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# Chapter 6:

Combining a Military  
Career with Family

## In summary

- Enabling members to balance work and family is a critical retention tool and will increase the diversity of the ADF workforce and leadership. In an environment where ab initio (entry level) recruitment dominates, flexibility will increase retention and strengthen the ADF.
- A widespread belief exists that women in the ADF must choose between career and family. This is reflected in data showing that 88.9% of men in the star ranks have children, compared to only 22.2% of women.
- Decisions regarding workplace restrictions during pregnancy should be based on contemporary research and best practice.
- A perceived inability to backfill maternity leave positions encourages negative perceptions of this form of leave and influences the choices of those who may need to take it.
- Extended leave, such as maternity leave, can negatively impact career progression.
- Breastfeeding facilities in ADF workplaces could be improved to support women upon return from maternity leave, as currently exists in a range of businesses and organisations.
- Structural and cultural constraints impede many members' access to flexible work practices. These include entrenched beliefs about the types of roles that are suitable for flexible work, a belief that flexible work is only for women, inconsistent implementation by middle managers, workforce planning difficulties and a negative stigma that is attached to flexible work.
- ADF members experience problems in accessing child care in locations and within the hours that are suitable for their needs. Access to appropriate, affordable quality child care in regional and remote areas can be especially difficult.

The challenge of combining work and family is not unique to the ADF environment. Certainly, Australians across all sectors of the workforce negotiate a balance of these obligations. However, this juggle is a particular challenge for members of the ADF who work in posting cycles, have operational commitments and undergo deployments to sea or overseas. This means that, for women especially, the need to combine work with family disproportionately impacts on career progress and hinders leadership opportunities. It is not possible to increase the representation of women and the diversity of the ADF workforce and leadership without better enabling members to balance work and family.

Many women in the ADF feel they face a stark and mutually exclusive choice in respect of career or family. The decision to start a family is constrained by a number of issues, including the management of pregnancy within the ADF, access to and return from maternity and parental leave, availability of flexible working arrangements, accessibility of child care and the impact of postings and deployments. The ADF's policies regarding these issues are generally comprehensive, but their implementation is inconsistent and requires improvement. The Review will explore these issues in more detail throughout this Chapter.

Through the *Treatment of Women in the ADF Survey*, the Review sought the views of ADF members on their work/family/life balance.<sup>1</sup> About three-quarters of respondents to the Review's online survey agreed that their workplace encourages a healthy balance between 'work, home and family life' and that they are able to maintain this balance.<sup>2</sup> However, over half of all female respondents (57%) and 36% of all male respondents believed that their career was impacted by caring/family responsibilities. More than half of all female respondents (56%) and 39% of male respondents also agreed that family responsibilities affected their ability to go on deployment.

At senior officer level, 65% of female respondents and 33% of male respondents agreed that family responsibilities affected their ability to go on deployment. Among respondents with dependents, 71% of female respondents and 42% of male respondents agreed that family responsibilities affected their ability to go on deployment. The fact that a larger proportion of female respondents reported difficulties in balancing work and family indicates that it is one of the fundamental structural impediments leading to the under-representation of women in leadership in the ADF.

The relationship between work and family was also frequently raised in the Review's focus groups. A common theme was the perception that female ADF members make a 'choice' between their career and family, and indeed, many feel that it is not possible to have both. For example, the Review heard:

We accept that that's the choice you make. And I'm making a choice not to have children at the moment because I want to be promoted but as soon as I'm promoted I'll make a decision about children.<sup>3</sup>

I chose not to have children because this is my career. This is what I wanted. That's my choice.<sup>4</sup>

I know plenty of people that are happy not to promote because they want the family life, but there's still good job security and still a career. But then you get the people who want the career, who want to strive and go further. It's the same in any job, if you want to choose a family or a career.<sup>5</sup>

It was noted by some consultation participants that male ADF members do not have to make the same 'choice':

The ADF is a different type of employer ... by nature of the work we do and the loyalty and commitment expected of our members. If one has to choose between one's family and the ADF, it is normal that it is often [the] female Defence member in the relationship that leaves the fulltime ARA [Australian Regular Army] to care for children while the male ADF member remains working fulltime.<sup>6</sup>

These qualitative reports of a choice between family and career are supported by quantitative and survey data. As noted in section 4.1, in all three Services women in senior ranks (Captain or Equivalent and higher) are significantly less likely to be married or have dependents than their male counterparts.<sup>7</sup> While 88.9% of men in the star ranks have children, only 22.2% of women do.<sup>8</sup> This data suggests that the choice between family and career is starker for female officers than for women in other ranks.

As section 4.3 discussed, there is an apparent link between difficulty in balancing work and family and discharge from the permanent ADF. In all three Services there is an increased propensity for women to leave the ADF at points that coincide with a typical point where personnel, particularly women, are starting families. Furthermore, the 2010 ADF Exit Survey found that the key reasons cited by women for leaving the ADF related to the impact of ADF service on their family and personal life.<sup>9</sup>

The choice of career or family can be particularly pronounced for women in the Navy, due to sea service requirements which place additional pressures on family life. The Review heard numerous reports of this resulting in female members choosing to discharge from Navy:

She's one of the cleverest girls in the organisation. She's discharging in a month's time. She's been at sea for the last five years and...the Navy just hasn't come to her aid with regard to saying 'Yes, we'll guarantee you two years in that position so at least you can pop out one child', so that's why she's going.<sup>10</sup>

I transferred to the [Navy Reserve] as there was no guarantee that with both of us in the [permanent Navy], there would always be one of us posted ashore to care for our children. After nine years of service, I would have remained in the [permanent Navy] if there was a guarantee that my spouse and I would not serve concurrent sea postings so that we could care for our children.<sup>11</sup>

Again, this is supported by quantitative data. As outlined in section 4.1, the rank of leading seaman in Navy's other ranks, and lieutenant in Navy's officer ranks, appears to be a typical point where more personnel are starting families, and it is also the point at which women fail to progress through the rank structure.<sup>12</sup> Army and Air Force do not appear to have the same stark decline at this point as represented in ADF workforce data.

Strategies need to be implemented to ensure that ADF members, particularly women, can have a career *and* a family, rather than having to choose one or the other. Until this occurs, there will not be an increased representation of women in the ADF. The remainder of this Chapter will discuss key issues that constrain women's ability to balance their ADF career with their family lives, and identify ways that this situation could be improved.

## 6.1 Pregnancy

The Review heard that the treatment of women who are pregnant can have broader implications for their career. This section will discuss the working restrictions imposed on pregnant women and issues regarding deployment of women who have undergone a pregnancy termination.

The ADF's policy on how pregnancy is to be managed in the ADF environment is set out in Health Directive No 235 'Management of Pregnant Members in the Australian Defence Force' ('Health Directive No 235'). A draft of this document was approved by the Defence Health Policy Steering Group on 29 November 2011, but has not yet been issued. Health Directive No 235 notes that:

Defence members with an uncomplicated pregnancy should, in principle, continue to undertake their normal Service duties to the extent that such work is consistent with the safety and protection of the fetus and the mother. However, these considerations do pose limitations in some areas on employment and preclude pregnant women from deployable operations.<sup>13</sup>

A member who believes she is pregnant must report to an ADF health facility for assessment. When pregnancy is confirmed, the member is issued with a medical certificate 'that details proposed workplace restrictions' and Command is to be notified of the pregnancy when it 'can be reasonably assured of continuing'.<sup>14</sup> This normally occurs at a Unit Medical Employment Classification Review (UMECR) but can be initiated earlier by the member and her medical officer.

