

## **Submission in respect to the *National Employment Standards Discussion Paper***

***Dr Kathy Edwards, Sydney, NSW.***

### **1. Scope of this Submission**

**1a.** My Submission pertains to eldercare, and, particularly, to the lack of mention of eldercare specifically as an issue for working Australians, in the *National Employment Standards Discussion Paper* (hereafter *NES Discussion Paper*). It also addresses the inadequacy of provisions in the *NES Discussion Paper* stipulated for those with caring responsibilities more generally, including responsibilities related to eldercare. From time to time in the Submission I make note of caring duties that pertain to those who are sick, disabled, or in other ways vulnerable, but who may be of any age. I consider that these are equally as important as eldercare.

**1b.** My own personal experience, however, relates to the care of elderly people who are affected by the lack of capacity for independence and self-care that age brings, as well as by chronic illnesses and ailments, and, at times, acute illnesses. It is on my personal experience that this Submission primarily rests. I appeared as a personal witness in my capacity as an eldercarer in 2005 as part of the ACTU Work and Family Test Case. I also draw on the experiences of others who I have encountered in my experience of eldercare, and who themselves care for a range of individuals with different needs. Because my academic expertise is partly in the area of gender and work I have, from time-to-time, been called upon to provide advice related to eldercare issues. To this end this Submission also situates the experiences I refer to in the context of some of the academic literature on the topic and the statistical framework that describes caring for the elderly and disabled in Australia.

### **2. The Context of Eldercare (and Other, Similar Forms of Care)**

**2a.** The first part of this Submission provides context by describing the statistical framework and different practices related to care for the elderly and other similar groups in Australia.

**2b.** It is well-known that Australia has an ageing population (ABS, 2004). Yet eldercare is not a topic that Social or Employment Policy in Australia well understands or addresses (Watson and Mears 1999). Throughout the *NES Discussion Paper*, for example, mention is made of Australia's 'working families', where it is implicitly or explicitly assumed that these families comprise of a parent or parents and young children. Yet many individuals who work also care for an older Australian or one who requires care for other reasons.

**2c.** Definitions of care vary. Usually caring is divided into 'primary' and 'other' or 'secondary' forms of caring. The Australian Bureau of Statistics [ABS] defines a primary carer as one who provides primary care, i.e., ongoing informal assistance to a person who has a limitation in capacity to provide care for themselves (ABS 2003) or who, amongst carers, provides the majority of this care (ABS 2005). Primary carers are frequently expected to live in the same household as those they are caring for (ABS 2005). 'Other carers' are more loosely defined as those who care for individuals whose need for care is less acute, or who may provide care on a less regular basis (perhaps relieving primary carers) (ABS 2005). In some cases definitions refer to time-frames for the need for care, six months being a popular

minimum standard (ABS 2005). This Submission will highlight that these definitions are inadequate to describe the types and variety of care that carers of the elderly and other similar groups perform.

**2d.** Those providing care for the elderly and other similar groups may well live in the same household. However it is also likely that they will have their own household and responsibilities vis a vis self-care and the care of partners, children and significant others.

**2e.** Periods and intensity of care for the elderly and other similar groups may also vary. Some carers have been caring for a number of years, others manage care for short illnesses or periods of incapacity, after which the person requires less or no care. Some provide a high level of care over short or long periods, others provide less care over short or long periods. Care is frequently shared within family groups in a variety of different ways.

**2f.** The Australian Government notes the complexity of eldercare in respect to the type and range of tasks performed (Australian Federal Department of Education, Employment and Workplace Relations, n.d.). The sorts of tasks performed by carers of the elderly (and other groups) are diverse. The ABS includes mobility (inside and outside the home), transport, personal care and communication as amongst commonly performed care tasks in (ABS, 2005). The Australian Centre for Industrial Relations Research and Training [ACIRRT] (2004) describes the tasks of eldercarers specifically as including;

Personal needs—washing, dressing, eating.

Financial needs—paying bills, bank deposits.

Household needs—shopping, cooking, cleaning, laundry.

Transportation needs—rides to and from the doctor and/or hospital

The emotional and psychological needs of those cared for are important and frequently overlooked in a discursive environment (such as the above) that focuses on immediate physical or material needs. Yet, for the elderly, loneliness, feelings of rejection and need for company are important concerns, frequently leading to depression and other mental health issues (Blazer 2003). Caring also includes providing company, activities and distractions from routine; taking the person being cared for on outings or to meet friends; ensuring that they can be part of their communities by providing transport to clubs or events; providing activities and distractions; providing comfort at the deaths of partners or friends and assisting the person to care for a companion animal. It is likely that other groups requiring care have similar needs.

