

12 March 2024

Fair Work Commission

Level 10, Terrace Tower, 80 William St
East Sydney, NSW 2011

Carers NSW welcomes the opportunity to provide a submission to the Fair Work Commission in response to its discussion paper for the Modern Awards Review 2023-24 on Work and Care. This submission will provide an overview of the prevalence and impacts of balancing paid work with care for a family member or friend, including for diverse groups; the adequacy and effectiveness of existing supports in enabling carers to balance work and care; and the additional measures that could be considered to better supporting working carers. Carers NSW believes that supporting carers to sustainably balance work and care will result in optimal outcomes for carers, the people they care for, governments and employers.

Carers NSW believes that it is crucial that the term carer is used correctly – in line with the definition outlined in the Commonwealth *Carer Recognition Act 2010* – throughout the course of this inquiry, and in relation to carer-focused policy and supports to ensure that there is no confusion between parents and carers. While Carers NSW recognises that some parents may have additional caring responsibilities, ongoing conflation of parents and carers within the employment context continues to create challenges in understanding and monitoring the unique and diverse experiences of both groups and the impacts of this experience on their ability to participate in work and care.

Carers NSW is the peak non-government organisation for carers in New South Wales (NSW). A carer is any individual who provides care and support to a family member or friend who has a disability, mental illness, drug and/or alcohol dependency, chronic condition, terminal illness or who is frail. Carers NSW is part of the National Carer Network and a member of Carers Australia. Our vision is an Australia that values and supports all carers, and our goals are to:

- Be a leading carer organisation in which carers have confidence
- Actively promote carer recognition and support
- Actively support carers to navigate a changing service landscape that will be characterised by ongoing policy reform
- Promote connected community experiences and opportunities for carers that are inclusive of diverse carer groups
- Lead and advocate for carer-specific and carer-inclusive policy making, research and service delivery
- Continue to be a quality-driven, responsive and carer-focused organisation.

Thank you for accepting our submission. For further information, please contact Ada Lester, Policy and Research Officer at adal@carersnsw.org.au or phone (02) 9280 4744.

Yours sincerely,



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Introduction

There are approximately 2.65 million carers in Australia.¹ While the term carer is often used in relation to parents and guardians, or paid care workers, the Commonwealth *Carer Recognition Act 2010* defines a carer as an individual who provides personal care, support and assistance to another individual who needs it because that other individual has a disability, medical condition (including a terminal or chronic illness), mental illness or who is frail/aged. Carers come from all walks of life, cultural backgrounds and age groups. For many, caring is a 24 hour-a-day job with emotional, physical and financial impacts that can also affect their participation in employment, education and community activities. To replace the care provided by carers, the Australian Government would have to spend approximately \$77.9 billion per year.²

Employment is critical in promoting independence and financial stability for carers, and also supports social and community engagement and a sense of meaningful contribution. While many carers are unable to, or choose not to, engage in paid employment, many others do balance their caring responsibilities with paid work. Balancing care and paid work can be a choice, for example, in order to maintain an identity separate from the caring role, but is more often a financial necessity to meet the costs of daily living and the additional costs of caring. This is increasingly necessary with the rising cost-of-living.

Carers who choose to balance care and work can face significant barriers to economic participation with limited targeted employment initiatives and supports available to them. The demands of caring responsibilities commonly lead to reductions in work hours or leaving the workforce entirely, resulting in gaps in employment and subsequent lapsing of skills and qualifications.³ These impacts on economic participation have significant effects on carers' long-term financial security and their health and wellbeing. Furthermore, participation in work can also impact on a carer's time and capacity to provide care.

While there are a number of policies, programs and supports that aim to assist carers to balance work and care, many of these measures are not currently meeting carer needs or are not inclusive of all carers. Furthermore, there remain some gaps in relation to employment supports for carers. Given the complexity and diversity of both care and work, Carers NSW welcomes the broad examination of the existing support landscape for carers. Taking a holistic approach to supporting carers to balance work and care will ensure a comprehensive policy response that is sensitive to and inclusive of the largest range of carers, employers and industries. With the number of carers expected to increase due to an ageing population in Australia and increasing care workforce shortages, it is imperative that governments act swiftly to improve supports for carers balancing work and care.

Carers NSW acknowledges that much of this submission reflects information shared through previous consultations regarding balancing care and work – including for the Select Committee on Care and Work, the Productivity Commission Inquiry into Carer Leave, and the Treasury White Paper. However, many of the issues addressed in these submissions remain significant concerns for carers and still need to be reconciled through policy mechanisms.

Defining 'carer'

Carers NSW wishes to emphasise the importance of clearly and accurately defining the term carer. This will ensure that the unique experiences and needs of carers are not confused or conflated with the experiences and needs of parents or paid care workers, as often occurs in these settings. The

¹ Australian Bureau of Statistics (ABS) (2019a) *Survey of Ageing, Disability and Carers 2018, Summary of findings*. Australian Government, Canberra. Available online at: www.abs.gov.au.

² Deloitte Access Economics (2020) *The economic value of informal care in Australia in 2020*, Carers Australia.

³ Carers NSW (2020a), *2020 National Carer Survey: Summary report*, available online at: <http://www.carersnsw.org.au/research/survey>, viewed 08 September 2022.

Commonwealth *Carer Recognition Act 2010* definition cited earlier is not inclusive of volunteers, foster carers and parents, with the exception of foster carers and parents who support a child who is living with disability, chronic illness, terminal or mental illness. Carers often remain hidden because they, and the services they engage with, are not aware that they meet the definition. Inaccurate usage of terminology may also have repercussions regarding datasets about carers, which may be interpreted as including parents and guardians, when they only record information about carers as defined by the Commonwealth *Carer Recognition Act 2010*. Carers NSW would also like to note that the definition outlined in the discussion paper on Work and Care excludes young carers by referring to primary carers being aged over 15, despite later describing young carers and the challenges they face regarding employment and education opportunities.⁴

Combining work and care

Prevalence

In Australia, almost 1 in 8 people of working age (16-65 years) are carers.⁵ Anyone can become a carer at any time, and carers are highly demographically diverse, as are the people for whom they care. Using data from Waves 2 to 4 of the Household Income and Labour Dynamics Australia (HILDA) survey 2001, it has been estimated that between 3–4% of Australian employees become carers each year.⁶ The 2018 Survey of Disability, Ageing and Carers (SDAC) indicates that while workforce participation is lower for carers, often due to the impacts of caring on their ability to participate in employment, many carers engage in some level of paid work.

Table 1: Proportion of persons (%) in employment types⁷

	Male			Female			Total		
	Primary carers	All carers	Non-carers	Primary carer	All carers	Non-carers	Primary carers	All carers	Non-carer
Employed	53.8	71.8	81.4	55.7	63.2	73.4	55.5	66.6	77.4
Unemployed	3.2	4.7	4.0	3.3	4.1	4.0	3.4	4.4	4.1
Not in the labour force	42.2	23.7	14.6	40.3	32.9	22.6	40.7	29	19.8

Furthermore, many Australians already provide informal care to a loved one, long before they identify themselves as a carer, or consider the relationship to the person being cared for as a caring relationship. Especially in the context of ageing, becoming a carer is in most cases not a decision made at a clearly discernible point in time, but rather a point in an ongoing transition, which often only is identified in retrospect. These transitions or care pathways may be linear or non-linear, and carers may provide episodic instances of care for many years throughout their working life before a pattern of caring is established.

Women are statistically far more likely to take on more intensive caring roles in response to social conventions and expectations, and are also far more likely to take time out of work, exit the labour force, work part time,⁸ and work in casualised, lower paid occupations and industries in order to

⁴ Fair Work Commission (2024), *Discussion Paper – Work and Care*.