A list of 'more commonly used employment restrictions' for members who are pregnant is set out in annexure A to Health Directive No 235, but the document notes that additional employment restrictions may be required depending on the nature of the member's workplace whilst they are pregnant.<sup>15</sup>

### (a) Workplace restrictions

Women told the Review about the impact of being required to notify Command of pregnancy and the associated restrictions on day to day work:

Once a woman becomes pregnant, I can only speak about the Army here, it's bam!...'You can't do this, you can't do that'. Whereas in the outside job force, in that time that you are pregnant and still at work you're still effective, you're employed effectively.<sup>16</sup>

I actually felt that I was blacklisted because they have...blanket restrictions. They go 'you're pregnant, these are the things you can't do'. [I was] now only allowed to go for a walk...[I was] not allowed to lift certain weights and [the restrictions] really stuffed me up on getting back because I found my fitness dropped so much because I was so restricted.<sup>17</sup>

Pregnant members may not render sea service<sup>18</sup> or air crew duties<sup>19</sup> from the time that they provide advice of their pregnancy. Some members reported a supportive working environment despite being 'grounded' although work pressures, if anything, increased with a change of duties. An Air Force member told the Review:

During my...pregnancy I was working as an instructor, and found the workplace to be reasonably supportive of my situation...I found however, that as I progressed through the pregnancy my executive staff were less able to understand and facilitate the changes that pregnancy brings – for example, fatigue...I certainly felt the pressure to continue to 'uphold my end of the bargain' i.e. in order to make up for not flying I would take on a larger non-flying load.<sup>20</sup>

The Review heard from another RAAF member that, given the very small number of female pilots:

...the Chain of Command does not know how to 'handle' a pregnant pilot. Adopting a model that Virgin use would be a start (i.e. you can continue flying while pregnant; programming is conducted a month in advance etc.). If the RAAF does not get the career/life balance right with female pilots, they will not be able to retain them.<sup>21</sup>

While the management of pregnancy should be considered in the context of an employer's general obligation to ensure a healthy and safe work environment for all staff, risks to pregnant members should be assessed objectively, free from discriminatory assumptions and/or stereotypes.<sup>22</sup> Much depends on the evidence upon which an employer relies to justify the need for workplace restrictions. The soundness of this evidence has an impact on whether an employer may be acting in a discriminatory manner under the *Sex Discrimination Act 1984* (Cth) ('SDA').

The question of what amounts to less favourable treatment on the ground of pregnancy is one of fact. If a restriction is imposed upon pregnant members because medical evidence indicates a serious and not remote risk to a woman or her unborn child as a result of engaging in particular conduct, it is unlikely that such a restriction would constitute less favourable treatment on the ground of pregnancy within the meaning of the SDA,<sup>23</sup> particularly given that work health and safety laws require employers to do what is reasonably practicable to ensure the health and safety of workers.<sup>24</sup>

However, the Review notes that the risk attached to an employee undertaking a particular activity may be different at different stages of pregnancy. Caution should therefore be exercised against imposing restrictions for the entirety of a member's pregnancy unless the activity is contraindicated for the duration of the pregnancy.

Conversely, if medical opinion indicates that there is only a remote risk to a member or her unborn child in performing a particular function, preventing the member from performing that function because she is pregnant is more likely to amount to less favourable treatment on the ground of pregnancy.<sup>25</sup>

The Review requested access to the information upon which the Defence Health Policy Steering Group based its decision to provide approval for Health Directive No 235 on 29 November 2011. In response, the Review was provided with a new draft version of Health Directive No 235 dated May 2012.<sup>26</sup> In addition to the list of employment restrictions contained in the current policy document, the new draft Annexure A also includes, next to each restriction, a reference to the material upon which the ADF has relied to justify the restriction.

The Review commends the ADF on its intention to make transparent the basis upon which it imposes workplace restrictions on pregnant members. In doing so, it must ensure that any decisions regarding restrictions imposed during pregnancy are based on contemporary research and best practice.

## (b) Deployment of members who undergo elective termination

Paragraph 47 of Health Directive No 235 states that:

Redeployment or future deployment of members who undergo elective termination of pregnancy requires upgrade to a deployable MEC [Medical Employment Classification] in accordance with the Health Support Order for the operation and is dependent on their medical and psychological fitness at the time. Once cleared, redeployment remains a Command decision.<sup>27</sup>

This provision may be read as suggesting that undergoing an elective termination of pregnancy can impact on an ADF member's career progression, though it is difficult to be certain and it may be that the paragraph is simply worded clumsily. The Review notes that if a member who has terminated a pregnancy and who meets the relevant health standard is not deployed because she has had a termination, this may amount to sex discrimination.<sup>28</sup> Further, if a member was not deployed because of concerns about her mental or physical health and such concerns cannot be substantiated based on medical evidence, then this may amount to unlawful disability discrimination.<sup>29</sup>

## 6.2 Maternity and Parental Leave

The impact of maternity and parental leave on career progression emerged as a key theme throughout the Review. The Review heard in focus groups that many members have had positive experiences with maternity leave:

I personally feel given my current experience with working flexible hours and three days a week and having had 14 months off instead of the normal sort of three...Defence has bent over backwards to accommodate my family.<sup>30</sup>

Navy's got some good policies with regards to...the ability to manage your career...I have children and I've been able to maintain my career and have time away from work as well. We've got excellent maternity provisions which are available to all of us, and also the ability to return to the workforce and continue on.<sup>31</sup>

The Review also identified a number of areas where conditions could be improved for members accessing and returning from maternity and parental leave. These include the need for increased backfilling of maternity and parental leave positions, addressing the impact on career progression of taking this leave, increasing workplace support for breastfeeding and ensuring that the ADF's policies appropriately reflect members' choices. These are explored in further detail throughout this section.

### (a) Access to maternity and parental leave

The ADF offers two types of leave to assist eligible members in the latter stages of their pregnancy, to allow recovery time following birth and to provide an opportunity for members to care for newborn children.

