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Multi-level work-family interventions: Creating good quality employment over the life-course

Abstract

Poor quality jobs have significant costs for individual workers, their families and the wider community. Drawing mainly on the Australian case, our focus is on the structural challenges to work-life reconciliation and the multiple-level interventions necessary to create quality employment that supports workers reconcile work and family over the life-course. We argue that interventions are necessary in three domains: at the macro social and economic level; in the regulatory domain; and in the workplace domain. The nature and success of these interventions is also critical to gender equality, and to responding to the changing gender and care composition of the workforce across OECD countries.

Keywords

Work-family; job quality interventions; social policy and infrastructure; employment regulation; workplace culture

There is broad agreement in most OECD countries that poor quality jobs exert costs on individual workers, on families, communities and economic competitiveness (Carré, Findlay, Warhurst, & Tilly, 2012, p. 1). However less attention has been paid to the consequences of poor quality employment for working carers over the life course. While historically scholarly focus on work family balance or reconciliation has been concerned with mothers with young children, increasing attention is now paid to the dynamic and not necessarily linear trajectories and transitions in the work and care roles of workers during their working lives (Moen, 2011; Pocock, 2003). These diverse roles, which include not only parental care for dependent children but also care for the sick, elderly and disabled, place different pressures on workers in terms of duration and intensity and require different employment responses to support the effective reconciliation of work and care for individual workers over the life-cycle (Chalmers, Campbell, & Charlesworth, 2005).

In this paper we assess a range of interventions implemented in the Australian context that are assumed to help workers reconcile work and family. Our analysis points to the need for interventions to enable a quality working life over the life course, not merely to create quality jobs. While specific dimensions of good quality jobs have been identified in the broad job quality literature, for working carers a quality job is a small and incomplete part of what is required to combine work and care. In this context, interventions need to address what it takes to support a quality working life over the life-cycle. This requires interventions at multiple levels – at the macro-social and economic, regulatory and workplace levels that address new realities of workers' and citizens' lives.

Nations around the world have undergone significant change in both family forms and the labour market in the past thirty years (Pocock et al., 2012a; Kalleberg, 2012). Amidst this change, families are still frequently valorized as the 'cornerstone' of society and as an important engine of economic growth (OECD, 2011, p. 3). However, while families are clearly central institutions to the tasks of both social reproduction and economic production, they are frequently under pressure as employment demands and social contexts change. Policies that respond to families' employment and social circumstances, and their changing needs over the life-cycle, lag behind lived experience in many countries (Pocock, 2003; Williams, 2010). Policy and practice adaptations are also uneven, in relation to different work-care conflicts (Hegewisch, 2009). For example despite the fact that more than six in ten mothers of children 0-16 years are now in paid work across the OECD (OECD, 2011. p. 36) – the world largest economy, the United States – is yet to provide a most basic adaptation to this phenomenon: national paid parental leave. In addition, the changing nature of work, and the shift to services sector employment in many OECD nations is changing the nature of work itself, making 20th Century labour regulation increasingly irrelevant to key aspects of 21st Century work and the way it impinges upon individuals and family life.

In most OECD countries life expectancy is growing and birth rates have declined, creating ageing populations. Increasingly, families have diverse shapes - with older parents, later births, and more divorce and remarriage. Dual earner households now easily outnumber 'breadwinner' (men earning, women caring) families throughout the OECD. Despite the fact that mothers do most caring of all kinds, many fathers also want to be more involved in their family life and its care. Sole parent households (overwhelmingly led by mothers) have grown rapidly, and are expected to continue to do so. For example, it is estimated that the proportion of sole parents amongst Australian families – already around 15 per cent of all families (ABS, 2012) - will grow by a further 25 per cent by 2026 (OECD, 2011, p. 29).

Women's increasing rates of educational attainment have led their rising rates of employment participation around the world. This means we can anticipate a 'pipeline' of continuing increases in female participation in coming decades, so that the challenges of combining work and care are likely to continue to mount for women (and men) and their diverse and changing family forms over the life-course. Unfortunately, amidst so much change, no positive pipeline expectations can be held about the persistent gender inequalities that continue to characterize labour market outcomes in OECD countries. While such inequalities (for example, in pay, job security and access to decent working conditions) are evident from the earliest moments of men's and women's' labour market entry, they are particularly pronounced once men and women have children, with their effects felt across the life-course (Moen, 2011).