⁵ Australian Bureau of Statistics (ABS) (2019b) *Survey of Ageing, Disability and Carers 2018*, TableBuilder Dataset. Australian Government, Canberra. Available online at: www.abs.gov.au.

⁶ Hill, T., Thomson, C., Bittmann, M. & Griffiths, M. (2008) What kinds of jobs help carers combine care and employment? *Family Matters*, 80, 27–32.

⁷ ABS (2019b).

⁸ ABS (2019a).

care.⁹ This dynamic, alongside the impact of child care on workforce participation, is a key contributor to the well-established disadvantage women experience in relation to income level, asset ownership and superannuation balance.¹⁰

The Carers NSW 2020 National Carer Survey found that of carers balancing work and care (n=1855), carers balanced an average of 55 hours of care and 28 hours of paid work per week.¹¹ These carers were more likely to be female (88.9%) and younger on average than carers not in the workforce. Additionally, they were more likely to be caring for one person (70.9%), most commonly their child (including adult children) (55.8%), parent (36.3%) or partner (24.7%), and had been providing this care for an average of 11 years.¹²

For most carers in paid work, focusing on one or the other is neither possible nor sustainable. Data from the 2018 SDAC¹³ indicates that caring responsibilities are often not a 'choice' per se and are largely associated with a sense of familial obligation and the belief that they could provide better care (see Table 2). Similarly, working is often not a 'choice' due to the financial demands of caring, detailed in later sections of this submission.

Table 2: Primary carers, reasons for taking on caring responsibilities by relationship to care recipient, 2018 (Table 39.1)¹⁴

	Partner of recipient	Child of recipient	Parent of recipient	Total
PROPORTION OF PERSONS (%)				
All primary carers				
Could provide better care	52.1	38.8	50.9	46.2
Family responsibility	66.8	78.6	71.5	70.0
No other family or friends available	28.7	41.2	24.8	31.5
No other family or friends willing	13.6	29.4	17.6	20.6
Emotional obligation	46.8	51.4	45.3	46.6
Alternative care too costly	23.1	19.4	23.3	21.0
No other care arrangements available	13.5	15.1	22.0	16.5
Had no other choice	21.8	14.4	34.3	21.9
Other reason	5.2	4.7	9.7	6.5
Total number of persons ('000)	315.2	226.0	233.5	861.6

The number of people providing care and the level of assistance provided by carers only rose during the COVID-19 pandemic.¹⁵ Additionally, an ageing population and a preference for receiving care in the home and community, combined with ongoing and increasing resource and workforce shortages within formal care systems, is only likely to increase the number of people balancing work and care in the community. As such, Carers NSW believes this inquiry provides a timely opportunity to improve

⁹ ABS (2019b); Carers NSW (2020a); Finance and Public Administration References Committee (2017) *Gender segregation in the workplace and its impact on women's economic security*, Commonwealth of Australia, Canberra; WGEA Data Explorer (2016), *Health Care and Social Assistance summary for 2015*, available online at: <http://data.wgea.gov.au/industries/7>, viewed 19 February 2018.

¹⁰ Durie, T. and Cavanough, E. (2017) *Guaranteeing Women's Super: How to close the gender gap in superannuation*, The McKell Institute, Sydney.

¹¹ Carers NSW (2020b) *2020 National Carer Survey: Carers balancing paid work and care*, available online at: https://www.carersnsw.org.au/uploads/main/Files/5.About-us/Our-research/Fact_Sheet_Carers_paid_work.pdf, viewed 08 September 2022.

¹² Carers NSW (2020b).

¹³ ABS (2019b).

¹⁴ Ibid.

¹⁵ ABS (2021) *Household Impacts of COVID-19 Survey, May 2021*, available online at: <https://www.abs.gov.au/statistics/people/people-and-communities/household-impacts-covid-19-survey/may-2021#key-statistics>, viewed 25 August 2022.

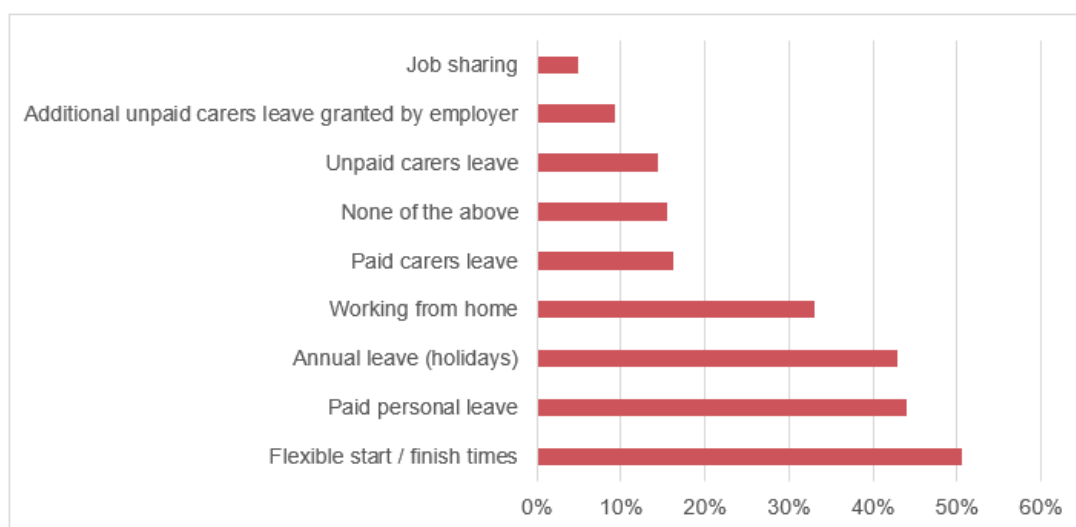
understanding of carers' experiences of work and care and ensure that policy, programs and supports promote and enable carers to effectively balance work and care. This is likely to result in optimal outcomes for the growing number of carers, now and into the future.

Factors impacting on the balance of work and care

Caring can have significant impacts on a carer's ability to participate in paid work. Carers are more likely to need casual, flexible work from multiple employers to enable them to continue to care, and as a result experience precarious working conditions that offer limited or no leave provisions, job security, or income protection. The NSW Council of Social Service (NCOSS) report, *Tough Times, Hard Choices: Struggling households and the rising cost-of-living in NSW* the found that in 2022, one in four people with 2 or more jobs were carers.¹⁶ The report also found that in the prior 12 months, carers had experienced significant negative changes to employment, with 39% of carers experiencing less job security, 16% having lost their job, and 40% having experienced reduced hours.¹⁷

The Carers NSW 2020 National Carer Survey¹⁸ found of carers balancing work and care, a significant majority of carers had used flexible work arrangements (84.4%). More than half of all working carers had used flexible start/finish times in their current jobs.¹⁹ Around one in ten working carers reported using other flexible work arrangements, such as flexible work days. Approximately one in three were working from home however, high reporting of working from home may have been associated with the survey being conducted in the height of the first wave of the COVID-19 pandemic. Carers also reported accessing a mix of paid and unpaid leave arrangements, with paid options utilised at a higher rate than unpaid options.²⁰

Figure 1. Use of flexible work arrangements²¹



N=2,175

Despite carers accessing a range of flexible working options, the Carers NSW 2020 National Carer Survey found that many carers balancing work and care still reported needing to reduce their working hours (25.2%), and to quit working or job seeking all together (22.6%). This suggests that existing

¹⁶ NSW Council of Social Service (2022), *Tough Times, Hard Choices: Struggling households and the rising cost-of-living in NSW*. Available online at <https://www.ncoss.org.au/policy-advocacy/policy-research-publications/tough-times-hard-choices-struggling-households-and-the-rising-cost-of-living-in-nsw/>.