**Maternity leave** is granted to 'a member who is pregnant or has recently given birth'. A total of 52 weeks is available to members, up to 14 weeks of which is paid. Members are able to take recreation leave or long service leave instead of unpaid leave.<sup>32</sup> Maternity leave may be taken at half pay (to extend the period of paid maternity leave) if approved by the CDF.<sup>33</sup> If a member returns to work early, she is entitled to take maternity leave again during the 52 week period.<sup>34</sup> An application for maternity leave submitted by an eligible member must be approved.<sup>35</sup> All members who are pregnant 20 weeks before the expected date of birth are entitled to a maternity leave absence.<sup>36</sup> ADF members are entitled to **paid maternity leave** if they have completed 12 months' 'qualifying service', which is a continuous period of 12 months of:

- full-time service in the ADF  
or
- any other employment recognised for the purpose of the *Maternity Leave (Commonwealth Employees) Act 1973*.<sup>37</sup>

Reservists not on continuous full-time service are not eligible for paid or unpaid maternity leave from the ADF; however they are entitled to a 52-week break from their minimum training service obligation.<sup>38</sup>

**Parental leave** is available to members on continuous full-time service who become the parent of a 'newborn or adopted dependent child'.<sup>39</sup> Eligible members may be granted two weeks of paid parental leave and may also access up to 64 weeks of additional unpaid parental leave.<sup>40</sup> Members are entitled to paid parental leave if they:

- are on continuous full-time service
- become 'the parent of, or takes full parental responsibility for, a newborn or adopted dependent child'
- 'are not entitled to paid maternity leave'.<sup>41</sup>

Similar eligibility conditions apply to unpaid parental leave, although a member who has taken 52 weeks maternity leave may then take up to 14 weeks unpaid parental leave.<sup>42</sup> ADF authorities are not obliged to approve applications for parental leave.<sup>43</sup> Reservists are not eligible for parental leave unless they are on continuous full-time service, however they can be granted 'up to 66 weeks' break in their service obligations if they become the parent of a newborn or adopted dependent child.<sup>44</sup>

Further details on the ADF's policy on maternity and parental leave are at Appendix M.1.<sup>45</sup>

## (b) Use of maternity and parental leave

Despite these policies, a relatively small proportion of the ADF are using paid maternity and parental leave. In 2011, about 4% of women in the ADF accessed paid maternity leave, while almost 4% of men and less than 1% of women accessed paid parental leave. An even smaller proportion used unpaid maternity and parental leave in 2011. Almost 2% of women in the ADF accessed unpaid maternity leave and less than 1% of women and men in the ADF accessed unpaid parental leave.<sup>46</sup> The low numbers of members taking unpaid maternity or parental leave suggests that the ADF's culture is not receptive to those who take longer breaks.

It is noted that there were some errors in the data provided by the ADF, as a number of men were identified as accessing paid maternity leave (for which they are not entitled).<sup>47</sup> The Review was told that this was due to errors in the inputting of data into the ADF's personnel management system.<sup>48</sup> While the numbers of men identified as taking paid maternity leave in recent years are relatively small, correct data is important to ensure that the use of maternity and parental leave by ADF members can be accurately monitored and appropriate workplace planning measures put in place. Entry and use of data on maternity and parental leave should be improved to ensure accuracy and as a way of monitoring uptake and other related issues.

## (c) Backfilling of maternity/parental leave positions

While policies to provide maternity or parental leave are clearly in place, it is less clear whether the use of these forms of leave is supported in implementation. A critical issue frequently raised during the Review's consultations was whether a position left vacant by a member on maternity or parental leave can be 'backfilled' (that is, whether it can be filled by another member during the period of leave). The ADF's policies on this issue are not easily accessible and lack clarity.<sup>49</sup>

Based on advice provided by the ADF it seems that backfilling is possible in some circumstances, although the specific arrangements vary by Service.<sup>50</sup> Despite this, the widespread organisational practice and belief presented to the Review was that backfilling rarely occurs, 'because it can't'. The Review heard:

I'll be on maternity leave, so my job will be backfilled by one person doing two days a week, the other position won't be filled at all. So we're actually looking at robbing another section... even if [the Directorate of Personnel] were kind enough and said 'alright, we're gonna give you people', then we're just taking that hurt from another unit.<sup>51</sup>

Members have noted that in some areas, it can be difficult to backfill positions because of the limited trained staff that are available:

We've got unique qualifications... We've got a female working for us who just went on maternity leave, you can't just grab another tiger pilot and go 'yeah, fill this job for ten months' because there's not that many of them.<sup>52</sup>

An inability to backfill encourages negative perceptions of maternity/parental leave. Members told the Review that colleagues and supervisors can feel some resentment towards women taking maternity leave, due to the personnel shortages it creates in teams:

One of the girls that works for me, she's just gone on mat leave... She's got a year off and somebody else has got to do her job and they're getting paid no more for it, they're working extra hours to do two people's work.<sup>53</sup>

Commanding Officers automatically resent women coming to the workforce, because every one of them is a potential pregnancy.<sup>54</sup>

Supervisors have also raised some reluctance to have multiple female members employed in their units, due to the likelihood of their positions not being filled if they become pregnant:

I looked at employing females down in the XXX Squadron last year, and in the analysis of that you know we can do two females at the most at any one time because of the risk of any more than one of them being on maternity leave, which would then put us below the capability threshold.<sup>55</sup>

One supervisor has noted that this system requires change:

As a supervisor I would not welcome having to bear a manning shortfall because one or more of my key workers (man or woman) took an extended time off to have a child or care for a child...It does not help the case for equal opportunities and family caring when the section has to bear the loss of key members on maternity or carer's leave.<sup>56</sup>

It can also affect the choices and feelings of members intending to take maternity leave:

I delayed having a second child because I didn't want to hurt the organisation at that time...It depends on your command. If you've got a very supportive Commanding Officer you'll probably find that they wouldn't have an issue.<sup>57</sup>

The Review recognises the complexity of workforce planning in the ADF. However, the impact that current arrangements have on both unit capability and individuals means that further work should be undertaken to facilitate increased backfilling of maternity and parental leave positions, while also ensuring that members are able to return to an appropriate position following their period of leave. Given the widespread belief within the ADF that backfilling is not possible because of funding or policy issues and that in practice it rarely occurs, clarification and communication of the backfilling process to key personnel must also occur. Workforce planning issues will be discussed further in the 'Flexible Working Arrangements' section in this Chapter.

#### (d) Impact on career progression

The Review often heard about the impact of periods of maternity and parental leave on members' career progression.

The ADF's Pay and Conditions Manual states that periods of paid maternity and parental leave are considered 'effective' service, and therefore contribute to a member's 'time in rank' for the purposes of promotion.<sup>58</sup> Periods of unpaid leave including unpaid maternity and parental leave are considered 'ineffective' service, a term which carries negative connotations and should be changed to eliminate the adverse perceptions associated with this leave.<sup>59</sup> A period of 'ineffective service' will affect accrual of certain entitlements. In addition, 'ineffective service' is not counted for the purposes of 'time in rank' calculations which, as discussed in section 4.4, can factor into promotions considerations.

Members vary in their opinions as to the extent to which maternity and parental leave absences impact on career progression. Some suggest that it delays promotion: '...you might get there in time, it might just take you a little bit longer'.<sup>60</sup> Others suggested that these absences can have a more negative impact. For example, in response to a question about the impact on career of having a family and taking time off to have children, there was consensus in one focus group with Navy women that it was 'career death'.<sup>61</sup>

The Review also heard of a perception that some impact on career progression is inevitable:

You are stagnant in your progression in your career when you have kids.<sup>62</sup>

If you have children at major level, you can pretty much write your career off.<sup>63</sup>

We can't really sacrifice capability in order to necessarily overly compensate for mothers... Sometimes there are going to be situations where a female might not have the same career opportunities and it may be due to the fact that they have had children and they are raising a family. It's not something that

necessarily is going to be completely avoidable...In some instances, it's just the way it's going to have to be, so we can ensure that we are prepared for the next war.<sup>64</sup>

Focus group and survey participants cited a number of specific ways in which maternity leave absences can impact on women's career progression. These will be highlighted in the rest of this section.

