



The Hon Michael Wright BEd MP

Minister for Administrative Services
Minister for Industrial Relations
Minister for Recreation, Sport & Racing
Minister for Gambling

cc'd to FB
24/5

REFERENCE:
WPS03/0145
MIR04/013CS

Hon Justice Giudice
President
Australian Industrial Relations Commission
Nauru House
80 Collins Street
MELBOURNE VIC 3000

Dear Justice Giudice

I seek leave for the State of South Australia to intervene in the Australian Council of Trade Union's Work and Family provisions application (C2003/4198). The State of South Australia wishes to intervene in support of the joint State and Territory Governments submission lodged on 14 May 2004.

Please find attached additional information, specific to South Australia, for the Australian Industrial Relations Commission to take into consideration. This information may be read in conjunction with sections of the joint State and Territory Government submission as indicated on the Attachment.

If you require further information, the departmental contact is Mr Trevor McRostie, Director, Policy and Strategy Group, Workplace Services on telephone (08) 8303 0232.

Yours sincerely

Michael Wright MP
MINISTER FOR INDUSTRIAL RELATIONS

18/5/2004

Overview of South Australian Work and Family Legislative Provisions

(To be read in conjunction with Section 7 of the joint State and Territory Governments submission)

Currently, in South Australia the *Industrial and Employee Relations Act 1994*, Chapter 3 Part 1 provides for minimum conditions of employment. The minimum standards include:

- section 69 – minimum standard of remuneration fixed by the Full Commission of the South Australian Industrial Relations Commission;
- section 70 – minimum standard of sick leave of 10 days per year;
- section 71 – minimum standard of annual leave of 4 weeks per year; and
- section 72 – minimum standard of parental leave of up to 52 weeks for unpaid leave for an employee or the employee's spouse after the birth or adoption of a child.

Section 29 of the *Equal Opportunity Act 1984* provides that a person cannot be discriminated against in employment because they are pregnant.

Work and Family Provisions in Excess of Minimum Standards

(To be read in conjunction with Section 8 of the joint State and Territory Governments submission)

In South Australia, many businesses have undertaken initiatives to provide work and family provisions in excess of current minimum standards. A few examples of these businesses and the provisions include:

- *United Water International Pty Ltd*
 - flexible work arrangements including part-time, flexi time, time off in lieu, rostered days off and working from home;
 - paid leave for nursing mothers (one hour per day);
 - paid dependant care if attending out of hours meetings or training; and
 - banked family leave scheme – 48/52
- *SAAB Systems Pty Ltd*
 - flexible working arrangements – staff can work own hours around core hours of 10am-3pm;
 - 12 weeks paid maternity leave;
 - child care subsidy for up to three months after returning from maternity leave;
 - six weeks annual leave; and
 - lunchtime seminars on work/life topics.
- *University of South Australia*
 - a package of 11 flexible work arrangements that acknowledge and support a family-friendly work environment including part-time work, job share, 48/52 week year, 4/5 leave (where an employee can work four years of a 5 year period at 0.8 salary over the entire 5 years), flexitime, and opportunities for extended periods of leave.
 - 12 weeks paid maternity or adoption leave with up to 2 years unpaid paternity leave;
 - a women in leadership program which includes a significant focus on work/life options.

- *Savings and Loans Credit Union (SA) Limited*
 - flexible working hours including permanent part-time or flexible part-time work, job share and working from home;
 - paid “family bonding” leave (3 weeks leave for the parent who is not the primary caregiver);
 - key-time casual staff may apply for flexible part time status to take advantage of paid parental leave provisions;
 - a “keep-in-touch” scheme for staff on parental leave; and
 - the use of single days of annual leave to meet personal and family needs.

- *Fuller Communications*
 - flexible work arrangements including the ability to determine starting and finishing times, regular part time work to fit with school or child care hours, working from home on a needs basis and banked time;
 - time off in lieu encouraged to coincide with long weekends and family commitments;
 - the use of single days of annual leave to meet personal or family needs;
 - paid leave to care for sick children and other family members; and
 - the ability to take time off at short notice.

- *Hackham & Seaford Bottle Co*
 - flexible rostering arrangements designed to meet the different needs of staff including accommodating child care and other family responsibilities;
 - all meetings held during business hours;
 - senior staff with family responsibilities encouraged to take leave during school holidays and to have regular weekends off;
 - company orientation process includes an explanation of the work/life initiatives available.

Action being taken by South Australia

(To be read in conjunction with Attachment 1 of the joint State and Territory Governments submission)

In December 2003, the South Australian Government released the *Industrial Law Reform (Fair Work) Bill 2004* (the Bill) for public comment. Provisions in the Bill to enhance work and family policies and practices in the workplace include:

- the inclusion of an object in the Bill “to facilitate the effective balancing of work and family responsibilities”;
- providing that industrial authorities, including the Industrial Court and Commission, have regard for ILO Convention 156 *Workers with Family Responsibilities Convention 1981*;
- the inclusion of a definition of who is “family” which includes any person who is dependent on a person’s care; and
- the provision of a minimum standard for carer’s leave.

The Bill is currently the subject of an open consultation process. It is anticipated that it will be presented to Parliament later in 2004.

The South Australian Government is also reviewing the *Equal Opportunity Act 1984*. As part of this review, it is proposed to extend the Act to cover “family responsibilities” as a ground for discrimination.

In November 2002 the South Australian Government established the Premier's Council for Women (the Council) to advise the Government on issues affecting women. The Council decided to focus on two key areas, one of which was "Women and Work".

In August 2003, the Council held its first forum for women in South Australia. The forum involved 400 women, both employers and employees, who wanted to discuss the difficulties of balancing work and life responsibilities. The forum included facilitated discussions with an emphasis on the work-life collision with many concerns raised. After taking account of these concerns, the Council reported to the South Australian Government and included strategies to achieve a better work-life balance for all workers. The South Australian Government is currently considering these recommendations.