**2g.** The ABS notes “in 2003, 2.5 million people (16% of the population aged 15 years and over) provided such care to 2.1 million people” (this figure does not include those providing care to small children such as would normally be provided by a parent) (ABS 2003). Caring is largely feminised. Of primary carers within the 15-24 year old age group a slight majority of carers is female (ABS 2005). However, a larger majority in the core working years of 25-64 is female (ABS 2003). Many of these carers were not in the paid labour force, (39%), although little is known about factors that may shape this non-participation. Of other carers, i.e. those who do not provide ‘primary care’, the gender balance is evenly split between males and females, and 60% are in the paid labour force (ABS 2003). These carers must balance their professional and personal responsibilities, often in workplace contexts where there is scant policy or support for eldercaring, and a where eldercare is not prominent as an accepted ‘need’. Culturally there is little understanding of the need for eldercare and the needs of eldercarers.

**2h.** To provide a personal framework, for the past ten years I have assumed an increasing role as an eldercarer in my family. Tasks I perform relate to some aspects of household needs (inside and out, including home maintenance) as well as personal shopping and researching medical conditions and medications. I am an academic and work full time in a demanding job. Not unusually in our increasingly mobile and globalised society I live in a different capital city from my parents. I have been active in my own workplaces in countering cultural ignorance and in actively pursuing conditions for eldercare as part of the industrial bargaining process. From some colleagues I have received blank stares, comments such as ‘can’t you put them in a home?’ when discussing my need for eldercare, and, upon my return from leave, ‘did you have a nice holiday’? Until very recently when the amount of sick leave that can be converted to carers’ leave according to my Enterprise Agreement [Academic Staff, University of Sydney] was increased from 5 days to 10 days it was necessary for me to use large portions of my Annual Leave for caring purposes. This was becoming an Occupational Health and Safety issue. I was balancing work and care, but having little free time in which to rest or recreate. Having 10 days makes an enormous difference and has dramatically improved my ‘work and life balance’.

**2i.** My parents live outside of assisted care. ACIRRT note the growing trend towards community and family based care provided on an informal basis for the elderly (ACIRRT 2004). Choosing amongst the limited available options is a matter of personal choice, framed by a range of complex emotional, practical and financial considerations. To provide a different example, a fellow-carer cares for his elderly mother who has dementia and lives in a nursing home. He travels interstate for periods between one and seven days to perform a variety of tasks related to her personal care, and to his role as having power of attorney over her affairs. This care is shared with a sister who also travels from interstate, and who assists with ensuring that medical needs are being met (she is a nurse). Another sister who lives locally balances the care of children with the care of her mother. Tasks performed by these carers include meeting with accountants, medical practitioners, shopping for personal items and providing support and company. Those living interstate provide respite for the carer who lives locally. Providing emotional care for this woman is an important role of these carers. She misses her home, does not understand why she is in a nursing home, requires company and feels rejected. The carers provide care willingly, but also speak of decreased opportunities to connect with their own friends and communities (and in one case grown children), travel, pursue hobbies and in other ways make lives outside of work and care.

### **3. Balancing Caring, Work and Life**

**3a.** Caring is clearly an issue related to labour force participation, the lifecycle, to gender norms, and is a work and life balance issue (Airey, McKie and Backett-Milburn 2007, Watson and Mears, 1999).

**3b.** Some carers do not participate in the paid workforce, while others negotiate a complex balance between paid work, their caring responsibilities (which may be for more than one individual) and other aspects of their lives. Where caring is a ‘life and work’ issue in this context this refers not only to managing paid work and care, it is also about providing carers with the capacity to participate in private pursuits, their communities and as citizens.

**3c.** Where encouraging greater workforce participation and productivity are goals it is clear that the needs of Australia’s carers must be considered.

#### **4. The National Employment Standards Discussion Paper**

**4a.** The *NES Discussion Paper* highlights flexible workplaces. Whereas the National Employment Standards aim to guarantee a range of flexible workplace provisions for parents, however, no mention is made of the needs of those who care for the elderly, or other groups requiring care.

