



**National Council of
Women of New Zealand**
Te Kaunihera
Wahine O Aotearoa

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Submission to the Department of Labour on Quality Flexible Work: Increasing availability and take up in New Zealand

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 43 Nationally Organised Societies and National Members. It has 32 branches throughout the country attended by representatives of those societies as well as some 150 other societies, and many individual members. The Council's function is to work for the well-being of women, the family and the community at local, national and international levels through research, study, discussion and action.

NCWNZ welcomes the opportunity to make this submission which has been prepared by the Public Issues Standing Committee based on existing NCWNZ policy, recent submissions on the issue and some membership input. It is regretted however, that the timing of the release of the survey in November, and its due date for reporting back just a week before Christmas has meant the curtailment of the usual processes to gain the views of the wider membership.

General Comments

NCWNZ has appended to this document its submission to the Transport and Industrial Relations Committee on the Employment Relations (Flexible Working Hours) Amendment Bill.

NCWNZ supports flexible working arrangements wherever possible. It is seen as a win : win situation: making for less stress for individuals, a more contented workforce, easier functioning of families and to better meet their needs, better focus of staff when working, much greater staff retention, achieving less congestion on the roads at peak times, and enabling workers possible time to include more voluntary work for their communities. It is good for women and men, good for families, good for society and good for employers

While generally supporting that earlier Bill NCWNZ did oppose Clause 7 which sought to award compensation to be paid by the employer to the employee if declining flexible working hours. NCWNZ recommended that the Authority should have the power to require the employer to reassess the employee's request where the Authority considers the refusal was unjustified.

NCWNZ does not agree that flexible working hours should only be available to employees of young or disabled children as proposed by the late Rod Donald's Bill. In an enlightened society it should be available after negotiation; to help meet the needs of all employees as far as is possible.

Because women were more likely to be caring for family members therefore have a lower level of participation in paid employment, flexible work opportunities could mean that women could participate more in the workforce.

There can be pay penalties associated with flexible and part time work – according to a recent EEO Trust survey. It also found that while many employers offered work - life balance initiatives, the average take-up by employees was relatively low.





The survey showed that

- Most employers did not think implementing work-life balance initiatives was too expensive although small businesses were concerned about possible increased compliance costs.
- A number of organisations already implementing flexible work arrangements agreed that costs (financial or otherwise) were not apparent or were outweighed by the benefits of improved retention and productivity and reduced absenteeism.

It was of interest to note that Flexible Working Hours have been negotiated in collective agreements. Of the 560 agreements finalised in the 2005/6 year (covering nearly 75,000 workers) 45% contained provisions relating to flexible hours, 41% to extended leave and 7% to change work status (e.g. between full – time and part – time work).

Specific Comments in response to the questions in the Discussion Document

Do you think there is anything needed in your workplace to achieve quality flexible work arrangements and practices? If so, what?

There were positive responses to this question revealing that a number of employers were already developing and practising flexible options within their workplaces. It was noted that these employers were aware of and catered for the needs and responsibilities of their employees beyond work, and were prepared to negotiate suitable arrangements so that the work could be done with little stress being put on families. One respondent said that there is no 'one size that fits all'. Members gave examples of current practices, like:

- Having an on-site crèche;
- Allowing the employee to do some work from home, with calls diverted from the office and the employer contributing to the cost, both set-up and running, of the computer, fax/answer phone;
- Varying the hours through job-sharing, co-working week about, managing shift options
- Having after school facilities for children.
- Having a casual worker trained and ready to step in when required.
- Being sympathetic in practical ways to facilitate school holidays, sick children, attending school functions

Members noted that some issues needed to be carefully managed, like the original negotiations, having realistic expectations when applying for a position, having enough supervisors to manage shift work, ensuring equal pay for equal work when sharing. Staff selection for job sharing would need to be sensitively done to ensure compatibility. It was also felt that employees should be aware of the requirements that are needed for the business to be successful therefore being able to continue to offer employment. There would need to be flexibility amongst other co-workers if some were wanting to start earlier or later because of family commitments or traffic problems. Members felt that flexible work would only be successful if neither of the parties abused the privilege.

Post Baby Boomers were noted as being prepared to be flexible employers while one respondent thought there would need to be a complete change of management style at her workplace.