Around the world, men and women adapt to the prevailing labour market and care circumstances in which they find themselves. Primary carers – usually women - make many second-best labour market decisions, given the priority that care for their dependents usually takes over the terms of their employment. Some neoliberal analysts characterize this as 'choice', which in one sense it is. However, it is a highly constrained choice between better and worse options, even in societies where work and family supports are amongst the best in the world (Fagan, & Walthery, 2011). In such circumstances, bearing prime responsibility for the care of dependents has strong implications for working carers' access to good quality jobs. Other forms of gender inequality also arise from the combination of work and care. Across the OECD, for example, women continue to spend twice as much time as men on care activities for children and others, despite their rapidly increasing contributions to paid work (OECD,

2011, p. 40). In aggregate women do more hours of paid and unpaid work than men (Eurofound, 2013, p. 42). While there is some positive change in Scandinavian countries (eg Rønsen, & Kitterød, 2014), in most OECD countries shifts in the gendered distribution of unpaid care work have been glacial.

Our paper unfolds as follows: In the next section we briefly outline some key features of 'family-friendly' job quality, before outlining work-family interventions necessary to create good quality jobs over the life-course. We argue that interventions are necessary in three domains: firstly at the macro social and economic level; secondly in the regulatory domain; and thirdly, the workplace domain. In making our argument we draw on the Australian case and existing research. In particular we utilize the results of large national surveys of Australian workers undertaken in 2009 and 2012 as well as analyses of interviews with workers about their flexibility needs and the adequacy of macro, regulatory and workplace responses to their changing work and care needs.

Our use of the Australian case lies within the context of a specific, dynamic and gendered work-care regime (Pocock, Charlesworth, & Chapman, 2013). Cross-national comparisons have located Australia variously as a market-orientated liberal welfare regime, as a 'wage-earner' welfare state and as an Anglophone liberal welfare regime that has seen a shift away from a traditional individualist approach to growing state involvement in work-family policy (Baird, & O'Brien, 2015). This latter designation reflects the uneven and paradoxical nature of the Australian work-care regime. On the one hand, there are relatively robust labour market institutions and labour standards, including a decent minimum wage and working time minima for many workers so crucial to job quality. In the last decade there has also been a shift from an 'individual choice' policy rhetoric with work-family interventions largely dependent on the voluntary initiatives of employers (Charlesworth, 2011), to the implementation of a range of national reforms to address work-family issues, albeit mainly focused on working parents. On the other hand, while in cross-national comparison Australia has an average gender empowerment score, Australian women report the most work-nonwork interference (Ruppanner, & Huffman, 2013, p. 14). This is unsurprising — contradictory norms in the Australian gender culture both support women's increased employment participation yet also insist that mothers' primary responsibilities are to their families (van Egmond et al., 2011). This gender culture maps on to an increasingly fragmented labour market characterized by high rates of casual employment and poor quality part-time work, particularly for women, and women's employment participation remains relatively low in OECD comparison (Charlesworth, & Macdonald, 2014, 2015). Thus while Australia has stronger labour market institutions than in the United Kingdom there has been a similar divergence in job quality outcomes, which lie 'somewhere between polarization and upgrading' (Fernández-Macías, 2012, p. 21).

What Makes a Good Job in Terms of Managing Work and Care?

The quality of employment is often evaluated at a point in time against a set of characteristics that include earnings, prospects and security, working time, and intrinsic job quality (Eurofound, 2013). What constitutes a good job is multi-dimensional but is typically associated with good pay, security, control over working time, access to training, skill utilization and promotion opportunities, opportunities for a holiday and sick leave (eg Chalmers et al., 2005). While support for work-family reconciliation is recognized as a crucial dimension of job quality, what might provide effective support for workers with diverse work-care roles over the life course is not always differentiated in the job quality literature (eg Kalleberg 2012). To that end this paper draws together insights from both

the work-family and job quality literatures to contribute to a better understanding of what constitutes a 'good' job for worker-carers in different phases of the life course.

Job quality includes workplace environment and supervision that protects against injury or illness, over-work, discrimination or harassment (Eurofound, 2012). While some of these characteristics are relevant always, and to all workers, some are more or less desirable over the life-course as personal and family circumstances change. For example, someone caring for an ageing parent typically faces unpredictable needs, making access to leave with short notice a critical characteristic of a good job. Parents of very young children are often more interested in access to childcare, paid holidays, leave to care for sick children and flexible start and finish times. And what makes a good job also changes over an individual's life-cycle regardless of caring responsibilities. For example many older workers with labour market power arising from their skill and experience are looking for interesting work, for shorter hours, or for a particular number of weeks' work a year through a limited term contract. Permanency and full-time hours are not necessarily part of a 'good' job for them. However, such job characteristics may be very important for those older workers with less labour market power and poor retirement supports.