### **(i) Reduced competitiveness**

Perceived and actual reduced competitiveness was reiterated by members in focus groups:

Before you had children you might have been gunning for a particular job that you wanted and if you've taken time out to care for some children, you might not be as competitive for that job anymore. So, it is difficult to argue against that if your counterpart has been doing all of the things that's making them a more rounded individual to go to that job.<sup>65</sup>

I know for a fact that a lot of career advisors pressure women to come back from maternity leave to make sure they get a [performance appraisal report]...I have also been told that I have suffered because I'm missing a [performance appraisal report] for a year.<sup>66</sup>

While someone should not be discriminated against by taking time away from work to have a family, the fact that they have not achieved the same career milestones in that time period will make them less competitive... An alternate view would be that someone who has prioritised their career in the defence force above having a family should not be denied career progression opportunities in favour of someone who is less experienced and qualified in order to compensate the second person for having a family.<sup>67</sup>

Similarly, focus group participants noted that members taking service breaks, such as women who take breaks to have a family, can fall 'behind their cohort' in regards to seniority:

There are people at captain and major level and lieutenant colonel level who do decide that their priority is to go off and have children. So they do fall out of their seniority, out of their cohort, and they do get passed by more junior up and comers, and therefore get passed over...<sup>68</sup>

To suggest a woman who has not completed the right courses or completed requisite postings should be able to be viewed as competitively as her male and female counterparts who did not just take 12 months away from their career is grossly unfair to those who did do the work.<sup>69</sup>

In addition, others have noted the difficulty of re-establishing contact with superiors:

It's not so much you are catching up with your peers, I think part of it would be they have lost their reporting stream. So they have to re-establish their reporting stream...with people that don't know them anymore.<sup>70</sup>

### **(ii) Career gates**

As noted in section 4.4, periods of maternity leave and rearing of children can coincide with critical 'career gates' – promotional gates such as selection for and completion of a command course at the Australian Command and Staff College or taking a command position being just two examples:

If you miss those gates...that's pretty much it for you.<sup>71</sup>

I was offered and told I was competitive for sub-unit command in my first two years as a major but I had two children very close together so, first of all, I asked 'Would it be acceptable for me to march in late to a sub-unit command?' and I was told 'No'. So, essentially I knocked back sub-unit command for two years. As a result, I haven't met the traditional model... I guess people could say 'Well, you still got here'. I've got here later and that does affect your credibility 'cause it's assumed that there was something wrong with me and therefore I wasn't good enough to get there at the start.<sup>72</sup>

As outlined in section 4.4, the ADF has a rigid career structure and missing these key gates can have a major impact on women's future career prospects.

### **(iii) Currency of skills**

A further concern raised by focus group participants is the loss of currency of skills during periods of maternity leave:

In the technical field if you're away from the equipment for 12 months...you lose trade skills. So when she does come back to work, she can't just jump straight into the job [with] current authorisation in the same experience.<sup>73</sup>

They've lost currency particularly for those who haven't seagoing currency for promotion...They need to be current to actually be eligible for promotion.<sup>74</sup>

However, not all ADF members agree with these concerns regarding loss of currency of skills. One senior Navy male told the Review:

There's no way people lose their skill sets in two years.<sup>75</sup>

### **(iv) Options to reduce career impact**

The ADF is pursuing options to address some of these issues, although this varies by Service.<sup>76</sup> Greater efforts should be made to reduce the negative impact on career of maternity and parental leave.

The Review recommends that the flexibility of the ADF's career model be increased. This includes developing options that would allow people on leave to access training and career gate courses online, if they wish to do so, to enable the currency of their role to be maintained. The ADF could also offer opportunities for other members on extended breaks to register their interest in undertaking short projects or other appropriate work, if they wished to do so. This could assist members in maintaining their currency of skills and would also provide an opportunity for them to receive a performance report during their period of leave. Senior Navy and Air Force members have indicated support for such an initiative.<sup>77</sup> The ADF could also improve mechanisms to facilitate ongoing communication with women on maternity leave.

The ADF could also investigate offering 'career intermissions' to allow both men and women to 'change lanes' for periods during their ADF service, rather than taking an 'off ramp' from their career. This could be modelled on the structured Career Intermission Pilot Program being undertaken by the United States Navy. Recognising the need to retain experience and trained members who might otherwise permanently separate, this program allows eligible Navy members to apply for a break from active military service of up to three years for 'personal or professional growth'.<sup>78</sup> It is intended that these career breaks will not have a penalty on the member's career, although it is noted that promotions data is not yet available to demonstrate whether that is the outcome in reality.<sup>79</sup> A career intermission program would be particularly effective in driving change if a high percentage of men took advantage of it. To the extent that a member used his or her career break to gain valuable experience in another organisation, it could be an excellent method of developing talented ADF members, who would return to the ADF with an enhanced understanding of other organisational cultures.

While not all ADF members that the Review spoke to about this initiative supported the suggestion, a senior Australian Navy member was very positive about the possibility of implementing such a strategy in the ADF. He noted that under such a system, ADF members should not necessarily have to drop a cohort. Rather, this could be considered on a case-by-case basis to recognise the experience (such as non-ADF professional experience) that a member could gain during a career intermission.<sup>80</sup>

### **(e) Breastfeeding**

A further issue identified is the extent to which the ADF supports breastfeeding upon women's return from maternity leave.

Research suggests that an optimum duration of exclusive breastfeeding for newborn children is six months.<sup>81</sup> Breast milk has also been recommended as part of an infant's diet until they are around 12 months old.<sup>82</sup> However, available data from the ADF suggests that many women who have taken a period of maternity leave

return to work prior to six months after the birth. In total, 505 women in the ADF took paid maternity leave in 2011, with an average duration of approximately 96 days; in comparison, only 223 women took a period of unpaid maternity leave, which would presumably be taken following the completion of paid leave.<sup>83</sup> The seemingly small number of women taking extended periods of leave following the birth of a child suggests there may be a need for the ADF to accommodate breastfeeding in the workplace. Other major organisations are doing likewise.<sup>84</sup>

The Review has heard that following return to work from maternity leave, women can experience difficulty in accessing breastfeeding facilities at work:

I was reduced to expressing milk in either the toilets or taking someone else's office...I took my lunchtimes and I went and fed her directly at the childcare centre, which is about 15 kilometres away. So I would drive, sit and eat my lunch while she was having her feed and then drive all the way back.<sup>85</sup>

The unit accepted the fact that I was going to take six months leave even though we were low manned but when I came back that was the hardest because obviously you're still trying to express and/or breastfeed...There's nowhere that's really a locked room that you could sit there and feel comfortable and do those sort of things that you needed to do for your child.<sup>86</sup>

Prior to returning to work, I approached my boss...and explained to him...that I was intending [to express] and if it would be possible to have access to a clean, private area. He informed me that because...there were a shortage of offices that I would not be able to have access to an office, and perhaps I could use the disabled toilet. He was happy to support my release for work to express though (twice a day for about 20 minutes, around lunch and afternoon smoko time)...it can be very difficult and confronting, trying to explain to a male dominated hierarchy why I don't need my child present while expressing milk and what expressing involves. I feel as though there is very little support at times.<sup>87</sup>

The ADF has released a policy on supporting breastfeeding in the workplace, which includes guidance to managers on options to accommodate breastfeeding and the provision of breastfeeding-friendly facilities in the workplace.<sup>88</sup> It is also understood that members are able to take lactation breaks as a form of 'variable working hours' under the ADF's policy on flexible working arrangements, although this is not explicitly stated in that policy.<sup>89</sup> Given the difficulties discussed by a number of consultation participants, the ADF's work on breastfeeding should be actively implemented. Air Force is seeking to be accredited by the Australian Breastfeeding Association as a breastfeeding friendly organisation.<sup>90</sup> While the Review recognises that not all ADF facilities may be able to accommodate breastfeeding facilities, Army and Navy could also pursue this accreditation.