¹⁷ Ibid.

¹⁸ Carers NSW (2020a). Note: data not captured in 2022 Survey.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

flexibility provisions and supports alone are not adequate to support them to maintain both work and care.²²

In many cases, whether a carer is able to sustainably balance work and care depends on a variety of circumstances individual to the caring situation. Besides the intensity of the provided care, studies from Australia and the UK highlight the financial situation of the household, job security and workplace arrangements as the most significant factors for supporting carers to maintain engaged in paid employment.²³

Based on this research and data from the Carers NSW 2022 National Carer Survey, factors influencing whether balancing work and care is sustainable include:²⁴

- needs of the person receiving care / care intensity (a higher care intensity makes labour force exit more likely).
- financial situation of the household (financial stability allows for an exit from the workforce, financial commitments like having to pay a mortgage make it less likely).
- carer's job security and career outlook (higher job security and better career prospects – less likelihood of leaving workforce).
- carer's level of support in the workplace, flexibility of work arrangements.
- availability, affordability and quality of formal care services.
- availability, affordability and quality of formal and informal supports for the carer.
- capacity to plan ahead to meet care requirements (steady, ongoing – sudden, intense).
- structure of the household, living situation and proximity of the carer to the person they care for (separate vs common household, other household responsibilities).
- personal capacity of the carer and their mental and physical wellbeing.
- personal preferences of the people receiving care.
- carer's personal preferences, influenced by social expectations, gender norms (preference to care – preference to work).

²² Carers NSW (2020a). Note: data not captured in 2022 survey.

²³ Arksey, H., Kemp, P., Glendinning, C., Kotchetkovic, I., & Tozer, R. (2005) *Carers aspirations and decisions around work and care* (Department of Work and Pensions Research Report No. 290). York: University of York; Bittman, M., Hill, T. & Thomson, C. (2007) The Impact of Caring on Informal Carers' Employment, Income and Earnings: a Longitudinal Approach. *Australian Journal of Social Issues*, 42(2), 255–272. doi:10.1002/j.1839-4655.2007.tb00053.x; Hill, T., Thomson, C., Bittmann, M. & Griffiths, M. (2008) What kinds of jobs help carers combine care and employment? *Family Matters*, 80, 27–32, and Moussa, M. (2019). The relationship between elder care-giving and labour force participation in the context of policies addressing population ageing: A review of empirical studies published between 2006 and 2016. *Ageing and Society*, 39(6), 1281-1310. doi:10.1017/S0144686X18000053

²⁴ Carers NSW (2022). *National Carer Survey: Full Report*. https://www.carersnsw.org.au/uploads/main/Files/3.Resources/Policy-Research/Carers-NSW_2022_National_Carer_Survey-Report.pdf

These factors are not independent, but interact with and reinforce each other. Their relative importance is also highly dependent on the situation in which the caring role arises. A central factor is the level of engagement of the carer in paid work prior to commencing the caring role. This is again highly influenced by gender dynamics in the household and in the workplace.

“I have had to quit previous positions [due] to my caring role and not having the flexibility at work however in my current role I now have the flexibility to accommodate my caring role. However I don't have enough paid leave to adequately support my caring role and have considered quitting because I'm often exhausted due being a carer and all the extra responsibilities being a carer requires.”

- Carers NSW 2022 National Carer Survey

Impacts of combining work and care

The complex and challenging nature of combining work and care can have significant impacts on carers' financial security, as well as positive and negative impacts on health and wellbeing. This section will explore the impacts of combining work and care on carers.

Financial security

Caring can come with significant financial costs. In addition to limited opportunities to participate in the workforce and access associated earnings and employer superannuation contributions, many carers face day to day expenses associated with their caring role that can further limit their ability to absorb financial shocks or save for retirement. These expenses can include health care fees, medicine costs, purchase and maintenance of aids and equipment, home modifications, transport fees and formal community care costs or co-contributions. Carers may also have higher utility costs and wear out white goods more quickly due to additional laundry, heating or cooling necessary to meet the needs of the person they care for. Nearly 2 in 3 respondents to the Carers NSW 2020 National Carer Survey reported that they contribute financially to the costs of medicine for the person they care for, and 1 in 2 contribute to their transport costs.²⁵

In addition to incurring costs directly related to supporting the person they care for, carers are also themselves often significantly financially disadvantaged and, due to the often long-term nature of caring, experience accumulated economic disadvantage. Slightly more than 50% of all carers live in a household in the lowest two income quintiles, which is double the rate of non-carers.²⁶ Working age carers (15-64 years) are also more likely to receive government payments or allowances as their main source of income compared to non-carers of the same age (24.3% and 9.3% respectively).²⁷

Findings from the Carers NSW 2022 National Carer Survey²⁸ highlight that even participating in paid employment may not be enough to alleviate financial pressures for carers. The Survey found that 15.4% of working carers reporting experiencing financial distress, with 37.5% unable to raise \$2,000 in a week for emergencies and 41.2% spending more money than they received in a month.

²⁵ Carers NSW (2020a). Note: data not available in 2022 survey.

²⁶ ABS (2019a).

²⁷ Ibid.

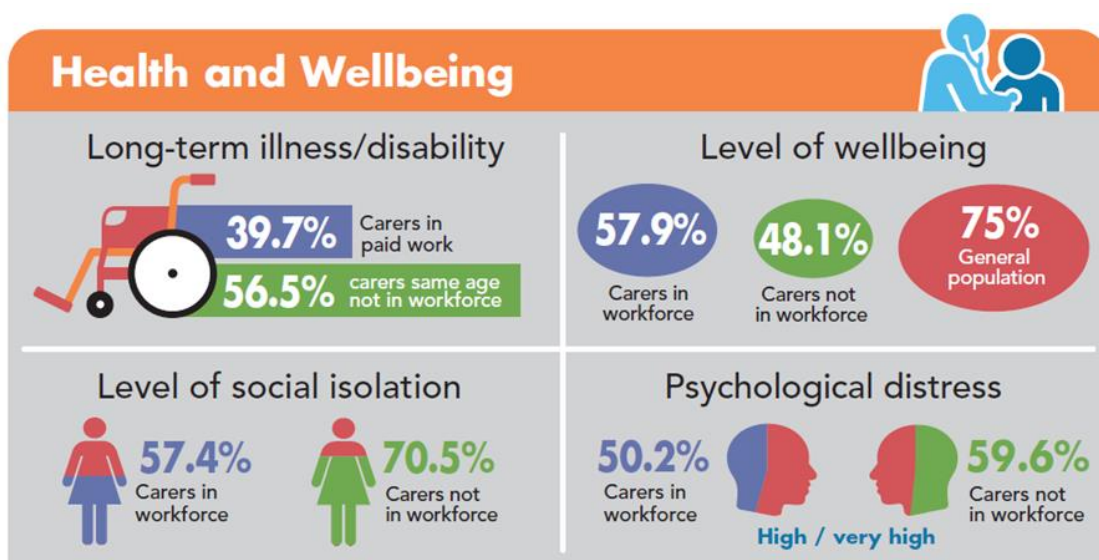
²⁸ Carers NSW (2022).