In other words, the characteristics of a quality job change over the life-cycle, with an individual's power resources, and with caring responsibilities. In this context, a quality job will permit a measure of responsiveness to worker preferences. While worker preferences are a fragile and far from an uncontested or settled fact (Campbell, & van Wanrooy, 2013), a dynamic notion of job quality is required, especially in relation to the life-cycle of work and care responsibilities. A key principle appears to be some worker control over working time (over – for example - the day, week, year and longer period of working life) (Eurofound, 2012), without the sacrifice of decent pay and conditions. Without such control, many working carers make unwilling sacrifices of job quality for short term control over working time or in pursuit of a 'liveable' work-family configuration (Correll, Kelly, O'Connor, & Williams, 2014; Williams, 2010). A good example of a common and very unfair sacrifice is the loss of job security, opportunity for training, access to paid leave and predictable or enough working hours in exchange for working less than full-time (or long) hours in standard employment (Perlow, & Kelly, 2014). In Australia this is the common experience of working mothers who return to part-time work after having their children. Nearly one in two Australian women now work part-time, compared to only 16 per cent in 1979 (Pocock et al., 2012a p. 29). They often find that the price of working fewer days a week, or having time off in school holidays, is 'casual' work.

Casual employment is a peculiarly Australian phenomenon although similar in nature to the 'zero hours' and temporary contracts that are increasingly used in the European context (Brinkley, 2013). Casual employment is an integral part of the Australian employment regulatory architecture and there is no impediment to employers offering employment on such a basis. Today, almost one in four employees is employed casually (Pocock et al., 2012a, p. 76). Casual workers are employed on an hourly basis with no ongoing contract of employment or guaranteed hours of work. They are not entitled to the paid sick or holiday leave or to paid carers' leave, available to those on ongoing contracts. A 'casual loading' - in theory payable to casual workers to help make up for the loss of other paid conditions - does not fully compensate for loss of job security, paid leave and other conditions (Watson, 2013). The trade-off in job quality for fewer working hours is an archetypical experience for many of Australia's working carers in pursuit of fewer work hours to accommodate care, and commonly means lower earnings and a more marginal position in the workplace (Chalmers et al., 2005). For many, the

life-time price of this compromise in pursuit of carer-friendly hours can be very high indeed in terms of retirement earnings. For example, on average Australian women have much lower superannuation savings than men (Jefferson, 2012).

Work-family Interventions: What is Needed at Work to Create Good Quality Jobs over the Life-Course?

Given that job quality needs to be considered in relation to life-cycle stage, caring responsibilities and power resources, what interventions in labour regulation and management enable quality jobs? Our analysis in the Australian context suggests that three domains of intervention are critical, especially if job quality is to align with higher levels of gender equality. These domains for intervention include, first, the *macro-social and economic institutions* within which workers live and work, including provisions for childcare, aged care, disability care, health care, transport, housing, education and social infrastructure as well as taxation and social security payments. A second domain of intervention is *the regulation of work* including the nature of the work contract, pay, the regulation of working time and leave and opportunity for individual and collective voice. The third domain of critical interventions occurs at *the workplace* where local enterprise and worksite culture and immediate supervisory factors are the filters through which regulation takes effect (or fails to). Workplace cultures are critical – and in our empirical analysis – often *determining factors* - in shaping job quality that accommodates care and contributes to greater gender equality.

In considering the role of these three intersecting domains in creating good jobs through work and family interventions in Australia, we explore some illustrations of each in the three domains with a view to considering the broad menu and multiple levels at which innovative interventions can occur that are essential to enable quality jobs for workers – almost all of which will find themselves combining care with paid work at some points over their life-cycle.

Macro-social and economic institutions and infrastructure: critical to a quality working life

The role of social policy is to ensure individuals and families against social risks (Kalleberg, 2012, p. 441). However, the macro social and economic infrastructure and institutions that help create the opportunity for a quality working life for (mostly male) breadwinner earners - those workers who hold down jobs with a partner at home undertaking social reproduction – are often quite different from those needed by dual earner or sole parent workers. For example, when a worker has little responsibility for cooking, shopping, cleaning, providing care or managing education and services for the household, then (provided that worker works reasonable hours) the geographical proximity of these things to each other – and the time required to access them - is much less important than for a working carer and their household. The greater time demands in the latters' lives, which will shift in intensity and duration over the life course, create the need for very efficient geographical and commuting configurations of work, home and essential services (like shopping, school, health services, care and the location of jobs) (Williams & Pocock, 2009). While this infrastructure and these institutions and their geographical organization is not – narrowly speaking – an aspect of a job, they are critical infrastructure for the organization of a quality working life. Many carers are geographically tethered by their care responsibilities to job opportunities that are close to those they care for, their households and key institutions like schools, childcare centers or extended family like grandparents. This means mothers, for example, often accept

jobs that are low paid, short hours, or have poor conditions so that they are not too far from their children's school or childcare center or sick parent (Pocock et al., 2012a).