It was pointed out that solo fathers in a care-giving role would benefit from flexible working arrangements as much as mothers would.

One group said that at present no NZ policy encourages a mother to be home with her young children. There is no tax reduction on either parent's income. Working for Families encourages young mothers to work and skilled professional and industrial parents don't qualify. Queensland Australia has wonderful economic packages to encourage one parent to be home with pre-school children. Until such thought takes place in New Zealand, flexibility of working hours is essential for caring families.



What do you think will help employees achieve the flexible work arrangements that they need?

Again NCWNZ offers a range of options to assist employees achieve a flexible model.

- Employees would have to prove they are reliable and won't shirk if using flexible working hours.
- They would have to realise what problems they may face if they choose this option, possibly including a reduction in pay.
- They may have to develop some lateral thinking and a commitment to genuine flexibility.

Other suggestions included:

- An adaptable attitude and willingness to co-operate with other staff members
- Staff availability for a 50:50 job share and also enough staff and supervisors to tide over during periods when a worker is away on a flexible arrangement
- Accessible, affordable childcare (on – site or subsidised would be good)
- More ability/resources to work from home with the focus on results and outcomes rather than a presence in the office. The facility for glide time to become the norm
- Sympathetic and co-operative boss, more flexible unions or work associations
- Being prepared to fit into the workstation rather than the work station or work ethics being fitted around the employee

Members believe there is a power differential present in this issue. People wanting flexi-hours may be reticent about asking for or claiming these as they apply for or try to hold a job, fearing that such requirements may put them in a disadvantaged position as they negotiate for a given position. This power differential between employer and employee may well be significantly more of an issue for some women than some men.

What do you think will help managers or employers introduce and manage flexible work arrangements?

The two key aspects within the responses received, were education and communication. Some members felt that the Government should encourage and adopt as policy, flexible hours in Government Departments; that it should educate society using media as for any relevant social policy. While it was acknowledged that Government is looking to introduce legislation to encourage flexibility, NCWNZ recognises that legislation cannot create good relationships; that people have to be committed to the principles of flexible working hours.

- It was felt that a change in Government requirements for employers as far as paperwork, such as tax, holidays, etc, would be helpful.
- Small firms and those in small rural towns struggle to juggle time constraints and compliance with legislation: managing these within the framework of flexible hours was seen as adding to the complexity of compliance issues.
- Using the successful experience of one business to educate another was seen as useful. If employers see that their business could benefit significantly and be cost effective from such arrangements without too much increased cost and time in administration, they would be more positive.
- Retention of staff, less need for sick leave, less stress amongst staff etc. and the knowledge that they might lose good staff if they do not meet their need for flexible working arrangements, would need to be considered.

Many employers need to be aware flexible working hours is a winning formula with responsible employees.

Communication processes suggested were:

- Regular staff meetings with management where everyone would have the freedom to discuss their working conditions and arrangements
- Giving employees more input into decisions regarding their working conditions



- Allowing employees to work flexible hours on a trial basis and then at a certain time review the arrangement: honesty and openness from all those involved would be necessary for success
- Talking and listening to each other rather than one telling the other what to do and the other just doing it: such practices make for a very unhealthy and unsafe workplace.
- By employers or managers making themselves available at all times, which means more than one manager or other personnel sharing or doing the same duties to ensure the flexibly working employees keep up with the standard require;
- By having an open mind, and a willingness to listen to the employees' situations; an understanding of the demands of a young family if a worker is a parent; helping them to feel comfortable about requesting flexible work hours;
- By allowing equal pay for both men and women in the workforce so that workers can interchange responsibilities and stand in for each other as required

What do you think are the practical difficulties managers or employers may face when trying to implement quality flexible work arrangements?

Responses identified a number of difficulties beginning with the time consuming negotiations with individual employees, faced with challenges for meeting deadlines and delivering quality work with new working schedules, as well as maintaining productivity and congenial working conditions.

