-negotiated EA allows employees the statutory leave entitlements or in accordance with a general Award, but restricts the amount of time taken as carer's leave. The working conditions of the majority of the small number of women were governed by individual contracts that did not allow for part-time work or flexible start and finish times. This company was alone in not including provisions to govern the conditions of part-time workers.

In this sample, industrial instruments did little more than conform to the minimum provisions of the Workplace Relations Act. There were no innovative work/care practices built into agreements such as homework, childcare provision or job sharing. Table III provides a summary of the leave provisions that exceeded those that had to be included in agreements. Overall, the industrial relations arrangements that were available in the public domain were not used as a medium for formalising work and care practices. Also, it was clear that there was very little interface between EEO reporting and policies, and industrial agreements.

*Organisational policies and practices*
Access to information about organisational policies was obtained by asking the HR Manager in each organisation to outline the organisation's polices in regard to equal employment opportunity in general, and in particular to the way those policies, and the practices that followed from them, fostered or militated against women employees' ability to strike a reasonable balance between work and family. Not surprisingly, there was a wide variation among the organisations, both in the policies themselves and in the way they were interpreted, but the tension between work and family, especially in terms of time management, was recognised everywhere. When asked about work-life balance or work and family balance, HR managers almost always saw this in terms of temporal flexibility, such as part-time work, gradual return from maternity leave, variations in starting and finishing times, and in access to short periods of leave at short notice to deal with a sick child or family emergency.

Formal policies regarding recruitment, maternity and carer's leave, job sharing, part-time work, pregnancy and breast feeding were contained in written documents such as HR manuals or staff handbooks, and in half the companies were available to (most) employees via the company intranet. On the whole, they echoed the statutory

|  | Provision |
|---|---|
| Metal manufacture | None |
| Technology | Generous interpretation of personal leave |
| Private hospital | Six weeks paid maternity leave |
| Leisurewear | Extended period of part-time on return from maternity leave |
| Work facility | Extended period of part-time on return from maternity leave |
| Engineering manufacture | None |

**Table III.**
Leave provisions in agreements or awards that exceed legislative minimum

rights of employees or those contained in the relevant Award or Agreement and were concerned with administrative and procedural matters. Two companies had formal policies for employees, including new mothers, who wanted to work from home. These policies included attention to network links and occupational health and safety in the home environment. The right to return to work on a part-time basis after the birth of a child was included in some organisational policies. At a less formal level, the policies concerning maternity leave were supported by particular HR practices such as keeping in touch with women on leave, inviting them to visit the workplace, and continuing some worker benefits (in one case, occasional movie tickets).

In several organisations flexibility around working hours was part of formal policies. For example, at Engineering Manufacture "most of the admin staff work from 8.30 to 5.00. If an employee goes to their manager and says can I change my hours to be 9.00 to 5.30 to fit in with school or whatever, if that is acceptable to the manager, then that can be done" (HR manager, Engineering Manufacture). At Technology "things like being able to leave early on certain days, and grouping up your hours, having time in lieu" were in the forthcoming contract (HR manager, Technology). But just as often such arrangements are worked out informally between employees and their supervisors or co-workers. In one section at Leisurewear coordination was left to staff: "Reception is job shared, three ways. They are all mums … they coordinate amongst themselves to make certain someone is there" (HR manager, Leisurewear).

The HR managers considered that they did all they could within the constraints of the business to provide the sort of flexibility that women needed to fulfil their dual roles as worker and family member. This willingness to be adaptable was particularly the case if the organisation faced a tight labour market. One HR manager in a smaller organisation was working towards changing company policy because "the thing that keeps coming back is we are not perceived to be family-friendly. We don't have the flexibility that is offered in other industries" (HR manager, Engineering Manufacture). Other HR managers accepted that helping to resolve work-life conflict was in the interests of both employer and employee. A lack of flexibility was recognised as contributing to absenteeism and high staff turnover: "Definitely, it effects workplace attendance, because if people's childcare falls through, something has got to happen" (HR manager, Engineering Manufacture). Faced with a tight labour market, recruitment and retention were important factors in the health sector organisation: "There is quite a bit of flexibility in our work environment, we bend over backwards to accommodate people's rostering needs and we have paid maternity leave" (HR manager, Hospital). At the Recreation Facility, "the working conditions are fairly flexible to suit the different needs of different people and particularly because a lot of our casuals were females" (HR Coordinator, Recreation Facility).

The resources available and the need to serve the needs of the business governed the HR managers' input into finding an acceptable level of work and family balance for women employees. As an example, the lack of adequate childcare was repeatedly raised as a source of difficulty for employees, but none of the organisations was actively seeking to resolve this. At Technology, the demand of long and sometimes unsocial hours was accepted as making work-life balance difficult but was part of the job role and not always seen as negative: "Most people who are doing assignments and things this is what they want to do. It is part of their role…" (HR manager, Technology).