Wherever working carers are located access to other vital infrastructure is also critical to participation in quality work – or, in some cases, any work at all. For example, lack of childcare inhibits employment in many locations in Australia despite the fact that government funding of early childhood education and care more than doubled in the five years to 2010 (DEEWR, 2010) and has increased further in the years since. The ILO has long recognized the important role of paid rest and recovery time for working women when they have a baby. Australia's move to publicly fund a national paid parental leave (PPL) scheme from 2011 is an example of critical work-family infrastructure that means that women across the socio-economic spectrum, and their babies and families, can enjoy the benefits of time to care, as well as some period of partner leave, while remaining connected to their workplace (Pocock et al., 2014). While such schemes attract considerable debate and can be expensive to fund, they constitute basic labour market infrastructure that enables the combination of work and care over the life-course. Current federal government proposals to extend the length and rate of PPL are politically contested (Pocock et al., 2014). Nevertheless it appears likely that government-funded superannuation payments, ordinarily paid by employers to those in active employment, will be made to PPL recipients during the period of paid leave (currently 18 weeks).

Beyond infrastructure, national taxation and benefits policy is also critical to the quality of working life, its reconciliation with caring responsibilities and to gender equality (Ruppanner, & Huffman, 2013) at different stages of the life course. Such government intervention can also help smooth out the time and income peaks and troughs of work-family life – both those over a life course within a family, and between families with different socio-economic resources. These include tax transfers to families, especially poor households, in the high cost years of raising young children or caring for frail or disabled citizens; as well as the creation of public infrastructure such as Australia's innovative contributory superannuation retirement system. Over time however, the Australian evidence suggests that this government intervention has replicated the gender pay gap in earnings in the accumulation of retirement earnings, with women holding low superannuation savings, reflecting their interrupted work patterns, concentration in part-time work and the persistent gender pay gap (Jefferson, 2012).

Following an Australian Human Rights Commission (AHRC) investigation of how best to recognise and remunerate unpaid caring work, one of the options for reform canvassed by the Commission was for 'carer credits' to address the gendered consequences of undertaking unpaid care across the life course in Australia's retirement income system (AHRC, 2013, pp. 53-55). The AHRC drew on similar interventions implemented in countries such as Sweden, Germany, Canada and the UK (see Fultz, 2011; Janowski, 2011), proposing a system of carer credits in the form of direct government-funded credits to the superannuation accounts of individuals with carer responsibilities (either out of the workforce or working part-time) to be paid annually at the end of each tax year into individuals' superannuation accounts throughout their adult life (AHRC, 2013, p.55). To date, however, the federal government has not responded to this proposed intervention.

The regulation of work for a quality working work and family life

Like many other countries, Australia has initiated a series of labour law adaptations to the growing number of working carers, mostly women, in the labour force and that seek to support the reconciliation of work and care. They arise from a series of national test cases bought by unions before industrial tribunals, which have gradually improved

provisions for workers with caring responsibilities since the late 1970s (Chapman, 2009). For example, in 1979, eligible women workers were provided a period of up to 12 months unpaid leave when they had a baby so they could return to their jobs after maternity (Chapman, 2009). This labour standard has been extended over time to parents, then to casual workers with more than 12 months continuous service (Charlesworth, 2011, p. 116). Other test case decisions introduced 'family leave' in 1994 which was extended to 'personal/carers' leave in 1996 so that eligible workers can now access their paid sick leave to look after a sick family member.

The election of a federal Labor Government in 2007 resulted in some improvements in work and care regulation, with the enactment of a set of National Employment Standards (NES). These include a right for some groups of workers to request flexibility (discussed further below), as well as the rationalization of industrial awards that set classification structures, minimum wages, leave and working time arrangements at the industry level. Together the NES and modernized awards provide a 'bare bones' safety net of workers' rights (Charlesworth, 2011, p. 118), including a range of regulatory measures that affect the reconciliation of work and care. However these arrangements also leave some serious gaps, with casual workers excluded from a number of the paid rights. Further, the new regulatory regime continues to entrench gendered working time arrangements whereby, for example, better working time provisions prevail in a number of male-dominated industries and weaker rights in feminized industries including in employee control over the scheduling and quantum of hours worked (Heron & Charlesworth, 2011). This uneven and porous regime provides an inadequate basis for good quality jobs and good quality employment over the life course (Osterman, 2008).

