



Modern Awards Review 2023-24 (AM2023/21)

Submission cover sheet

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Organisation

(If this submission is completed on behalf of an organisation or group of individuals, please provide details)

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Email responses to awards@fwc.gov.au.

Submission in response to the Modern Award Review (2023-34) Discussion paper on work and care.

Issues and Proposals

1. Recommendation 4 - The committee recommends that the Department of Employment and Workplace Relations investigate legislative reforms to the Fair Work Act 2009 and any other associated workplace laws, to enact a 'right to disconnect' from work.

The LG NSW Award 2023 in Section 21 Part F details how employees have a right to disconnect from work during non-working time. These outline employers' responsibilities in relation to respecting employees' periods of leave and rest days and right to disconnect from work during non-working time. This prescribes employees (other than on-call employees) are not required to read or respond to work emails or phone calls outside their working hours.

The City of Newcastle supports the intent of the recommendation.

2. Recommendation 5 - The committee recommends that the Australian Government amend the Fair Work Act 2009 to provide improved rostering rights for employees, and in particular working carers.

Providing carers with a broader range of flexible working arrangements is supported by the City of Newcastle. The benefit for carers is wide ranging as it is well established they experience a range of physical, psychological, and financial challenges as result of the demands involved in providing care.

Caring responsibilities can result in experiences of social isolation, loneliness, and financial distress¹. Carers are more than twice as likely to have low wellbeing and higher rates of

psychological distress compared to the average Australianⁱⁱ. Providing employment for carers can reduce the impact of these.

Where practical, provision should include the capacity to consider working from home arrangements. The nature of the work undertaken by carers is such that these arrangements would offer significant benefits for a carer. Furthermore, individual flexibility agreements may need to factor in variations in the hours of work outside of the traditional start and finish time models. Adjusting work times is required to meet the needs of the person who requires care.

The unpredictable and intense nature of caring impacts a primary carers capacity to remain in employment. The potential negative financial consequences following a persons' decision to leave employment can be minimised by providing individual flexibility arrangements.

The City of Newcastle supports the intent to improve rostering rights for carers, in particular increased flexibility.

3. Recommendation 17—leave arrangements—defining immediate family - The committee recommends that the definition of 'immediate family' in the Fair Work Act 2009 be amended and broadened for the purposes of an employee accessing carer's leave.

- Any person who is a member of an employee's household and has been for a continuous period of over 18 months.
- Any of the employee's children (including adopted, step and ex-nuptial children).
- Any of the employee's siblings (including a sibling of their spouse or de facto partner).
- Any other person significant to the employee to whom the employee provides regular care.

The City of Newcastle supports the expanded definition of 'immediate family'. Of note is the "any other person significant to the employee" which is an important distinction given the aging population in Australia and the increasing requirements for care of the elderly. These caring responsibilities may fall to a family member and is an essential support to reduce the burden on aged care facilities within Australia.

4. Recommendation 18—leave arrangements - The committee recommends the Australian Government consider the adequacy of existing leave arrangements and investigate potential improvements in leave arrangements in the Fair Work Act 2009, including separate carer's leave and annual leave.

The recommendation of the Productivity Commission was to not include unpaid carer's leave but to propose flexible work arrangements. The City of Newcastle proposes that these are two separate issues. Carers who are required to support another person for an extended full-time basis following an illness or serious injury, may be unable to work at all. Providing flexible working arrangements to support carers throughout their employment is important and supported however serves to address a different issue.

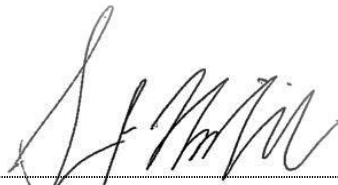
The City of Newcastle Enterprise Agreement (2023) section 33.1 provides a minimum of 1 month up to a maximum of 12 months of unpaid Carer's leave. This condition is available for employees employed for a continuous period of a minimum of 12 months.

This approach or a suitable alternative is recommended.

5. Recommendation 21— Work and Care Senate Committee recommends that all employees should have at least 2 weeks' notice of their roster except in exceptional circumstances.

Employers should consult with employees where rostering arrangements are proposed to be changed. Carers in particular who often have additional support in place are likely to have additional complexities to manage when a rostering change is proposed. Where it is known that an employee has caring arrangements, the notice period should be as long as reasonably practical.

Signature:



Name:

Simon Mitchell, Executive Manager, People & Culture

Date:

12/03/2024

ⁱ O'Dwyer, S.T., et al. (2021). Suicidality in family caregivers of people with long-term illnesses and disabilities: A scoping review, *Comprehensive Psychiatry*.

ⁱⁱ Carers Australia. (2021). *Caring for others and yourself, the 2021 Carer Wellbeing Survey*, Centre for Change Governance and NATSEM, University of Canberra.