Furthermore, analysis by Evaluate, outlined in the *Caring Costs Us* report, showed that primary carers will lose on average \$392,500 in lifetime earnings and \$175,000 in superannuation at age 67.²⁹ Some people who care for extended periods of time will lose substantially more, with the most affected 10% losing at least \$940,000 in lifetime income, and \$444,500 in retirement savings.³⁰ The report also found that lifetime earnings are reduced by \$39,600 for every year that someone is a primary carer, indicating that for many carers who have been caring from their mid-thirties or forties, there are significant lifetime impacts that may act as a key contributing factor in long term financial insecurity and inequity into retirement.

Health and wellbeing

While balancing care and work can have significant impacts on financial security, participating in work can have some positive impacts on carer health and wellbeing. The Carers NSW 2020 and 2022 National Carer Surveys³¹ found that carers in the workforce report higher levels of wellbeing and social connectedness and lower levels of long-term illness/disability and psychological distress than carers not participating in the workforce (Figure 2). However, working carers still report lower levels of wellbeing and higher psychological distress than the general population.

Figure 2. Health and wellbeing of carers in the workforce (2020 results)



Furthermore, qualitative data from the Carers NSW 2022 National Carer Survey indicates that while balancing work and care can have some positive impacts on carer health and wellbeing, it can still be physically and emotionally taxing for carers. The Survey found that carers balancing work and care reported exhaustion, feelings of inadequacy in both their caring and work roles due to not being able to give their full effort in both, frustration at not being able to access support to better balance work and care, a lack of choice in participating in work and/or care, and low levels of recognition of their caring role³².

²⁹ Evaluate (2022) *Caring Costs Us: The economic impact on lifetime income and retirement savings of informal carers*, available online at: <https://www.carersaustralia.com.au/wp-content/uploads/2022/04/Final-Economic-impact-income-and-retirement-Evaluate-Report-March-2022.pdf>, viewed 25 August 2022.

³⁰ Ibid.

³¹ Carers NSW (2022).

³² Carers NSW (2022).

Diverse experiences of carers balancing work and care

Women and care

The impacts of care on economic participation, and the opportunities to address these, are highly gendered. Women are statistically far more likely to take on more intensive caring roles³³ in response to social conventions and expectations, and are also far more likely to take time out of work, exit the labour force, work part time, and work in casualised, lower paid occupations and industries in order to care.³⁴ This dynamic, alongside the impact of child care on workforce participation, is a key contributor to the well-established disadvantage women experience in relation to income level, asset ownership and superannuation balance.³⁵

Men are also twice as likely to be denied or experience stigma or exclusion when accessing flexible working arrangements³⁶ and as a result, some male carers may be required to retrain and seek work in different sectors or leave the workforce altogether. This dynamic also reinforces the gendered nature of care, incentivising women to reduce their workforce engagement to care as male carers cannot access the same levels of understanding or flexibility.

Economic modelling has shown that if a woman leaves the workforce to care for a child with disability when she is 30 years old, her retirement income will be inadequate during her old age.³⁷ The Carers NSW 2018 Carer Survey data³⁸ demonstrated the concerning reality of many carers being at risk of significant financial hardship and distress into later life, with 20% of female carers under 65 reporting that they did not know how they would fund their retirement.³⁹ Indeed, the economic impacts of caring particularly amongst women has been identified as a significant factor resulting in insecure housing conditions in later life, with women being the largest growing demographic in those experiencing homelessness.⁴⁰

Sandwich carers

With the Australian population ageing, a preference for ageing in the community and long delays accessing formal care services, people are increasingly acting as 'sandwich carers', caring for a child or children, as well as one or more family members who are ageing. Providing care to a child or children (<15 years) with additional needs, as well as an ageing family member, can have significant

³³ ABS (2019a).

³⁴ ABS (2019b); Carers NSW (2020a); Finance and Public Administration References Committee (2017), *Gender segregation in the workplace and its impact on women's economic security*, Commonwealth of Australia, Canberra; WGEA Data Explorer (2016), *Health Care and Social Assistance summary for 2015*, available online at: <http://data.wgea.gov.au/industries/7>, viewed 19 February 2018.

³⁵ Durie, T. and Cavanough, E. (2017), *Guaranteeing Women's Super: How to close the gender gap in superannuation*, The McKell Institute, Sydney.

³⁶ Bain & Company (2016), *The power of flexibility: A key enabler to boost gender parity and employee engagement*; Diversity Council Australia (2021), *Inclusion@Work Index: Mapping the state of flex in the Australian workforce*. Available online at:

https://www.dca.org.au/sites/default/files/report_inclusionatworkmappingthestateofflex_20211012.pdf

³⁷ Nepal, B., Brown, L., Ranmuthugala, G., Percival, R. (2008), *Lifetime health and economic consequences of caring: modelling health and economic prospects of female carers in Australia*, National Centre for Social and Economic Modelling.

³⁸ Question not repeated in later surveys.

³⁹ Carers NSW (2018) *Carers NSW 2018 Carer Survey: Summary Report*, available online at: https://www.carersnsw.org.au/uploads/main/Files/5.About-us/Our-research/Carer-Survey-Report_2018.pdf, viewed 2 March 2022.

⁴⁰ Sharam, A., Ralston, L. and Parkinson, S. (2016), *Security in retirement: The impact of housing and key critical life events*, Swinburne University of Technology: Melbourne; Stone, W., Sharam, A., Wiesel, I., Ralston, L., Markkanen, S. and James, A. (2015), *Assessing and sustaining private rental tenancies: critical life events, housing shocks and insurances*, AHURI Final Report No. 259, Australian Housing and Urban Research Institute; Swinburne University of Technology, The University of New South Wales and Curtin University; McFerran, L. (2010), *It could be you: single, older and homeless*, Homelessness NSW, Woolloomooloo, New South Wales.

impacts on a carer's health, wellbeing, social engagement and finances. While many carers experience negative outcomes of caring, the impacts for sandwich carers are amplified.

The Carers NSW 2020 National Carer Survey found that 95.2% of respondents caring for both a parent and child/ren with additional needs were women, and that sandwich carers report lower wellbeing than other carers (a mean score of 50.8 on the Personal Wellbeing Index compared to 58.7 for other carers).⁴¹ Despite reporting higher levels of engagement in the labour force than other carers, the Survey also found that more sandwich carers report financial stress in the prior 12 months than other carers, with nearly 1 in 5 reporting financial distress.⁴²

Diverse carer cohorts

Within the diversity of caring experiences, barriers to economic participation are more elevated for carers who may face additional structural barriers to participating associated with their cultural background, sexuality, identification as Aboriginal and Torres Strait Islander or for carers with a disability. These diverse, often hidden carer groups are much more likely to be caring for others and less likely to identify as carers. Carers NSW believes that consideration must be given to the impacts of compounding factors on employment for diverse carers, that may exacerbate or reinforce barriers to participation associated with their caring role. Additionally, existing supports for carers to participate in employment may also not adequately meet the needs of diverse carer groups and a broader, more inclusive approach may be needed to ensure that support for carers to balance work and care are inclusive and sensitive to the needs of diverse carer cohorts.

Current provisions in the National Employment Standards (NES) in relation to existing entitlements for carers including sick and carer leave and flexible working arrangements require care to be provided to an immediate family or household member. This can create significant barriers to accessing these entitlements for a number of diverse carer cohorts. For example, Aboriginal and Torres Strait Islander carers may be limited from accessing NES entitlements where kinship systems are not well understood or recognised by employers, such as in instances where care is being provided to a person considered immediate family through kinship systems, but not through a western cultural frame of reference.

Lesbian, gay, bisexual, transgender, queer, intersex and other gender or sexuality diverse (LGBTQI+) carers may also have difficulty accessing these entitlements where same-sex relationships are not recognised or respected as spousal or de facto relationships due to ignorance, stigma or discrimination. LGBTQI+ carers may also not have their families of choice recognised by employers. Culturally and linguistically diverse (CALD) carers who often provide care to extended family members may also have difficulty accessing these entitlements.