Unfortunately the complexity and costliness of recourse to Australia's anti-discrimination law has not provided a very fruitful alternative regulatory channel for work and family advances in Australia (Gaze, 2010). As in many other countries, anti-discrimination jurisdictions offer a limited framework within which an individual has (only) a right to lodge a complaint. With the 1990 Australian ratification of the International Labour Organization (ILO) *Workers with Family Responsibilities Convention 156*, anti-discrimination provisions protecting workers with caring responsibilities were enacted (Charlesworth, & Elder, 2012). However to date much of the extant case law suggests that these protections are limited and in particular that there has been a failure of anti-discrimination law to come to terms with casualized part-time employment. (Charlesworth, 2011, p. 94).

The above arrangements essentially reinforce a 'one and a half' earner model of working families – a model that attaches strongest protections to 'standard' employment relationships and much weaker provisions for those who deviate from this standard. This 'one and a half earner' model, found strong endorsement from the conservative Howard Government (1996-2007), but it continues to be practically supported by the general settings of work regulation and social policy in Australia. Such a model ignores the fact that the main responsibilities of care across the life course continue to fall to women even as they increasingly pick up responsibility for paid work. The consequence is a more marginal labour market status for many working carers, with their concentration in lower quality work (Chapman, 2009; Brennan, 2007; Campbell, 2008).

At the same time, a significant Australian regulatory intervention has been the provision of paid domestic violence leave; designed to provide employees with time to do what they need to in instances of domestic violence, such as going to Court and obtaining a police protection order (Baird, McFerran, & Wright, 2014). The fact that the majority of those who experience domestic violence are women, are in paid employment and also

have dependent children (see McFerran, 2011) makes domestic violence a work-family issue. While paid domestic violence clauses are currently available in more than 150 union-negotiated enterprise agreements, the peak union body, the Australian Council of Trade Unions (ACTU) is now seeking to include this paid leave in all industry-level industrial awards (Charlesworth, & Macdonald, 2015). No comprehensive evaluation of the uptake and impact of paid domestic violence leave in Australian workplaces has yet been undertaken. However, extant studies suggest that the availability of such leave can provide short-term practical support and the basis for on-going employment that is integral to reducing the gendered life-course impact of domestic violence (McFerran, 2011; McFerran, Cortis, & Trijbetz, 2013).

The workplace: where work-family reconciliation is really made or prevented

The third domain of work and family interventions occurs at the workplace where regulation takes effect, and where local enterprise, worksite and immediate supervisory factors are the filter through which regulation's reach is either observed or obstructed, and where the mismatch between workplace structures and expectations and the needs of working carers is most evident (Correll et al., 2014, p. 5).The workplace is a critical domain in terms of finding better ways of reconciling work and care (Perlow & Kelly, 2014). This is partly because the nature of work is changing, especially with the rapid decline in the relative proportion of jobs in the more traditional sectors of manufacturing and construction for example and rapid expansion in service sector, health, education, retail, hospitality and financial services.

As in many other countries, enterprise-level agreements or company policy in Australia provide for a range of 'carer-friendly' arrangements and benefits, not only for parents but also for other worker-carers. However, the spread and effective implementation of such provisions is patchy, which rarely address the impact of unpaid caring on women's employment income and retirement savings (Pocock et al., 2012a). Nevertheless, a number of Australian-based companies now provide superannuation payments to employees on both paid and unpaid parental leave parental leave (see AHRC, 2014, pp. 146-147). Recently Rice Warner, a large financial services firm, also introduced an additional two per cent superannuation payment (on top of the mandatory 9.5 per cent of salary payment) to all its female employees. This affirmative action intervention was put in place explicitly to address the gendered impact of unpaid caring work over the life-course on retirement incomes and savings (Rice Warner, 2013).

Traditionally – at least in OECD countries since the industrial revolution - labour regulation has shaped the wage-effort bargain in workplaces by specifying working time standards and pay rates, as well as other conditions. These have always been breached to some degree in some workplaces in most countries. However, it has historically been easier to enforce such controls in a factory or construction site than in many service sector jobs especially when work is unhinged from a time or place and enabled by new technologies to be conducted in a variety of unsupervised locations at a variety of times, without clocking on or off. The space and time boundaries around many forms of service sector work and the very porous nature of its job design make traditional forms of work regulation both more difficult to specify and to enforce.