## (f) Support for women's choices

Based on an analysis of the ADF's maternity and parental leave policy, elements of the policy may not realistically support the choices women make regarding maternity leave.

One issue is the period of 'required absence' for pregnant women, which forms part of the maternity leave period. Generally this period commences six weeks prior to the expected date of birth until six weeks after the actual date of birth, although this can vary in cases where the member has a birth or the pregnancy ends earlier than six weeks before the expected date of birth.<sup>91</sup> While a member can apply for permission to work later than six weeks prior to the expected date of birth, with support from a medical certificate, it is possible that this may not provide sufficient flexibility for women who wish to commence their maternity leave later than six weeks prior to the expected date of birth.<sup>92</sup>

A further issue is that the ADF recognises maternity leave as being associated with pregnancy and childbirth, and as such, it is not available to members who become parents through measures such as adoption.<sup>93</sup> Currently, an ADF member who adopts a child must apply for parental leave, rather than maternity leave. ADF authorities are not obliged to approve applications for parental leave. This has implications for whether adoptive parents will be guaranteed access to leave, and the duration for which they will be paid for that

leave. The current policies do not adequately recognise the various ways in which ADF members may become parents, and the subsequent care that is required for any child.

In comparison, the Commonwealth Paid Parental Leave scheme provides the same paid leave entitlements to the primary carer of an adopted child as to parents by birth.<sup>94</sup> In its 2009 report on its *Inquiry Into Improved Support For Parents With Newborn Children*, the Productivity Commission provided a number of justifications for providing an extended period of paid leave to adoptive parents of young children. For example, it noted that where children are adopted from overseas, the Australian Government requires that one adoptive parent be at home for six months to one year.<sup>95</sup> It also noted that while adoptive parents do not require time for physical recovery from birth or breastfeeding, time is required to develop a relationship with the adopted child.<sup>96</sup> The Review therefore considers that adoptive parents in the ADF should be eligible for maternity leave. The ADF could also consider any parallel issues that may exist for members who become parents through surrogacy arrangements. The ADF's maternity and parental leave policies should be reviewed to ensure that they realistically support women's choices.

## 6.3 Flexible Working Arrangements

The need for flexible working arrangements emerged as a central issue throughout the Review. Such arrangements are critical not only to enable members with caring responsibilities to continue their careers, but have benefits for all members.

A broad range of structural and cultural barriers impede the implementation of flexible working arrangements within the ADF. These include limited coordination and data collection, entrenched beliefs about the types of roles that are suitable for flexible work, gendered norms about flexible work, inconsistent implementation by middle managers, workforce planning difficulties and a negative stigma that is attached to flexible work. These issues will be explored throughout this section.

The ADF's policy on flexible working arrangements is set out in *Defence Instruction (General) Personnel 49-4 Flexible work arrangements for members of the Australian Defence Force*. An updated version of this policy was released in May 2012 and recognises flexible working arrangements as an important tool for the retention of ADF members.<sup>97</sup> Under the Policy, the following flexible working arrangements are available to ADF members:

- Temporary home located work, which can be used 'in a temporary or occasional arrangement, or as an ongoing arrangement for a specified time, on a part-time or full-time basis.' All ADF members may apply for temporary home-located work.<sup>98</sup>
- Variable working hours, under which members may 'vary their start and finish times and periods of absence from the workplace to suit their individual circumstances. This may be used in one-off cases or as an ongoing arrangement.' All ADF members may apply for temporary home-located work.<sup>99</sup>
- Part-time leave without pay (PTLWOP), which enables members to work a reduced number of days in any fortnightly pay period. PTLWOP is generally only available to permanent members and reservists already performing continuous full-time service. Members returning from maternity or parental leave 'are entitled to PTLWOP in the two-year period immediately following the birth, or in the case of adoption, the date of placement, of a child or children'; where applications for PTLWOP are made in these circumstances, they are 'to be recommended and approved, unless genuine operation requirements exist.' The minimum period for a PTLWOP arrangement is usually three months. Under the Policy, PTLWOP includes job sharing.<sup>100</sup> (Further details on the ADF's policy on flexible work are at Appendix M.2).

Where a member has a flexible working arrangement agreement in place, this will not necessarily follow them if they are re-posted; rather, these agreements generally have to be re-negotiated.<sup>101</sup>

Data on use of PTLWOP is limited and the ADF was not able to provide data on the total number of ADF members who took PTLWOP in a given year. However, based on the monthly snapshot data available, it is clear that PTLWOP is not widely used. The available 2011 data suggests that:

- Significantly more women than men are likely to take PTLWOP. In 2011, between 1.79% and 3.03% of female permanent and Gap Year members and members on continuous full-time service took PTLWOP per month, compared to around only 0.06-0.11% of men.
- In 2011, RAAF female permanent and Gap Year members and members on continuous full-time service were more likely than their counterparts in Army and Navy to take PTLWOP. Between 2.76% and 5.79% of female RAAF members were on PTLWOP arrangements each month in 2011, compared to only around 0.98-1.81% of female Army members and 1.78-2.21% of female Navy members.
- The use of PTLWOP arrangements appears to have increased since 2006, although numbers are still very small. In 2006, between 1.16-1.87% of female permanent and Gap Year members and members on continuous full-time service took PTLWOP, compared to 1.79-3.03% in 2011. For men, 0.04-0.08% were on PTLWOP in 2006 compared to 0.06-0.11% in 2011.<sup>102</sup>

Formal data on use of temporary home-located work and variable working hours by ADF members is not available, although in focus group discussions the Review heard many anecdotal reports of 'informal' arrangements being used by ADF members. For example:

If he needs to go, yes, he's able to do it...It's just an informal agreement.<sup>103</sup>

There's inherent flexibility in the way we train...in that you can cover the 'out of cycle' stuff, the once off, once every couple of weeks and drop the kids at school 'cause their wife is doing [something]... That's fine, that happens all the time and we do that right across Army.<sup>104</sup>

While there is value in informal arrangements, it is also important that members have certainty about their access to flexible work.