- Different work places would face different challenges in this regard., depending upon the type of business/industry; maybe a 24 hour situation e.g. hospital, or where the hours are set.
- The nature of the job would have a significant impact on the ability of the employer to be flexible or the employee to take advantage of such flexibility e.g. where a worker may be part of a production line where deadlines limit the flexibility which may otherwise be desirable; where a worker may not have the skills required during the production of a certain piece of work.
- It was noted that in some professions flexibility may not be practicable because of the required expertise to undertake a certain task such as a guidance counsellor or teacher within a school, mental, medical, legal and financial professions although there may be suitable alternative professionals willing to job share
- It was suggested that difficulties could occur for employers over account security and in complying with all social and safe working environments if staff request hours of work outside the times when supervisors are available. Similarly, parents may want to be 'off' at the same time to attend end of school year activities with their children for instance.

Members felt that employers would need a fair attitude towards employees who would respond appropriately. Rules and processes would need to be established for the workforce. It could seem like favouritism if some workers are granted flexible working hours and others are not, for whatever reason.

It was also suggested that the employer would probably see more risk where an employee does not see any risk. One respondent said that initial thinking about flexible working hours could be a problem for some employers; however skills should be assessed and sensible negotiation embarked upon, to ensure a business runs efficiently. Many of these challenges could probably be overcome by offering contracts, one member noted.

What do you think can make it hard for employees to ask for flexible work arrangements?

Again NCWNZ offers a range of suggestions noting as in Q2, the possibility of a power differential between employer and employee which may well be significantly more of an issue for some women than some men.

Issues raised within the responses included:

- The chance that with a change in agreement employees will lose pay or even their job if they suggest wanting flexible working hours.
- The worry of needing suitable arrangements for day care and when a child is sick or an alternative carer is unavailable;



- A rigid, inflexible, intolerant or unapproachable employer who will not listen nor change with the times.
- Fear of losing advancement, or fear that workmates might have to pick up your workload (e.g. over holidays when work stops and piles up).
- Lack of relationship with managers and team
- Lack of confidence to ask
- Fear of lack of respect from the employer
- Fear on the part of the employee that life will become more complicated
- No support or even actual antagonism from other employees or their union
- Difficulties in arranging shifts
- Less choice for lower income employees because any work is important to them

Do you think different types of employers, types of work or workplaces, or occupations face particular challenges in providing for quality flexible work?

What are these challenges? What is needed to meet these challenges?

NCWNZ certainly believes there are challenges, that one formula will not fit all circumstances. The response to Q4 above lists some, like 24 hour service, team positions requiring safety and security cover, safety issues for women in service stations and dairies at night.

Members believe every type of business has different issues. That is why it should not be made law to provide flexible hours, but to make the option available for those who can do it.

Particular examples of challenges suggested were:

- Most solo parents would require flexi time which accommodated children's attendance at school, being able to be cared for in a crèche facility or with a care giving other should the flexi time include night work.
- Farm workers have special obligations eg cows have to be milked.
- Rest-homes and Aged Care with its 24 hour cover needed
- Opening up a factory needs to be done by trusted, experienced people if the boss's hours are not the same as theirs. OSH rules that two people are required on site if machinery is being used, one with a first aid certificate
- There could be insurance and power use therefore cost increases
- The problem of fitting in 4 weeks' holiday for each employee and still have enough staff to keep functioning productively – particularly in highly skilled occupations and in today's climate of almost full employment
- Providing a customer service if you are a small business

Ways of meeting those challenges were raised in Q3 above and included learning about examples of work places where flexible working arrangements have been successful. One respondent noted that New Zealand is a country where 80% of companies are small businesses with less than 20 workers and therefore these smaller companies could feel it may cost them to bring in flexible work.

One example cited was on a vineyard where mature semi-retired workers are contracted to work 25 hours a week and they can choose when to work within that total. This suits the vineyard manager who appreciates their reliability and availability to work less than a 40 hour week on a regular basis and then when it is harvest time the manager employs a contract gang to do the huge job of picking the crop.



Summary.

NCWNZ, while strongly supporting the practice of flexible working option, acknowledges that for some occupations this may not be possible therefore does not support it becoming compulsory. Education about this option and communication between employer and employee are seen as crucial to its successful implementation. NCWNZ is confident that research supports the fact that benefits have accrued to businesses which have voluntarily embraced this practice.

Thank you for the opportunity to participate in this important discussion.

A handwritten signature in black ink that reads 'CLow'. The signature is written in a cursive, flowing style.

Christine Low
National President

Elizabeth Cruickshank
Employment Standing Committee