The increasing use of working from home and particularly of email communications has had a paradoxical effect on work-family reconciliation for workers at every stage of the life course. While new technologies are capable of giving workers much greater flexibility about when and where they work and can be very helpful to working carers - and they are often highly prized for this – they are also capable of creating new, unbounded expectations and demands on workers, especially where jobs are poorly designed, or

workplaces are understaffed. A recent Australian survey of employee email usage found that well over half the respondents checked emails so they 'know what is happening at work' (Pocock & Skinner, 2013). While many of those surveyed had a positive attitude towards being able to work at various times and places, negative work-life interference increased with the frequency of email checking. This negative association was especially pronounced amongst women, especially for those who checked their emails before breakfast or on holidays.

Findings like these (and other studies like Mazmanian, Orlikowski, & Yates, 2013) raise important questions about the challenges of managing working life in a changing labour market where work is increasingly spatially and temporarily separated from a worksite, and where there are no boundaries – eg the closing of a factory or office door – that put physical limits on working life. In these circumstances, while mobile email devices increase workers' autonomy and allow them to work 'anywhere, anytime' they also increasingly result in expectations (by colleagues and supervisors) to work 'everywhere, all the time'. New 'collective norms' form in workplaces that crowd out 'downtime', and create overload and stress (Mazmanian, et al., 2013; Barley, et al., 2011). Such changes transcend the controls created by traditional forms of labour regulation and point to powerful workplace cultures that shape working time and push out the boundaries of the wage-effort bargain. As in other countries some employers are now putting in place small interventions to reduce the reach of technology such as email. For example, Telstra, Australia's largest telecom, has introduced an 'all roles flex policy', part of is to add a message to all company emails that advises recipients they do not have to read, respond or action the email outside of regular hours (AHRC, 2014, p.144).

Requesting flexibility: new workplace roads to regulating work and family?

Flexibility that enables working carers to exert some control over their working time or place is a crucial basis for good quality employment over the life-course. In recent years several countries including the Netherlands, Germany and the UK have regulated to increase workers' access to flexibility in their workplaces, with variable eligibility and appeal rights (Hegewisch, 2009; Charlesworth, & Campbell, 2008). Such legislation aims to influence what happens in workplaces, encouraging more agreement to workers' individuals request for flexible working arrangements. These rights are 'individual accommodations' (Perlow, & Kelly, 2014) rather than standard setting. In 2010, a Right to Request (RTR) flexible work arrangements for working parents of preschoolers or children under 18 with a disability was introduced as part of the National Employment Standards. Eligibility was broadened in mid-2013 to all carers, that is all parents or guardians, of a school aged or younger child, those with a disability, those 55 years or older and to those experiencing domestic violence or those caring for someone experiencing such violence (Charlesworth, & Macdonald, 2014). The Australian law creates a duty for employers to 'reasonably consider' such a request. Employees with more than a year's service, and casuals with long-term and 'reasonable expectation' of continuing employment on a regular and systemic basis, are eligible to exercise this right. However, in effect managerial discretion prevails and to date there is no appeal mechanism for employees whose requests are refused. The Australian approach is a long way from the universal availability of such accommodations and from the supervisor and manager-initiated support advocated by Correll et al., (2014).

Australian workers' patterns of request making are illuminated by results from the Australian Work and Life Index (AWALI) surveys. These large, representative, computer-assisted telephone surveys of Australian workers in 2009 (prior to the introduction of the RTR; n=2307) and in 2012, two years after the introduction of the

legal right. In 2009, around a fifth of Australian workers (22.4 per cent) were already making formal requests to their employer for an ongoing change to their work arrangements, and most who asked were given what they sought, with very positive consequences for their work-life reconciliation (Pocock et al., 2009). Surprisingly in 2012 – two years after the introduction of the RTR – a slightly smaller (although statistically non-significant) proportion of surveyed workers had made a formal request for flexibility (Skinner et al., 2012b; n = 2500). This result is probably attributable, at least in part, to the low level of knowledge about the RTR: less than a third of all workers knew about the right. However, this outcome also raises issues about the efficacy of the right.

Alongside those who asked for flexibility there are a sizeable group of workers in both surveys who were not content with their work arrangements but did not make a request for a change: we call these 'discontent requesters'. In 2012, 23.4 per cent of respondents met this definition. Their work-life interference levels were much higher than amongst those who were content with their arrangements or had had their requests for flexibility agreed. In 2012, a randomised group of 29 'discontented non-requesters' from the survey were interviewed about why they had not requested flexibility despite their discontent with their current work circumstances. Analysis of these interviews reveals a complex web of workplace-based constraints and barriers that prevent people from asking; these relate to job requirements, unsupportive workplace cultures, supervisors' attitudes, workload, fear of reprisals and unequal power relations (Pocock et al., 2014). The weak workplace effects of individualised enabling labour regulations like a RTR against these other prevailing factors reveals the power of workplace factors in out-weighing the effects of law, especially law that is poorly enforced and weak.