*Women employees*
The women in this study did not question their dual roles as paid employees and key family members (see Pocock, 2005); they regarded both roles as important. Generally, women who were mothers or carers were content with their working arrangements as long as they were able, and felt permitted, to take time out occasionally to fulfil other commitments for themselves or their families. Including those working part-time and as casual (temporary) employees, they value their work and happily accept their responsibility and commitment to the enterprise that engages them, while also taking on significant family responsibilities. While several interviewees voiced the opinion that they were willing to forgo promotion for the time being to spend more time and energy with family, this preference did mean they were not committed to the job they were doing or would not, in the longer term, seek more training or career progression. The case studies confirm that for these women, commitment to the paid workforce is ongoing but uneven in terms of the time commitment they can give paid work at some points in their lives.

Did women at all levels of the case study organisations want the things identified as part of the work and family agenda discussed above? The interviews with women employees confirmed that women prize most of all the ability to balance their paid work with obligations to family and community. Carer's leave, access to part-time work and flexible hours (discussed below) were all very important in maintaining their attachment to paid work. However, there was one issue of critical importance that no organisation had tackled. Mothers in every organisation considered obtaining suitable childcare as a source of stress in balancing work and family needs. Some of the key issues are discussed below.

*Special leave and carer breaks.* These arrangements were achieved at most organisations through a mix of formal policies and informal arrangements made at the local department level. Typically, leave came at the cost of personal sick leave as the two types of leave were bundled together. Employees at Recreation Facility, faced with a family emergency, felt they could take leave at short notice using combined sick leave and personal leave entitlements. Technology and Leisurewear employees were able to take time off for personal reasons but were expected to make up the time and meet deadlines. One manager described the situation of a mother of a three-year-old:

> She's full-time but if he's got green snot in his nose he's not allowed to go to day care. So, I'll let her go until she can get her father to look after him, mid-morning, or whatever, and we make that time up. We just try and be really flexible with that (Supply chain manager, Leisurewear).

There was little flexibility in leave arrangements at Engineering Manufacture however, and personal leave was extended at the minimum rate. One woman, clearly anxious and unhappy about her situation said, "I have a one year old, so in the past year, he has been sick quite often. I have used my five days plus, so I have to take leave without pay. I know that I have used everything" (Employee, Engineering Manufacture).

*Access to part-time work.* Women said that they valued the opportunity to work part-time, and to switch between full-time and part-time work, and this opportunity was available in most workplaces. While one workplace (Engineering Manufacture) offered rigid hours and conditions with no access to part-time work or extended

maternity leave elsewhere, women related to the experience of moving between full-time and part-time work as a source of satisfaction in their working lives.

> I came back two days-a-week when they were five months and then three days a week when they were one year. And then four days a week when they were about eighteen months, then full-time when they were two. So, I had a staggered increase, which was fabulous (Mother of twins, Metal Manufacture).

> I was on maternity leave when I was here but only for a few months. Then I did part-time for twelve months but the last few years I changed down to a four-day week doing school hours only. Then I increased it doing a project for the next 12 months, so I am back here full-time, at the moment (Clerical worker, Metals Manufacture).

*Flexible working-time arrangements and control over hours worked.* Most women in these organisations had access to a degree of flexibility in the hours and times they worked but this flexibility depended on business demands and the nature of their work. Some women chose to undertake casual work in order to maximize their control over working arrangements. In some organisations short or irregular shifts at peak periods suited the needs of the employer and the employee, for example at Recreation Facility and Leisurewear, where seasonal and even daily demand varied. Elsewhere, skilled workers were in short supply and temporary workers could fill the inevitable gaps. When one HR manager explained that some employees "are up early in the morning to speak to the US and they are up late at night to speak to UK or whatever, so the hours are not always set and they are actually quite flexible" (HR manager, Technology) it is clearly the interests of the business that come first. At the Hospital, managers said that they went to a great deal of effort to make rosters suit individuals' personal and family needs. One nurse manager said:

> Work life balance is always an issue particularly when one is doing rostering. That's something you have to take into account and it's all the more these days because nursing is at a premium, the nurses are at a premium. To maintain your staff and to retain your staff you have to be very flexible and you have to take into account their family life – their children, if they are carers. I do that all the time (Nurse manager, Hospital).

Nurses appreciated but also expected this kind of control over their working lives:

> On the ward where I work we've got a mixture of four-hour, six-hour, eight-hour, 12-hour shifts. Most of our night shifts are a 12-hour night. Some of them [nurses] only want to do say four hours-a-day. They want to pick the kids up in the afternoon or whatever (Nurse, Hospital).

It was apparent that individuals made informal arrangements with co-workers, such as "swapping" a few hours, a shift or part of a shift to fit in with out-of-work responsibilities, or where childcare had to be rearranged at short notice. At Leisurewear the reception staff job-shared and determined their own roster. At Engineering Manufacture, it was the lack of "room to move" (Morehead, 2003) that most angered women employees: "My daughter is getting her School Certificate on Friday and I have to take annual leave to be there" (administrative officer, Engineering Manufacture).