Diverse carer cohorts who often experience compounding disadvantage may also be more vulnerable to stigma and discrimination relating to their caring role in the workplace while being less likely to know their rights in the workplace or to seek redress. They may also have reduced bargaining power on seeking access to entitlements available to carers, resulting in greater difficulty accessing these.

The *Gari Yala (Speak the Truth)* report⁴³ details concerning intersectional impacts of caring on Aboriginal and Torres Strait Islander female carers in the workplace. The report found that Aboriginal and Torres Strait Islander female carers often experience a 'triple jeopardy' effect in the workplace due to the compounding effects of racial and gendered inequality, and disadvantage due to being a carer. As such, it was highlighted that Aboriginal and Torres Strait Islander female carers are a

⁴¹ Carers NSW (2020a). Note: data not available in 2022 survey.

⁴² Ibid.

⁴³ Evans, O. (2021) *Gari Yala (Speak the Truth): gendered insights*, WGEA Commissioned Research Report in partnership with the Jumbunna Institute of Education and Research and Diversity Council Australia, available online at: <https://www.wgea.gov.au/publications/gari-yala-speak-the-truth-gendered-insights>, viewed 25 August 2022.

particularly vulnerable group, who are more likely to be in culturally unsafe and unsupported employment. Given the additional vulnerability of female Aboriginal and Torres Strait Islander carers, they may experience greater difficulty accessing existing or future entitlements available to carers in the workplace.

The combination of paid sick and carer leave under one entitlement may also significantly disadvantage working carers who are living with disability or chronic illness themselves. More than one in three (37.4%) primary carers report living with disability themselves, higher than the incidence of disability reported in the broader Australian population.⁴⁴ Carers living with disability may face compounding challenges finding and securing employment. Additionally, carers with disability may face unique challenges accessing adequate support in the workplace.

While evidence shows that people living with disability are less likely to take sick leave than other people in the workforce,⁴⁵ carers living with disability may have a greater need to access their paid sick and carer leave to manage their own health and wellbeing, especially to participate in health maintenance activities such as attending appointments, reducing their access to carer leave. Alternatively, where carers choose to prioritise the needs of the person they care for in the use of their sick and carer leave, they may forgo access to their own health activities. In some cases, this may result in deterioration of their condition that limits their ability to fulfil both their work and caring responsibilities.

Carers NSW believes that acknowledging the impacts of intersectionality on balancing work and care for diverse carers is essential for ensuring that policy responses are sensitive to, and adequately meet the needs of a broad range of carers.

Legislated employment entitlements and protections for carers

As highlighted in the discussion paper, here are currently a number of workplace laws in place that aim to support carers in Australia to balance care and work. These include existing provisions in the National Employment Standard (NES) that create paid and unpaid carer leave entitlements, and the right to request flexible working arrangements.

In NSW, the *Anti Discrimination Act 1997* also prohibits discrimination against employees or potential future employees on the grounds of their caring role or responsibilities. The *Carer Recognition Act 2010* (Cth), and equivalent legislation in NSW, also creates requirements for public sector agencies in relation to employed carers, however there is no mechanism for enforcing this requirement.

Despite a number of existing arrangements, carers continue to report significant difficulty balancing paid work and care. This is often the result of:

- limited awareness of carer-focused employment policy.
- restrictive definitions of 'carer' and 'caring' within existing NES entitlements.
- difficulty evaluating uptake and effectiveness of existing policy measures due to limited data collection and reporting.
- ongoing stigma and discrimination in the workplace.

⁴⁴ ABS (2019b).

⁴⁵ Department of Social Services (DSS) (not dated) An Employer's Guide To Employing Someone With Disability, available online at: https://www.dss.gov.au/sites/default/files/documents/09_2014/employers_guide_to_employing_someone_with_disability_0.pdf, viewed 25 August 2022.

- a lack of enforceability of existing legislative provisions
- power imbalances within the workplace, especially for those in low-paying or insecure employment which can limit carer bargaining power or willingness to seek redress.
- the exclusion of casual employees from paid carer leave provisions.

While Carers NSW can provide some insights into the adequacy, accessibility and effectiveness of existing entitlements, there is limited data available that enables thorough evaluation of these measures. However, Carers NSW conducted an analysis of the effectiveness of these measures for our submission to the Productivity Commission inquiry into Carer Leave which may provide some key insights.⁴⁶ Carers NSW believes that improvements in data collection and reporting by employers will better enable ongoing, thorough review of these measures.

Additionally, Carers NSW acknowledges the limitations of the Commission to make changes to the NES, however Carers NSW believes that this review of modern awards may present opportunities to improve carers' access to or use of existing entitlements.

"In the past I have used up all my annual leave and sick leave providing care for others. I have not had enough time or energy to undertake study to put myself in a better position. I have suffered Carer burnout a few times which has made it extremely difficult at work. In my previously position I did not feel I could confide in my work supervisor or colleagues for emotional and practical support. I struggle to find time to look after myself, self-care is challenging. I recently changed jobs so that I could work in an environment where my situation could be known and used to the benefit of others. It is also a position that allows me to continue learning and growing. This helps me professionally and personally, and assists me to manage in my Caring role... This new position is much more accommodating to my caring needs and has been more supportive with flexible arrangements. This is largely down to my immediate supervisor and could change."

- Carers NSW 2022 National Carer Survey

Barriers to effectiveness of existing provisions

Limited awareness

Ongoing low levels of carer recognition in the community and by employers can limit the ability of carers to access available entitlements. Limited carer awareness or recognition by employers may also result in inadequate support within the workplace, especially where the intensity and complexity of a caring role is difficult to relay to an employer without breaching the privacy of the person receiving care. Additionally, limited carer identification can reduce a carer's ability to locate information on, or request access to, entitlements that may be available to and intended for them.

Carers NSW has also heard from carers that employment entitlements are not generally well known or understood by carers or employers. Carers may be unaware of their entitlements or have limited understanding of the redress pathways available to them where they are unable to access these entitlements or feel discriminated against for doing so. Currently, there is no central place carers can access to fully understand their rights or redress pathways within the employment context. Carers

⁴⁶ Carers NSW (2022) Carers NSW submission to the Productivity Commission on Carer Leave, available online at: <https://www.carersnsw.org.au/uploads/main/Files/3.Resources/Policy-Research/Carers-NSW-submission-Carer-leave-submission.pdf>, viewed 08 September 2022.

NSW has made attempts to address this through the creation of fact sheets as part of a Carer Rights Education project under the NSW Carers Strategy, which aim to centralise information on carer employment rights.⁴⁷ However, these are NSW specific.

Restrictive definitions of carers and caring

A key barrier to existing carer employment entitlements is the restrictive definition of caring within the NES which may exclude a significant proportion of carers if applied stringently. The *Carer Recognition Act 2010* (Cth) provides a clear definition of a carer, which is generally applied in the development of carer policy and programs. However, the NES contradicts this definition with respect to existing carer leave entitlements, restricting care to only that of an immediate family or household member due to injury, illness or emergency.

The definition used within the NES therefore excludes care provided to extended family members or friends, and the provision of routine care such as support with activities of daily living or attending appointments. While employers may apply the definition more broadly than that stated in the NES, this is at an employer's discretion and is often reliant on their awareness and understanding of caring. Furthermore, differing definitions of carers and caring between the NES and carer recognition legislation may be confusing for carers themselves and create greater difficulty in understanding their entitlements.