**4b.** The *NES Discussion Paper* notes that, “the Government recognises that working families can find it particularly difficult to balance work and family responsibilities when a child is not old enough to attend school”(n. 59.). The same is true for those who are managing the care of elderly (or disabled or otherwise infirm) persons as primary or other carers. It also pertains to care for those who are either are in supported care institutions or who may still be living with different degrees of independence. For this reason it is reasonable to expect the “right for certain employees with responsibilities for the care of the elderly, sick, disabled or otherwise infirm and vulnerable to request flexible work arrangements from their employer” be included as National Employment Standards.

**4c.** In no. 62. it is stated that the proposed flexible working arrangements standard applies if the employee:

- is a parent of a child under school age.
- has a responsibility for the care of a child under school age.

A schedule of National Standards that recognises the valuable role that eldercarers (and other carers) play would state:

The proposed flexible working arrangements NES applies if the employee:

- is a parent of a child under school age, or a carer of an individual who is elderly, or (of any age) who is sick, disabled or infirm (permanently or for any period).
- has a responsibility for the care of a child under school age, or an individual who is elderly, or (of any age) sick, disabled or infirm (permanently or for any period).

**4d.** N. 67. states;

“The proposed NES does not define ‘flexible working arrangements’ because the Government does not wish to limit the scope or types of arrangements that an employer and employee might agree on to assist the employee to balance their work and family responsibilities”.

This is well-worded. The in-built flexibility here recognizes the general existence of diversity of need emphasized in this Submission.

**4e.** In No. 170. it is stated that “the proposed personal/carer’s leave NES provides an employee, other than a casual employee, with an entitlement to:

- 10 days of paid personal/carer’s leave for each year of ‘service’

- two days of paid compassionate leave ‘per occasion’ (e.g. on the death or serious illness of a family or household member)
- two days of unpaid carer’s leave ‘per occasion’ for genuine caring purposes or family emergencies if paid carer’s leave is exhausted.

This is inadequate to account for the complexities related to caring.

**4f.** In the first instance whilst it is acknowledged that the standards referred to in the *NES Discussion Paper* are *minimum* standards, two days is not adequate as a minimum. The provision of only two days leave per caring ‘occasion’ does not adequately provide for the complexity of care as outlined in Section 2., above. Noted here, for example, was that many carers travel long distances with the intent of providing care that will allow the continuation of independent living. Some care during periods of illness or recovery from surgery. In addition, two days is not long enough to recover from a death or organise funeral arrangements, let alone other personal and business affairs.

**4g.** In the second instance whilst some workers may realistically be able to access the option of unpaid care this is not an option for many. Many workers are feeling the stress of rising interest rates and mortgage repayments, and have budgets that are already stretched. Single workers do not have supplementary incomes and may be severely disadvantaged by having to take unpaid leave to ‘make up the gap’. Whereas unpaid leave is acceptable as a last resort warning should be sounded about relying on it as a first-line strategy.

**4h.** Caring for the elderly happens in an environment where the elderly are frequently not happy being cared for, are in pain, confused, resist the care of non-family members and have rights and needs that must and should be respected. It also happens in an environment where, as noted, social supports for eldercare are woefully inadequate and where nursing home care, if it is appropriate, frequently requires long waits. External provision of eldercare is less readily available than childcare. Eldercarers, simply, have few other resources.

**4i.** To address the needs of eldercarers (and, in all likelihood other carers) it is proposed that five days of paid compassionate leave ‘per occasion’ (e.g. on the death or serious illness of a family or household member) be available as a minimum standard.

**4j.** Although my Submission does not address their needs it is clear that Casual Employees with eldercare responsibilities require similar provisions.

## **5. Summary**

In summary The *National Employment Standards Discussion Paper* is an important document in that it creates some capacity for provisions that will make it easier for some Australians to balance work and life. However for the reasons outlined in this Submission it also contains significant omissions in respect to carers of the elderly and other similar groups. Balancing paid work, caring, and other aspects of life are important issues for a range of Australians. An industrial relations system that is responsive to Australia’s changing demographic profile, cares about the needs of older Australians and their carers, and, importantly, wishes to encourage workplace participation and productivity will go further to recognise and provide for the needs of carers who are engaged in paid work, or who desire to be.

## 6. References

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Watson, E. and Mears, J. (1999) *Women, Work and Care of the Elderly* Aldershot: Ashgate.