

# WORKERS' RIGHTS BALANCING WORK AND LIFE



**There is no ideal work life balance, everyone is different and the 'right' balance may alter over time as families grow older and personal commitments change.**

## What is work life balance?

Work life balance describes the relationship between your work and the commitments in the rest of your life and how they impact on one another.

Many workers struggle with trying to balance their commitments at work with the many different demands in their private lives. More people now work longer hours, with evening and weekend work and heavier workloads. This impacts on the ability to combine caring, health and social commitments like study, volunteering, sport and recreation. The range of different people now engaged in the workforce, such as working parents and carers, older workers wanting to reduce hours before retirement, and young workers wanting to work more flexible hours, has led to a greater interest in negotiating special agreements to cover balancing life with work commitments.

There is no ideal work life balance, everyone is different and the 'right' balance may alter over time as families grow older and personal commitments change.

Having options about how work is organised makes managing work and life demands possible by allowing employees to work in non-traditional work patterns and locations that better fit their personal commitments. Overall quality of life improves and businesses also benefit from employees' higher morale and commitment when flexible options are offered.

## Negotiating for Work and Life Balance

There are many ways that your workplace can help you in balancing your work and family commitments including but not limited to allowing you to work part-time. They could also include allowing you to perform some work from home or bringing children to work, providing a breastfeeding friendly workplace, providing assistance with child care, allowing you to access leave over school holidays or at half pay, and salary banking to provide for extra leave. These flexible arrangements may be informal agreements between you and your employer (although it is always best to get such things in

writing), part of your workplace policies, or could be part of your award or negotiated and formally written in to your agreement. Employers are also interested in attracting and retaining skilled workers, by negotiating conditions that increases staff loyalty and productivity and avoids turnover training and replacement costs.

For many workers negotiating flexible work arrangements can be as important as a pay increase. A range of leave and working hours arrangements can be packaged in a Work and Life Balance clause to be included in an enterprise agreement.

You should not be discriminated against in your work because you have caring responsibilities.

See the SafeWork SA website pages on Work Life Balance [www.safework.sa.gov.au](http://www.safework.sa.gov.au), or see the Fair Work Ombudsman's Work and Family Best Practice Guide [www.fairwork.gov.au/resources/best-practice-guides](http://www.fairwork.gov.au/resources/best-practice-guides) or contact one of the organisations listed below to discuss.

See also the Fact Sheet on Negotiating with your Employer.

## Work life balance initiatives

- Schedule meetings within normal working hours;
- Limit excessive overtime;
- Take annual leave in the year that it is due;
- Allow reasonable personal phone calls;
- Discourage working out of the normal span of hours, except in exceptional circumstances;
- Implement a 'keeping in touch' plan for staff on parental leave;
- Consider leave requests during school holidays;
- Allow working from home, job sharing and part time work arrangements;
- Negotiate flexible start and finish times;
- Introduce a workplace policy for breastfeeding employees;
- Provide access to childcare information and referral services;

- Provide paid parental leave beyond the government entitlement and options to return to work part time after having a baby;
- Consider time off for employees to volunteer.

## Right to request flexible working arrangements

If you are a parent or have responsibility for the care of a child under school age (or a child with a disability under 18), under the *Fair Work Act 2009* you can request a change in working arrangements to assist with the care of your child.

To make this request, you must have 12 months continuous service with the employer, and if you are a casual, you must also have an expectation of ongoing employment on a regular and systematic basis. You must make the request in writing and include what change you are wanting and why. It is a good idea to include any benefits to the employer in your proposal.

Your employer must give you a written response within 21 days, stating whether the request is granted or refused, and if refused, the reasons for this. If not granted, you should be able to clearly understand why your request is rejected. A request can only be refused on reasonable business grounds, such as the effect on the workplace, including the financial impact and the impact on efficiency, productivity and customer service; the inability to organise work among existing staff; and the inability to recruit a replacement employee.

If your request for flexible working arrangements is rejected and you are not satisfied with your employer's reasons then you can go to Fair Work Australia (FWA) for assistance in resolving the disagreement - however, FWA can only help you if this is provided for in your enterprise agreement or Award.

## Individual flexibility arrangements

Even if you are not eligible under the 'Right to Request' provision of the Fair Work Act 2009, (for example because your child is already at school), you can still negotiate flexible arrangements with your employer.

All modern awards and new enterprise agreements must contain a flexibility term, which allows for individual flexibility arrangements between employers and employees. The flexibility agreement must identify the terms of the award or agreement which can be modified. In modern awards, the terms which may be altered are;

- arrangements for when work is performed;
- overtime rates;
- penalty rates;
- allowances; and
- leave loading.

However, enterprise agreements may allow for additional items to be varied so you should check what possibilities are open to you.

You may be able to make a formal request to alter your conditions of employment in a way that benefits you and your family, but doesn't negatively impact on your employer. For example you may negotiate to start and finish earlier so you can take your child to a regular activity, but not be paid any penalty rate that would normally apply to the different working times.

Any agreement made under the flexibility term must leave the employee better off over all than they would be if it wasn't agreed to. The agreement must be in writing and signed by both the employer and employee and a copy must be given to the employee. The agreement must also state how the individual flexibility agreement can be terminated.

## Where can I get more help?

### Your union

SA Unions  
Ph: (08) 8279 2222  
[www.saunions.org.au](http://www.saunions.org.au)

### Working Women's Centre

Ph: 1800 652 697  
[www.wwc.org.au](http://www.wwc.org.au)

1st Floor, Station Arcade  
52 Hindley Street  
Adelaide, SA, 5000

### Legal Services Commission

Ph: 1300 366 424  
[www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)

82-98 Wakefield Street  
Adelaide SA 5000

### Young Workers Legal Service

Ph: (08) 8279 2233  
[www.ywls.org.au](http://www.ywls.org.au)

### Equal Opportunity Commission

Ph: 8207 1977

### Australian Human Rights Commission

Ph: (02) 9284 9600  
Complaints Infoline: 1300 656 419

### Fair Work Ombudsman (FWO)

Ph: 13 13 94  
[www.fairwork.gov.au](http://www.fairwork.gov.au)

Level 2, 148 Frome St.  
Adelaide SA, 5000

### Telephone Interpreter Service

Ph: 13 14 50



**Legal disclaimer:** The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws. The information contained in this publication within the FWO's jurisdiction as set out in the Fair Work Act 2009 is: general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and not legal advice. Therefore, you may wish to seek independent professional advice to ensure all the factors relevant to your circumstances have been properly considered. This information was published on 8 June 2011. The FWO does not accept legal liability arising from or connected to the accuracy, reliability, currency or completeness of this information. This material has been funded by the Australian Government through a Fair Work Ombudsman initiative to produce educative materials on the Fair Work Act.