Limitations for casual employees

Many carers are engaged in casual or contract employment as this is the only way that they can access adequate flexibility to balance work with their caring role. However, this restricts their access to paid carer leave entitlements under the NES as these are only available to full- and part-time employees. This means that casually employed carers, who are already more likely to experience insecure income due to the nature of casual employment, must forgo income on accessing leave associated with their caring role or responsibilities. While some governments have recently established initiatives to provide paid carer leave for casual employees, these are currently geographically and situationally based.⁴⁸

The combining of sick leave and carer leave

Caring can involve significant emotional investment and physical activity, which, combined with minimal breaks, can take its toll on carers' physical and mental health. Unlike paid care workers performing similar tasks, health and safety protocols, injury insurance and break entitlements are completely unavailable to family and friend carers.⁴⁹ As a result, carers have higher rates of long-term illness and disability than non-carers and experience considerably higher emotional distress.⁵⁰ They also tend to neglect their own physical and mental health in order to prioritise that of the person they care for.⁵¹ It is therefore critical that current and future carer leave entitlements be distinct from sick leave and be supported by adequate formal services to support carers and care recipients.

⁴⁷ Carers NSW (2021) *Know Your Rights fact sheet 7: Your rights at work*, available online at: https://www.carersnsw.org.au/uploads/main/Files/2.Services-and-Support/Advice-for-Carers/Rights-and-Complaints/Carers-Fact-Sheet-7-Your-rights-at-work_V2.pdf, viewed 25 August 2022.

⁴⁸ Victorian Government (2022) *Victorian Sick Pay Guarantee*, available online at: <https://www.vic.gov.au/sick-pay-guarantee>; Services Australia (2022) *Pandemic Leave Disaster Payment*, available online at: <https://www.servicesaustralia.gov.au/pandemic-leave-disaster-payment>.

⁴⁹ Carers NSW (2017), *A just reward? A comparison of paid and unpaid care*, available online at: <https://www.swsldh.health.nsw.gov.au/Carers/content/pdf/AJustReward.pdf>, viewed 25 August 2022.

⁵⁰ ABS (2019b); Carers NSW (2020a).

⁵¹ Keesing, S., Rosenwax, L. and McNamara, B. (2011), "'Doubly deprived': a post-death qualitative study of primary carers of people who died in Western Australia", *Health and Social Care in the Community*, 19 (6): 636-644.

Carers NSW has heard from many carers that the current combined nature of paid sick and carer⁵² leave has limited their ability to manage their own health and wellbeing. Many carers report using all of their sick and carer leave entitlements to provide care, leaving them with no sick leave to meet their own health needs.

"I found I was taking more and more time off work to attend appointments, and had no personal leave left when I actually got sick"

- Carers NSW 2022 National Carer Survey

The combination of sick and carer leave also limits the ability to collect data and report on uptake and use of carer leave within organisations and enable evaluation of the adequacy and effectiveness of paid carer leave provisions. Carers NSW has heard from employers engaged in its Carers + Employers workplace accreditation program,⁵³ that they are unable to determine uptake of carer leave as this is often reported internally under 'personal leave' only.

Inadequacy of existing entitlements

Carers can currently access some minimal leave provisions for providing care, both paid and unpaid. However, many carers report to Carers NSW that current provisions do not provide adequate leave to fulfil their caring responsibilities. Many carers report to Carers NSW that when they have exhausted their sick and carer leave, they often access their annual leave to enable access to paid leave when providing care. However, this reduces their access to annual leave to participate in rest or recreational activities as intended, leaving carers with minimal opportunities to take holidays or recuperate.

Evidence requirements

Currently, carers are required to provide a medical certificate or provide a statutory declaration as evidence of their caring role to access carer leave or flexible working arrangements. Carers have reported that this can be very costly, with GP gap payments continuing to increase.⁵⁴ Additionally, with many GPs at capacity, especially in rural and regional areas, securing a medical appointment can be challenging. Obtaining medical evidence also relies on the willingness of the person receiving care consenting to medical review or treatment.

While some states and territories have a 'carer card' which may provide evidence of caring, this is not consistent across Australia and no such card exists in NSW. In some circumstances, evidence of receipt of Carer Payment or Carer Allowance may also be accepted by employers as evidence of caring, however, the number of carers in employment receiving Carer Payment only represents a small minority of carers, and those carers may be unwilling or uncomfortable disclosing income supports to their employer due to associated stigma.

Limitations of legislated entitlements

Flexible working arrangements have become increasingly available since the COVID-19 pandemic. Carers may access a variety of flexible working arrangements to support them to fulfil their caring responsibilities such as working from home, job sharing, flexible hours and split shifts. Flexible

⁵² 'Sick and carer's leave' entitlement is referred to as 'sick and carer leave' within this submission to ensure consistency of language throughout.

⁵³ Carers + Employers (2024) <https://carersandemployers.org.au/>

⁵⁴ Australian Broadcasting Corporation (ABC) (2022) *It's getting hard to find a GP – these doctors explain why*, available online at: <https://www.abc.net.au/news/2022-08-20/doctor-nurse-shortage-medicare-rebate/101352684>, viewed 25 August 2022.

working arrangements alone are not sufficient to fully enable carers to manage care and work, but often play an important role in facilitating this balance.

The NES protects the rights of carers to request flexible working arrangements, and this has been further strengthened through recent amendments to the Fair Work Act. However, current legislation does not protect the right of carers to access flexible working arrangements. There is limited data available that provides insights into the approval and refusal of flexible working requests. Additionally, carers report to Carers NSW that where flexible working requests have been denied, they have been too scared to take action available through the Fair Work Commission against their employer as they are dependent on their ongoing income, or because they have felt disempowered and unlikely to win against a big corporate employer.

Discrimination

In addition to entitlements for carers in the NES, carers are included in several discrimination focused Acts: the NSW *Anti-Discrimination Act 1977*, the Commonwealth *Sex Discrimination Act 1994* and the Commonwealth *Disability Discrimination Act 1992*. This legislation protects carers, or those providing care to dependents or associating with people with disability (including carers), against discrimination as a result of their caring role.

When considering the rights carers have in the workplace, particularly the right to be protected against discrimination, it is necessary to recognise that while legislation prescribes that all employees have the right to maintain family responsibilities, carers may not experience the full extent of this protection. This is because caring responsibilities often fall outside the prescribed scope of 'family responsibilities.' For example, many parents may need to engage in flexible work hours to accommodate school drop off or pick up, or have flexible leave arrangements in the event a child or children are sick. Caring responsibilities may, however, extend beyond what is perceived to be typical family or parental responsibilities, with many carers reporting that their caring role requires them to attend appointments during work hours or have earlier or later start or finish times to accommodate or maintain routine care for the person they care for.

It is also difficult to gauge the extent to which carers are actively discriminated against in relation to recruitment, career progression opportunities and requests for flexible working arrangements. Carers often report that they are afraid to disclose their caring responsibilities in these contexts as they believe it will adversely impact how their managers and colleagues will perceive and treat them. In many cases, though this may be the case, active discrimination may be difficult to establish.

Carers NSW believes that addressing barriers to existing legislative employment entitlements for carers will improve their ability participate in work and care and reduce the impacts of combining these roles.

Improving entitlements for carers combining work and care

Existing policies, programs and supports are an integral element supporting carers to balance work and care. However, Carers NSW believes that the effectiveness of these supports is dependent on a strong foundation of carer-friendly workplaces, in which carer-friendly policy is embedded and carers are recognised and valued for their caring role. In addition to this, carers require access to adequate and appropriate formal supports when and how they need them, stronger legislative employment entitlements and protections, and increased access to flexible and equitable paid leave options.