Temporary home-located work, variable working hours and PTLWOP are not the only ways in which ADF members may work flexibly. As discussed in section 4.3, permanent members, particularly women, often choose to transfer to the Reserve in order to balance their work and family lives more effectively and to access flexibility not otherwise available to them as a permanent member. While section 4.3 noted that moving to the Reserve has some drawbacks, this may at least partially account for the relatively small numbers of ADF members who are on a PTLWOP arrangement.

Members told the Review about positive experiences accessing flexible working arrangements. For example:

I have been very privileged to work for bosses who have supported my need for PTLWOP and flexible work arrangements. I am very grateful for the flexibility and support shown during the different stages of motherhood.<sup>105</sup>

I have felt strongly supported by my command chain in the past few years. I had approved informal flexible working arrangements to enable me to manage my family circumstances during a challenging period, and am I grateful to my command chain (including operational personnel) for supporting me over this time. I also feel that I was still able to contribute to the workplace through the use of alternate mechanisms such as [the Defence Remote Electronic Access and Mobility Service] even though I wasn't working the normal working hours of my unit.<sup>106</sup>

Despite these accounts, a number of issues remain with the implementation of the ADF's flexible working arrangements policy. Flexible working arrangements are an essential retention tool, particularly in an environment where the principal recruiting model is ab initio and lateral recruitment occurs only in very limited areas. Flexible working arrangements allow talent to be retained thereby strengthening the ADF. For this reason, it is critical that the availability of flexible working arrangements in the permanent ADF be increased. The Review recommends that each Service Chief set an annual growth target to increase the number of flexible work arrangements.

Specific issues that impede the implementation of flexible working arrangements policy, and how they can be addressed, will be further discussed throughout the remainder of this section.

## (a) Coordination and data collection

There has generally been limited central oversight of the implementation of the ADF's flexible working arrangements policy to date, particularly in regards to the approval of applications. In some areas, lack of oversight is being addressed. For example, Air Force is implementing a policy to ensure that all applications for flexible work are submitted to its Directorate of Personnel, regardless of whether they are approved locally. This allows the Directorate of Personnel to develop solutions to flexible work issues that may not be apparent at base level.<sup>107</sup> Army is also implementing measures so that unit commanders, rather than lower levels, have greater responsibility for approving applications.<sup>108</sup>

The updated ADF flexible working arrangements policy also provides for oversight of flexible working arrangements applications. It notes that, where applications for flexible work are not approved or recommended, they will be subject to further 'external' review. Career management agencies are also specified as the 'approving authority' for PTLWOP applications.<sup>109</sup>

However, the limited oversight to date not only appears to have influenced inconsistent application across Services (to be discussed further below); there has also been a lack of central data collection on use of flexible work arrangements. Data on the number of members using variable working hours or working from home has not been collected centrally, as these arrangements are usually implemented at unit level. The Review was only able to access limited data on the number of staff on PTLWOP. While some data was provided, it was not possible to access a figure for the total number of men or women on part-time leave without pay in a given year.

Data collection should improve under the recently revised flexible working arrangements policy, which requires that career management agencies maintain statistics on 'all types of FWA [flexible working arrangements] formally applied for, and approved/declined or recommended/not recommended'.<sup>110</sup> This is a positive development, as limited data collection has implications for the extent to which the uptake of flexible working arrangements can be monitored and appropriate workplace planning measures put in place. Without data, it remains an 'invisible practice' and one that is not broadly acknowledged throughout the ADF.

Despite these recent developments, there is further scope for centralised oversight of the implementation of flexible working arrangements. The Review recommends that a central ADF Flexible Work Directorate be established within the Defence People Group. Its responsibilities would include monitoring progress against the flexible working arrangements growth targets, and collecting tri-Service data on all applications for flexible work arrangements. This will ensure a more strategic understanding and assessment of flexible work arrangements across the ADF. Responsibilities of Service personnel agencies would include reviewing all flexible work arrangement applications in consultation with the relevant commanding officer, and maintaining a register to assist with the application process and better enable the matching of applicants for job sharing and flexible working arrangements. Unsuccessful applications would be further reviewed. Both the ADF Flexible Work Directorate and Service personnel agencies would be responsible for reporting on progress.

## (b) Inconsistent implementation of flexible working arrangements

There are three key factors that influence the implementation of flexible working arrangements in the ADF, and which have led to inconsistency in the availability of these arrangements to members:

1. type of role
2. gender of applicant
3. views of supervisors and commanders.

### (i) Type of role

Work within the military is not confined to the traditional image of members as soldiers, pilots and sailors. The ADF has many trades, occupations and specialisations, including but not limited to clerks, cooks, musicians, medical and legal officers and engineers.

Members consistently told the Review that some roles are not suitable for flexible working arrangements. While members employed in a 'stable' position, such as an office, may have access to flexible work, other roles were frequently cited as being inappropriate due to the type or hours of the work and in some cases, for security reasons. For example, members stated:

There's at least three or four of us that have flexible working hours and it's never been an issue...but our working environment is fairly stable, completely the opposite of seaman officers.<sup>111</sup>

It's a lot for harder for a technical trade where they've got certain jobs they've got to achieve every day with limited capability.<sup>112</sup>

...in my experience, flexible arrangements are better suited to simpler/transactional type duties.

Command, leadership and more complex appointments (which are often a necessary precursor to command and leadership) are often untenable for flexible arrangements.<sup>113</sup>

The Review acknowledges that flexible working arrangements may be unsuitable for some roles, particularly in deployed environments, on ships or when 'outfield'.<sup>114</sup> Sea postings, for example, involve extended periods away from home which make it difficult to implement flexible working arrangements such as part-time work or variable working hours. The Review heard comments such as:

...family flexible work arrangements and service on a ship or an operational deployment is mutually exclusive.<sup>115</sup>

Flexible working hours should be tailored to positions, not to the ADF as a whole. [It is] difficult to arrange flex working hours at sea or in fleet supportive roles.<sup>116</sup>

I know they're talking about job sharing but that's pretty hard to do at sea.<sup>117</sup>

These beliefs are reinforced in the Defence Instruction on flexible working arrangements. The Instruction specifically notes that the sea component of a sea-shore roster can only be undertaken full-time.<sup>118</sup>

The Instruction also notes that members 'deployed overseas on warlike and non-warlike (operational) deployments, on overseas representational duties, overseas exchange programs or on secondment are not eligible for PTLWOP'.<sup>119</sup> More broadly, the Instruction outlines that a range of other work areas may not be suitable for flexible working arrangements. These include:

- seagoing or field postings
- jobs that require daily direct customer face to face contact
- situations where regular, face to face contact with other team Defence Members is an integral part of the job
- jobs where access to specialised requirements or classified information is required
- where supervisory or divisional responsibilities may conflict with FWA
- where the Defence Member is posted to a training establishment
- where equipment or services required to undertake the proposed work cannot be reasonably provided by the Commonwealth.<sup>120</sup>

In addition to these issues, the Review also heard that there is a lack of flexibility in the delivery of some courses that are required for career progression. For example, some consultation participants told the Review that a program at the Australian Defence College which forms a significant career gate could not be undertaken part-time and that courses required for the completion of that program were not available online.<sup>121</sup> A member outlined the potential career implications if the course were offered part-time:

It's great to offer flexibility... but it comes back to the 'gate'. So, I know for Army, doing this course part-time, then you won't be getting promoted to lieutenant colonel, maybe you might get promoted in five or six years' time but you won't go in line with your cohort, you will get delayed.<sup>122</sup>

One member noted that it would be useful if the course could be offered more flexibly to enable work/life balance:

It would be nice to go, 'Well, I'm struggling. I need to drop a subject and I'll pick it up next year' and maybe pick up one or two subjects in the first six months of next year. This would've...put the workload at a level where I'm not going to have some sort of mental health crisis.<sup>123</sup>

Flexible working arrangements could be successfully implemented in a broader range of roles than currently appear to be available. Other industries have previously encountered entrenched ideas, such as rostering norms and perceptions about the suitability of particular roles, when implementing flexible work and have identified innovative strategies to facilitate flexible work.<sup>124</sup> The Review recommends that the personnel agencies of each Service should conduct a broad review of job design, statements of duty and team work allocation to identify where full-time work is the only sensible model. All other roles in the ADF should be identified as potentially available in flexible working arrangements.

It is understood that Navy is already undertaking a review of how its shore positions can accommodate formal flexible work practices.<sup>125</sup> As discussed in section 4.3, Navy is also implementing alternative crewing arrangements on several vessels to increase flexibility and locational stability. Workforce models and personnel arrangements should be further strengthened to increase workforce flexibility and improve work/life balance. Service personnel agencies should be responsible for this work.

'Defence Remote Electronic Access and Mobility Service' (DREAMS) tokens are already available to some members and this has facilitated some remote working. The ADF could also trial other technologies that will enable more flexible work practices. For example, the use of technology such as Secure Mobile Environment Personal Electronic Devices (SMEPED) which enable personnel to make classified telephone calls and access classified networks may facilitate secure working from home arrangements.<sup>126</sup> This will provide greater capacity for members to achieve what they need to achieve in different locations, different times or different ways.

## **(ii) Gender of applicant**

Both male and female members are entitled to apply for flexible working arrangements and carer's leave. However, gender differences exist in access to these arrangements.

Certainly, the Review has heard some reports of male ADF members being able to access flexible work. For example, in one focus group it was stated:

We had a member last year whose partner was deployed and he was given the opportunity to start work at eight thirty, because our normal day is seven thirty to four thirty and he got the opportunity to start an hour later and knock off an hour earlier to drop the kid off, pick the kid up, that sort of stuff.<sup>127</sup>

The Review is also aware that other men are interested in working flexibly. One male member stated:

Males are taking an interest and becoming stay at home dads and that sort of thing. I've got a baby due in April and I'd love to be able to stay home and look after the bub and let my girlfriend go to work.<sup>128</sup>

A number of members have identified that men can encounter particular difficulties in accessing these arrangements. As one Reserve member stated:

I believe that getting flex work is easy for women, but for men it is largely unavailable.<sup>129</sup>

At times, it is clear that these difficulties are underpinned by gendered assumptions about caring responsibilities. For example, one RAAF member recalled:

When we get carer's leave [applications] in at work and we have to get them approved, the supervisor always asks 'well, where's the wife?'<sup>130</sup>

The Review has also heard that there can be some stigma attached to men accessing flexible work:

If a man was to try to access flexible work practices...then there may be some animosity there or some reluctance, which there shouldn't be.<sup>131</sup>

He's looking at options for him to actually be the primary caregiver earlier and me going back to work earlier. However at this point he's looking outside of Defence, because a male spouse taking that supporting role is not as accepted.<sup>132</sup>

As well as being inequitable, this can place additional pressures on female ADF members whose partner is also in the ADF:

His chain of command said we really don't want to let you have time off to look after your child...you can only get a certain amount of time for carer's leave. I will have used up all my carer's leave, and next year if they turned around and said the same thing I will have had to start using my actual leave for looking after my daughter, where he'd still have all his carer's leave sitting there.<sup>133</sup>

I have asked for leave without pay three times and been denied three times due to my 'importance' and had it explained that if I did, my promotion would be delayed to the same amount of time. Far from affecting my career the result was [that] after much consultation, my wife who did have access to flexible work packages resigned to look after the children full-time and to concentrate on one career within the family...With no flexibility offered to me as a male, this was not possible and my wife's career paid the price.<sup>134</sup>

In a male-dominated culture, the use of flexible work practices by men sends a powerful message to others that this is a legitimate working arrangement and that it is possible to be a serious worker and an engaged parent. Opportunities to access flexible working arrangements should be available to all ADF members, regardless of gender. This view was consistently supported by ADF members involved in the Review's consultations.

### **(iii) Views of supervisors and managers**

'Middle management' can be a particular sticking point in the implementation of the ADF's flexible working arrangements policy. As one member stated:

I think the senior sirs and people making decisions and policy up here have got the right idea with those sorts of things, however getting that message down to the middle managers is difficult.<sup>135</sup>

The views of individual supervisors and commanding officers have significant influence on whether members are able to access flexible working arrangements and other family friendly provisions, such as carer's leave. The Defence Instruction on flexible working arrangements states that 'Arrangements to utilise [flexible working arrangements] are to be negotiated in the first instance between the Defence Member and their supervisor.'<sup>136</sup> Unit supervisors and commanders are responsible for approving applications for variable working hours and temporary work from home arrangements, and commanding officers are also involved in considering applications for PTLWOP prior to further action by career management agencies.<sup>137</sup>

Due to the ADF's stringent chain of command system, it is possible that a member may not feel comfortable challenging decisions by their supervisor or commanding officer not to approve an application for flexible working arrangements.

Respondents to the Review's online survey were generally positive about their commanders' views towards flexible work and work/family balance.<sup>138</sup> A majority of respondents agreed that the ADF is a family friendly employer (62% female respondents, 64% male respondents). Over three-quarters of respondents also agreed that their commanding officer/manager was a family friendly employer (75% female respondents, 77% male respondents). A majority of respondents believed that the ADF supports the use of a range of flexible work practices (60% female respondents, 56% male respondents) and also that their commanding officer/manager supports the use of a range of flexible work practices (61% female respondents, 61% male respondents). Across these items, senior members were more likely than junior members to feel that the ADF and their commanding officer/manager was supportive of flexible work practices.