## Conclusions

Legislation protects individuals from overt discrimination, and managers in the organisations studied had a firm understanding of the consequences of discrimination

and unfair dismissal, and were diligent in complying with the law in each of the workplaces. The EOWA characterises equal opportunity as ensuring that "all employees are treated with fairness and respect in that they are not subject to discrimination or harassment in the workplace" (EOWA, 2007b), yet this Agency does not in itself guarantee women a balance between work-and family, which is not part of the EEO reporting mechanism. Work and family reconciliation is not generally or universally addressed in the industrial agreements applying in these cases and in the end do little more than restate the standards in the legislation. Some agreements in this study provided superior conditions in terms of choice and accessing leave arrangements, yet no agreement addressed childcare issues.

Within organisations, formal HR policies and practices varied but were not unsympathetic to the dual pressures on their female employees. Outside of formal mechanisms it appeared that informal processes and supporting mechanisms within the direct work area were the main means for negotiating work and family balance in some of the case study organisations. Within these organisations, the application of EEO work and family policies and practices was pragmatic and dependent on labour market forces and the influence of HR managers on overall policy. An understanding that employees' needs and interests change over the life cycle (Leisurewear, Hospital), or a more prosaic need to fill the vacancies and retain skilled workers in a tight labour market or particular geographic location (Hospital, Technology, Metals Manufacture) were also important. Swapping shifts or "filling in" for a co-worker were ways in which reciprocal obligations were undertaken and resolved for some women. Other research indicates that informal arrangements such as sharing or swapping shifts in order to juggle work and family involves considerable time and potential stress to workers (Morehead, 2003).

The findings from the research suggest that having an organisational EEO programme and workplace agreement is no guarantee that work and family measures will be introduced at the workplace. Legislated minimum standards that protect workers against overt discrimination and harassment effectively motivate companies, but only in establishing a floor. In 2004 Australian legislation already contained few minimum safeguards and hence conditions were inconsistent between organisations and even within them. Neither the industrial agreements accessed, nor the reports to EOWA offered more than token acknowledgement of work and family issues. Some organisations embrace more elaborate or sophisticated ways of enticing workers or retaining them. This difference is largely in response to labour market forces, such as a shortage of workers with the appropriate skills or the costs to business of losing highly trained personnel, which are important determinants of workplace policies and practices.

While the reporting process raises awareness of the issues and empowers HR managers to be pro-active in developing programmes that assist in balancing work and family, this function is not the specific intention of the Agency and these programmes are revealed only indirectly in the reporting process. Neither do industrial agreements involving trade union negotiations appear to have a large impact on women's working lives in these organisations.

Frequently, access to arrangements which reduce the work-life tension for women with caring responsibilities is provided in an ad hoc or informal way, or is negotiated outside both statutory obligations and union-negotiated agreements. Much is left to the

discretion of the HR practices of the organisations and the individual line manager. The findings from the case studies accord with earlier research on EEO programmes and workplace agreements that found that these mechanisms did not in the main facilitate family-friendly workplace arrangements (Campbell and Charlesworth, 2004; Whitehouse and Zetlin, 1999). Workplace culture and support is important in ensuring women have, and feel that they have, access to such programmes as exist (Eaton, 2003). Informal procedures and arrangements at the workplace were extensive and reportedly useful. Exchanges in hours or shifts worked were accepted as mutually beneficially to women, particularly at hospital.

he HR managers were mindful of the business case for good practice, particularly where labour or skill shortage prevailed or where employees had been highly trained or proved themselves effective in a particular role. They also supported an approach that was in accord with the regulatory approach. The EEO and workplace bargaining regime are both very dependent on the "business case" for family-friendly employment measures, one which is supported by government and its agencies (for example EOWA) but is in tension with other ideas based on arguments about equity and social justice (ACTU, 2005). In turn, such measures are unevenly distributed within and across workplaces (Gray and Tudball, 2002), and development and implementation becomes dependent upon managerial prerogative. While businesses may deploy "flexible" employment arrangements these are not necessarily compatible with integrating work and family responsibilities.

In terms of advancing the policy agenda for work and family in Australia, the research suggests a number of points. First, without clear legislative instructions and requirements that are built into EEO programmes and the minimum conditions for workplace agreements, it is likely that a voluntarist regime will tend to gravitate towards the minimum. This outcome was apparent from the review of the industrial agreements. As a result, prescribing and setting the minimum is important. Secondl, negotiating to balance individual work and care demands becomes dependent on the goodwill of managers and the economic circumstances of workplaces. Such a regime will lead to uneven access. Third, government can support work and family reconciliation through supporting programmes and policies that apply to all workers and are independent of workplace size or profitability. This approach would include funding childcare places and providing for funded maternity leave. Finally, the shift in Australia towards individual bargaining and fewer base conditions associated with the 2006 Work Choices legislation will enhance managerial prerogative (Sappey *et al.*, 2006) at the workplace and lead to a greater dependence on informal arrangements for reconciling work and family.

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## About the authors

John Burgess is Professor and Director at the Graduate School of Business, University of Newcastle, Australia. He can be contacted at john.burgess@newcastle.edu.au

Lindy Henderson is Research Associate at the School of Business and Management, University of Newcastle, Australia. She can be contacted at lindy.henderson@newcastle.edu.au

Glenda Strachan is Professor of Management at the School of Management, Griffith University, Australia. She can be contacted at g.strachan@griffith.edu.au