While a flexible, carer-friendly workplace is key to providing good working conditions to carers, carers, like other workers, should have access to work that is adequately paid, enjoyable and in line with their skills and experience, undertaken in a supportive workplace culture. At this point it is important to highlight carers' choice, both in whether to remain in paid employment, and to what capacity while

providing care. Ensuring that this choice is respected and promoted throughout any future reforms will also contribute to its success.

Stronger and more inclusive legislative entitlements and protections

Carers NSW welcomes commitments by the Australian Government including amendments to the Fair Work Act to strengthen access to flexible working arrangements and strengthen protection for workers against discrimination and harassment.⁵⁵ Additionally, the Productivity Commission inquiry into Carer Leave, Select Committee on Work and Care and Employment White Paper have provided opportunities to explore the economic and social impacts of creating greater entitlements for informal carers and potential opportunities for reform. However, despite the recent focus in this area, it is not yet clear if recommendations or emerging initiatives will address any or all of the barriers to accessing existing legal entitlements that carers experience.

Carers NSW believes that strengthening and aligning legislation is key to improving rights for carers within the workplace that better enable them to balance work and care. This includes:

- aligning definitions of carers and caring within the NES and anti-discrimination legislation with the *Carer Recognition Act 2010*
- strengthening carers' rights to flexible working arrangements
- stronger redress mechanisms where carers rights within the workplace have not been upheld or where they have been discriminated against
- greater information and support for carers making complaints or seeking redress

Furthermore, a key element of supporting the combination of work and care is access to adequate leave entitlements for providing care. As highlighted earlier, existing legislated entitlements available to carers may be limited in their uptake and effectiveness as they are not sensitive or adequate enough to meet carers needs. Carers NSW recently proposed a model of short, medium and long term leave in our submission to the Productivity Commission inquiry into Carer Leave.⁵⁶ This included an analysis of existing leave entitlements and supports that currently exist in Australia to support other groups or cohorts, such as those available to parents or those affected by COVID-19.

Some countries such as Ireland and Netherlands, as well as some states and provinces in the US and Canada have implemented paid care systems or schemes to support carers to access longer-term paid care leave. While many of these schemes do not enable carers to access their full income, they can often access a significant proportion of their wage, such as 70% of their wage in the Netherlands, to ensure limited financial disadvantage for carers accessing leave to provide care. A recent study examining the impact of US state paid family leave mandates on working-age individuals found that Government supported paid carer leave enabled higher attachment to employment, lowered negative impacts on wages and earnings, and reduced reliance on social welfare, suggesting better economic results overall.⁵⁷

Carers NSW believes that the key principles of leave entitlements for carers that would promote effectiveness and uptake are:

⁵⁵ Australian Government (2022) Jobs + Skills Summit: Outcomes, available online at: <https://treasury.gov.au/sites/default/files/inline-files/Jobs-and-Skills-Summit-Outcomes-Document.pdf>, viewed 08 September 2022.

⁵⁶ Carers NSW (2022).

⁵⁷ Ngoc, D. (2022), *Economic Impact of State Paid Family Leave Policies on Caregivers with Older and Disabled Adults*, available online at: https://cfsrdc.wisc.edu/files/working-papers/FellowFinalReport_Dao_Final_v2.pdf, viewed 7 September 2022.

- access to carer leave in its own right, separated from other types of leave such as sick leave.
- access to paid carer leave or eligibility to access financial support during extended periods of carer leave, including for casual employees.
- inclusive definitions of carers and caring that ensure that a diverse range of carers across a range of caring roles can access leave entitlements.
- flexibility provisions that enable leave entitlements to be accessed in a way that meets the sensitive and complex needs of a range of carers.
- options for taking longer periods of paid or financially supported carer leave to provide higher or more intense levels of care.

Increasing unpaid carer leave

In response to the Productivity Commission into Carer Leave, Carers NSW conducted consultation and analysis of the potential effects of increasing unpaid carer leave for carers and employers participating in Carers NSW Carers + Employers workplace accreditation program. Given the findings of this analysis, which suggested a potential for poorer outcomes for some carers, Carers NSW proposed a new mixed model of paid and unpaid short-, medium- and long-term carer leave that may be of interest to the Commission.

Effects for carers

It is difficult to estimate the number of carers who would access an extended period of unpaid carer leave and the extent to which they would benefit, due to the limited data on uptake and effectiveness of existing carer employment entitlements.

The Carers NSW 2020 National Carer Survey⁵⁸ found that more than half of all working carers had used flexible start/finish times in their current jobs (Figure 2). Relatively few (15.6%) had not used any flexible work arrangements.⁵⁹ Around one in ten working carers reported using other flexible work arrangements, such as flexible work days. However, uptake of unpaid carer leave and additional unpaid carer leave granted by an employer were relatively low in comparison to other flexible working arrangements, noting that high reporting of working from home may have been associated with the survey being conducted in the height of the first wave of the COVID-19 pandemic.⁶⁰

⁵⁸ Carers NSW (2020b). Note: data not available in 2022 survey.

⁵⁹ Ibid.

⁶⁰ Ibid.

Figure 3. Use of flexible work arrangements



N=2,175

Determining whether an extended period of leave would support some carers to remain in employment is also difficult due to limited data. Data from the Carers NSW 2022 National Carer Survey⁶¹ shows high dissatisfaction with the ability to balance work and care: More than one in four carers (25.5%) disagreed with the statement that there were sufficient flexible working arrangements available to balance care and work. Furthermore, 59.6% reported needing to reduce their working hours, and 34.7% of all working aged carers reported that they had quit work or seeking a job in order to care. Of the carers who were in paid employment at the time of the survey, more than half (53.5%) reported that they had seriously considered quitting their job over the previous 6 months. However, while many carers reported experiencing impacts of caring on their career, it is not possible to determine if any would have benefit from access to extended carer leave entitlements.

Whether a carer leaves the workforce depends on a variety of circumstances individual to the caring situation. Besides the intensity of the provided care, studies from Australia and the UK highlight the financial situation of the household, job security and workplace arrangements as the most significant factors for keeping carers engaged in paid employment.⁶²

Using data from Waves 2 to 4 of the Household Income and Labour Dynamics Australia (HILDA) survey 2001, it has been estimated that between 3–4% of Australian employees become carers each year.⁶³ However, the COVID-19 pandemic has led to increased support needs, with the Australian

⁶¹ Carers NSW (2022a).

⁶² Arksey, H., Kemp, P., Glendinning, C., Kotchetkovic, I., & Tozer, R. (2005) *Carers aspirations and decisions around work and care* (Department of Work and Pensions Research Report No. 290). York: University of York; Bittman, M., Hill, T. & Thomson, C. (2007) The Impact of Caring on Informal Carers' Employment, Income and Earnings: a Longitudinal Approach. *Australian Journal of Social Issues*, 42(2), 255–272. doi:10.1002/j.1839-4655.2007.tb00053.x; Hill, T., Thomson, C., Bittmann, M. & Griffiths, M. (2008) What kinds of jobs help carers combine care and employment? *Family Matters*, 80, 27–32, and Moussa, M. (2019). The relationship between elder care-giving and labour force participation in the context of policies addressing population ageing: A review of empirical studies published between 2006 and 2016. *Ageing and Society*, 39(6), 1281-1310. doi:10.1017/S0144686X18000053

⁶³ Hill, T., Thomson, C., Bittmann, M. & Griffiths, M. (2008) What kinds of jobs help carers combine care and employment? *Family Matters*, 80, 27–32.