This analysis also revealed that many discontent non-requesters leave their jobs in pursuit of more flexible conditions, taking action when external circumstances enable this choice, and leaving unsatisfactorily inflexible jobs. Consistent with these observations, meta-analyses support the link between work-life conflict and turnover intention (Amsted et al., 2011; Allen et al., 2000). Organisational culture emerged as a very significant factor in facilitating or blocking flexibility and influencing whether employees request flexibility (Pocock et al., 2014) as elsewhere (Correll et al., 2014; Per low, & Kelly, 2014). In a number of examples provided by interviewees, a relatively strong regulatory framework, such as formal rights under a collective union agreement, was overwhelmed by local cultures of inflexibility. Workers also revealed finely tuned perceptions about the flexibility climate in their workplace. They were very conscious of how a request for change might be received, how their fellow workers' or their own past requests had been received, and the possible consequences of requesting. Supervisors also play a powerful 'gate-keeping' role influencing access to policy and supportive and flexible work practices (McDonald, Pini, & Bradley, 2007). Their attitudes and practices easily overwhelmed request-making preferences of workers, despite the existence of the new RTR.

Expectations regarding workload and work hours also formed part of an organization's work-life culture (McDonald et al., 2007). A number of interviewees emphasized unreasonable expectations around workload and long hours as factors undermining access to flexibility. Thus, while higher level skill and occupational power was associated with more success for some, this was not always the case: intense job demands sometimes prevented practical access to flexibility for managers and professionals. While industry and occupational power are important to gaining flexibility, other factors were also important, including gender, parenting and firm size, with parents, men and those in larger firms more likely to meet with success.

Interviews of discontent non-requesters suggest that flexibility requesters are most likely work in environments where individual power, supervisory relationships and cultures, and enterprise agreements or policy create a platform for successful requesting (Pocock et al., 2014). Such workers make careful assessments that it is safe to ask, the probability of success is reasonable, and serious reprisals are unlikely. No doubt many shape their request to meet their reading of their context – perhaps explaining the high rate of request-making success amongst those who asked. Many others in more flexibility-hostile climates hold back. If the goal of the RTR is to assist those who cannot ask for flexibility without regulatory support, then it has not worked well – at least in its first two years of operation.

Other factors also appear to be at work including entrenched local job, industry or occupational norms; workplace cultures; the practices of individual managers; and fear of reprisals. These powerful factors - either alone, or in combination – work against flexibility, and legal rights embedded in industrial regulation (like enterprise agreements) or firm enterprise policies are weak in the face of them. Workplace culture trumps policy and regulation. Further, even when flexibility has been formally granted, practical access to it is frequently obstructed when workloads become excessive: our analysis (see also Perlow, & Kelly, 2014) suggests that access to meaningful flexibility relies on careful management of workload, staffing levels and job design at the workplace level. Without these, access to flexibility is overwhelmed by job demands that prevent the use of flexible provisions even by workers with high levels of workplace power like skilled, permanent, experienced employees.

This analysis raises important considerations about the effectiveness of 'soft' enabling regulation like the RTR in assisting workers to reconcile work and family in countries like Australia – despite the merit of widening access to it to a broader group of workers as occurred in 2013. A right that is weak in the face of prevailing workplace managerial cultures and practices – and undermined by low workplace power - is not much use, whether available to a few or many: more of 'not much' is still 'not much'. At the same time individual accommodations such as the RTR are limited if the 'ideal' worker remains the template around which work is organized. As Osterman points out, employers can make alternative choices about the organization of work and the focus thus needs to be on what interventions can tilt these choices towards better quality employment that depend less on individual accommodations and more on work redesign (2008, p. 115).

Conclusion

Improving the quality of working life for those workers with caring responsibilities requires more than attention to the characteristics of particular jobs. Enabling workers to reconcile the dynamic changes in their caring lives and responsibilities, with the nature of their paid work, requires change at multiple levels – in the larger macro-settings of social and economic life, in regulatory arrangements and at the workplace level. In Australia, as in most OECD countries, arrangements at all three levels currently lag behind the needs of the changing workforce – increasingly feminized and responsible for the care of others while holding down a job over the life-course. While in different countries the relative importance of action at any one level will depend on the particular configuration of institutional arrangements, labour market conditions and gender norms in a specific national context, there are a number of lessons that can be drawn about action at different levels relevant to developed economies more generally.