Bureau of Statistics indicating that in 2021 26.7% of people provided unpaid care to adult,⁶⁴ while in 2022 this has reduced to 20.1%.⁶⁵

It is important to note while some carers may benefit from the proposed extended carer leave entitlement, this type of entitlement may be unsuitable or inaccessible for a number of carers, including those:

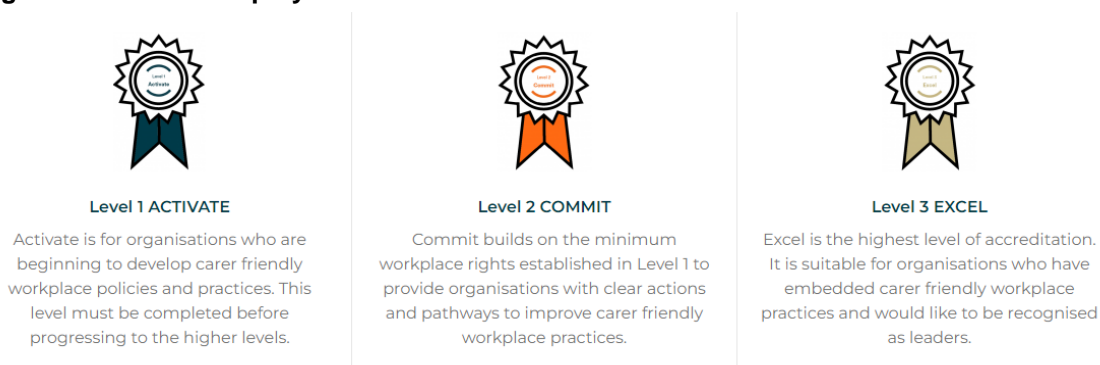
- in casual employment who are currently unable to access existing paid sick and carer leave entitlements across most of Australia
- with episodic or fluctuating caring roles which require greater flexibility in leave options that can be adapted to changes in the intensity and frequency of care required
- who are already experiencing financial disadvantage and could not afford to take an extended period of unpaid leave.

Effects for employers

Carers + Employers is a workplace accreditation program that defines best-practice standards for supporting employees with caring responsibilities. Organisations can be accredited through the program at 3 levels, Activate, Commit and Excel (see Figure 3). Carers NSW has previously consulted with employers regarding carer employment entitlements and supports.

All employers consulted reported offering carer leave in excess of the minimum outlined in the National Employment Standard, with most reporting offering uncapped unpaid carer leave. However, a majority reported being unable to track uptake as this was recorded under 'personal leave' or 'unpaid leave', and as such, they were unable to comment on current uptake as it is unable to be separated out from sick or other leave.

Figure 4. Carers + Employers levels of accreditation



One employer reported concerns that instead of supporting carers to better balance work and care, an extended unpaid leave would likely be counterproductive, as it likely would not adequately address a carer's needs in relation to work or care. Employers reported that from their understanding, many employers already offer unpaid leave options to staff to provide care, beyond that available through the NES.

⁶⁴ Australian Bureau of Statistics (2021) *Household Impacts of COVID-19 Survey, May 2021*, available online at: <https://www.abs.gov.au/statistics/people/people-and-communities/household-impacts-covid-19-survey/may-2021#key-statistics>, viewed 25 August 2022.

⁶⁵ Australian Bureau of Statistics (2022) *Household Impacts of COVID-19 Survey, March 2021*, available online at: <https://www.abs.gov.au/statistics/people/people-and-communities/household-impacts-covid-19-survey/mar-2022#unpaid-activities>, viewed 25 August 2022.

A new model of carer leave

Carers NSW believes that, while an increasing the availability of unpaid carer leave may not suit all carers, some would benefit. Carers NSW therefore proposes that extended unpaid carer leave could be one of several options available to carers, with different features and eligibility thresholds designed to accommodate the diversity of caring roles and experiences. We propose the following model:

Short-term carer leave

An expanded version of the existing paid and unpaid NES carer leave entitlements that:

- includes casual employees,
- is separated from, and additional to, sick leave, and
- uses a broader definition of 'carer' in line with the *Carer Recognition Act 2010* (Cth)

Carers NSW anticipates that this form of leave would better accommodate the needs of carers who require occasional days off work to attend to episodic, sudden or transitional caring needs. It would also assist carers to support with routine care tasks as needed that support the person they care for to remain in the community, such as assisting with attending medical appointments.

Provision of a medical certificate or statutory declaration as proof of caring should be adequate, however consideration of ways of streamlining or minimising evidence requirements for carers who regularly access this type of leave should be considered.

Medium-term carer leave

A defined period of government-funded leave booked in advance to address more intensive, short to medium term caring responsibilities, such as transitioning someone into aged care, providing additional support post-hospital discharge or putting in place new treatment or care arrangements for a recent diagnosis.

This entitlement may also be suitable for providing an intense period of end of life care. However, this would likely need to consider additional provisions for bereavement leave.

This could be modelled on the 18 week paid parental leave scheme⁶⁶ and have a narrower eligibility criteria than the short-term carer leave option which takes into consideration care intensity and the availability of informal/formal supports.

Medical evidence that confirms the need for a designated period of leave to enable the provision of intense care may be required to support access to this type of leave.

Longer-term carer leave

Up to two years of unpaid leave as suggested in the issues paper, which could be implemented in a similar way to NES parental leave entitlements. It would be critical that this include financial support, either through:

- eligibility to access the medium-term paid leave concurrently, as with parental leave
- eligibility for Carer Payment to receive ongoing income throughout the period

⁶⁶ Services Australia (2024), *Paid Parental Leave*, <https://www.servicesaustralia.gov.au/about-paid-parental-leave-scheme?context=23121>.

- eligibility for another temporary Centrelink payment, similar to how pandemic and natural disaster payments have been administered

Depending on the model, eligibility criteria may need to approximate Centrelink eligibility criteria for Carer Payment or Carer Allowance,⁶⁷ but should not be restricted to carers of older Australians or exclude carers providing care to someone in residential aged care. Additionally, consideration should be given to existing barriers to Carer Payment and Carer Allowance eligibility to ensure it is nuanced enough to include a wide variety of diverse carers.

It would also be advisable that superannuation contributions continue throughout this period of unpaid leave, regardless of the financial support in place, so as not to disadvantage the carer, especially female carers, who already face deficits in retirement income from career interruptions.

Carers NSW advocates that given the broader financial impacts of caring, access to financial support during any period of carer leave is an essential element of carer employment entitlements. Furthermore, it is important that any additional carer employment entitlements, such as access to an extended period of carer leave, have inbuilt provisions that enable flexibility in the use of such leave.

Carers NSW believes that the proposed stepped model is in line with current government practice with respect to both leave entitlements and financial support.

Conclusion

Carers NSW again thanks the Fair Work Commission for the opportunity to respond on this matter. Carers NSW welcomes and supports all opportunities to raise awareness of carers experiences balancing work and care, and to promote improved workplace conditions and practices that facilitate optimal carer health and wellbeing, economic participation, and ultimately the sustainability of caring arrangements.

This inquiry provides an opportunity for a broad examination of the diverse and nuanced experiences and needs of carers balancing care and work, and the policy context in which these experiences and needs occur. Carers NSW believes that this approach will enable the comprehensive, whole-of-government approach necessary to enable carers to effectively combine work and care, now and into the future.

⁶⁷ Services Australia (2024), *Carer Payment*, <https://www.servicesaustralia.gov.au/who-can-get-carer-payment?context=21816>; <https://www.servicesaustralia.gov.au/who-can-get-carer-allowance?context=21811>.