What is needed to provide this quality working life? While our paper draws on the specifics of the Australian case, our analysis points more broadly to the importance of institutional arrangements at the macro-social and economic level that assist working carers to smooth out the time and money peaks and troughs that are associated with the changing balance of work and care responsibilities over time (Ruppanner, & Huffman, 2013). These include institutional arrangements that allow workers to accumulate and then draw down income and time over the life-course, to pool risks associated with intensive caring responsibilities, such as through the provision of paid parental leave, and to better combine work and care – through community planning, transport, service provision, employment and housing configurations that suit workers' changing circumstances. Social security and taxation arrangements that reduce the penalties attached to unpaid care in retirement income are also critical (Fultz, 2011).

In terms of the regulation of work, our analysis shows the importance of effective law around working time and giving workers some autonomy over the configuration of working hours, weeks and years. There are of course tensions between mere compliance with the law and proactive action by employers in the implementation of such regulation. International comparative studies suggest, irrespective of national context that regulatory rights – such as individual rights to flexibility - must be robust enough to challenge dominant occupational, industry or workplace cultures (Hegewisch, 2009; Fagan, & Walthery, 2011). Studies of the uptake of work-family interventions by firms also suggest that strong regulation together with the competition for workers can in some cases provide the external pressure necessary to encourage employers to fully implement and sometimes extend state laws (eg Davis, & Kalleberg, 2006; Pocock 2003). Nevertheless, to be effective external regulatory interventions need to support a wide diversity of worker-carers without proactive employers. The Australian experience suggests that rights to flexibility need to be underpinned by a strong scaffolding of non-negotiable working time rights (Heron, & Charlesworth, 2012) to assist those with weak workplace power if they are to be relevant to most working carers, including those who are precariously employed, low skilled or living in areas of high unemployment. Indeed in the Australian context, casual employment represents a defining element of the country's imperfect adaptation to the growing number of working carers (Campbell, 2008) and a structural constraint to the potential of work-family interventions at all levels to provide good quality employment over the life course. While enabling part-time hours – casual work denies workers access to critical work-family supports, like paid leave to care for sick dependents, and to other basic aspects of good quality employment such as an adequate and secure income. Casual employment also constrains the reach and effectiveness of otherwise innovative macro-level interventions such as Australia's retirement income system and workplace level interventions such as the RTR.

Our analysis points, in particular, to the critical role of the workplace in shaping good quality employment over the life-course for working carers, in ways that support rather than hinder the promotion of gender equality (Pocock et al., 2013). The local cultural and supervisory context is often under-estimated in national efforts to improve work and family provisions and gender equality, as is the extent of female representation in senior management and integration between human resources and strategic objectives within firms (Mun, & Brinton, 2015). Instead, on the legal front there is often an over-estimate of the power and effect of regulation on organizations and an under-attendance to its enforcement by governments and within firms (Bernhardt, 2012). Similarly, on the economic front, there is often an over-dependence upon the 'business case' creating momentum for work-family interventions, and an under-attendance to the role and

effect of leaders' values which are often more influential than any anticipated bottom line effects (Correll et al., 2014; Mun, & Brinton, 2015).

However, workplaces also operate within broader macro socio-economic and regulatory national contexts. For example, while the RTR regulation in the UK is weaker than that in Germany and the Netherlands, the UK government's active promotion of its RTR regulation has created widespread acceptance of it with employers increasingly willing to respond positively to requests (Hegewisch, 2005). This experience points to the vital role of national governments in monitoring and encouraging the effectiveness of work-family interventions at the workplace level. Individual rights such as the RTR need to be made effective by providing working carers with practical and affordable pathways to contest the arbitrary and unreasonable refusal of employers to seriously consider a request for changed work arrangements creating a meaningful risk of serous penalty (Fagan, & Walthery, 2011). Without this consequence, weak law serves a powerful illusory and distracting function - creating the impression that new regulatory roads to work-family reconciliation and to quality jobs have been created - when strong workplace resistance to change, including to better work organization or redesign (Perlow, & Kelly, 2014), continues to inhibit the easy reconciliation of work and family in places where change is needed most, especially for those at the bottom of the labour market – and their households.

As things stand, there is plenty of scope to continue to improve arrangements at all the essential levels of change – macro-social and economic, regulatory and workplace – in Australia and elsewhere to permit working carers and their dependents to better reconcile work and family over the (now long) course of their working lives.

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