The Review has heard reports of managers embracing flexible working arrangements. For example, the commanding officer of one Army brigade has released a directive to improve acceptance and understanding of work-life balance, which includes statements in support of flexible working arrangements.<sup>139</sup> In some cases, senior figures act as positive role models in this regard for members they supervise:

We have a commanding officer who's very family oriented. In fact, the whole command team is pretty much family oriented...It is the culture of this [base] at this time that family comes first, regardless of anything else...I know that there are numerous other units within [this base], certainly departments in the greater Navy, where family does not come first.<sup>140</sup>

However, in other cases senior figures have modelled behaviour that emphasises personal sacrifice in favour of ADF commitments. One female member stated:

At the end of the day all of my commanding officers have worked really, really hard and they've all sacrificed time with their families and I guess that that's the example that you're provided.<sup>141</sup>

Throughout the Review's consultations, many members also recalled instances where supervisors have not supported flexible work, or where approval between units would vary depending on the management. When asked whether someone could feel confident applying for flexible working arrangements, one member responded 'It depends on who's looking after you, it depends on your divisional staff.'<sup>142</sup> Others stated:

If the supervisor has kids they're more sympathetic than the ones that don't have kids. My last supervisor that I had, her son was sick a few times and she would ring up the commanding officer and say 'I can't come in, he's not well', and he would go 'yes, that's fine, we'll see you tomorrow'. If it was the same case for her supervisor here, they would go 'Why? Why can't your husband do it?' They wouldn't understand.<sup>143</sup>

And you've got that really old, crusty warrant officer that you work under, and ...his wife didn't work, she raised the kids and she stayed at home. He didn't take carer's leave, he didn't take sick leave, he didn't have to leave early to go to the kid's parade. You come in, new age soldier, trying to be a mum, ask to take a bit of time off, 'oh, never happened in my day!<sup>144</sup>

It appears to be 'who you know', and if this is not the case you have to prove your worth in applications for flexible workplace practices.<sup>145</sup>

I asked for variable work hours as I was unable to find before school care for my 5 year old daughter (I am a single parent and was [posted to] Darwin at the time with no family support). I was openly accused of [not] providing 'unrestricted service' because I applied for what I consider to be an ADF endorsed policy.<sup>146</sup>

In any organisation, employees' access to flexible working arrangements is at the discretion of supervisors. As will be discussed further in the next section, the Review also recognises that, in seeking to implement flexible work, supervisors and commanding officers in the ADF have to balance the sometimes competing demands of looking after members' welfare while also maintaining ADF capability and operational readiness.<sup>147</sup> This does not mean, however, that these flexible arrangements should not be applied. Rather, supervisors require practical support to assist them in managing flexible work, especially as some members have identified lack of knowledge on the part of managers as a particular barrier to the implementation of flexible working arrangements:

Speaking to my counterparts in companies, they know how to manage these part-time workforces. Our systems just make it really hard. Most commanding officers or other people don't know how to do it.<sup>148</sup>

I was expected by my sergeant and flight sergeant to carry out the entire duties of what would normally be expected of a member working full-time...My sergeant had not managed a member on [part-time leave without pay] previously; neither had he dealt with a member with alternate working arrangements.<sup>149</sup>

These issues also appear in other organisations. Researchers have previously identified the difficulties that managers can encounter in the implementation of flexible work initiatives, and have identified the need for training and other appropriate support.<sup>150</sup> Some information, particularly regarding the types of issues that should be considered when negotiating flexible work, is already provided as guidance for members and supervisors in the Defence Instruction on flexible working arrangements.<sup>151</sup>

The Review is also aware of advice being provided to managers, which varies by Service. Within Air Force, for example, targeted training is delivered to personnel managers in the Personnel Branch, and flexible working arrangements awareness training is delivered to participants in the Commander's Course. Air Force personnel staff are also producing information to improve understanding of the new Defence Instruction on flexible working arrangements. In contrast, Navy and Army appear to rely primarily on self-reading of the relevant Defence policies by personnel, although Army is also planning to produce a guide for commanders.<sup>152</sup> Despite this existing work, an increased and more consistent approach is required to educate managers on the implementation of flexible working arrangements. This should be undertaken by the proposed ADF Flexible Work Directorate. Potential measures could include provision of information online to enable managers and members to access most frequently asked questions and how to respond.

Researchers have also suggested that managers be held accountable for the implementation of diversity initiatives. One way of achieving this is to include diversity issues, such as management of flexibility, in supervisors' performance reviews. This could include members providing feedback to their supervisors on these issues.<sup>153</sup> The ADF should therefore increase the accountability of commanding officers and supervisors for the implementation and management of flexible working arrangements.

### (c) Workforce planning issues

As already discussed in relation to maternity and parental leave, the ADF has complex workforce planning systems. Workforce planning issues have also arisen as an impediment to the implementation of flexible working arrangements in the ADF.

The ADF has a multitude of complex systems which govern workforce planning.<sup>154</sup> 'Average funded strength' is a 'budgetary measure used to count the average number of ADF members paid on a full-time equivalent basis during a financial year'.<sup>155</sup> 'Establishment' refers to the number of positions that exist, and 'headcount' is used to describe the total number of ADF members at a particular point in time. There are also variations between each Service in relation to language used to describe the systems and elements thereof, and how they operate. These variations and complexities inhibit a clear understanding, even within the ADF, of whether positions can be filled to full capability.

Nevertheless, many ADF personnel feel there is a tension between flexible working arrangements and providing adequate capability. A widespread belief exists of 'one position, one person' in the ADF. As stated by a member:

ADF systems are not set up to allow for part-time employment, for example if a unit supports part-time employment for a staff member that unit has to suffer the burden of the vacant position, there is no easy system to employ two staff members on part-time work against the same position.<sup>156</sup>

The apparent difficulty of filling positions to achieve full capability has a significant impact on the willingness of supervisors to approve applications. For example, the Review heard:

There's all these options out there, flexible working hours, part-time leave without pay, but when you've got someone who is going to [take] their part-time leave without pay [and] you've got no one to cover that job because [the Directorate of Personnel] won't post someone else in there...If there aren't people to do the job the planes don't fly.<sup>157</sup>

It can also create resentment from other members who may have to undertake additional work due to the reduced hours of their colleagues, or create an unrealistic workload for individuals on PTLWOP:

If I put in for flexible work arrangements, what does that mean to the rest of my colleagues? And there's an element of resentment there.<sup>158</sup>

You've either got a unit that is wearing hurt or a person that is trying to take on board more than what they need to.<sup>159</sup>

I have heard many cases where females have ended back at work full-time after doing a short part-time stint realising that they were working full-time but being paid a part-time wage.<sup>160</sup>

Given the widespread confusion about how workforce planning operates, and the impact this has on the implementation of flexible work practices, it is clear that significant change is required to improve this situation. Baird, Charlesworth, and Heron have noted that resourcing managers to implement part-time work can reduce the chance of either excessive work for the part-timer, or resentment from colleagues who are allocated additional work.<sup>161</sup>

Throughout the Review, ADF members suggested that a pool of additional positions could be allocated to facilitate the filling of units to full capability where members are using flexible working arrangements. The Review is aware that Army is implementing such a system, whereby a member on a flexible working arrangement can be held against a 'pool position' in the relevant unit, and another member could fill the position left vacant. As such, rather than having just the individual on flexible working arrangements, the unit has that member and a full-time member.<sup>162</sup> Air Force has also examined the introduction of 'management margins' and additional resourcing to accommodate flexible employment.<sup>163</sup> It has already made available a pool of 60 'temporary vacant' positions to facilitate flexible employment, but these positions were 'soaked up' for other purposes as soon as they were approved.<sup>164</sup> While these initiatives are worth exploring, it is not clear that this is the most effective solution to this issue. Further, the use of extra resources for 'pools' or 'management margins' does not resolve the complexity that currently exists in the ADF's workforce planning system.

The difficulty in filling the remainder of a position when an individual works part-time, or holding more than one member against one position in a job sharing arrangement, is a fundamental obstacle to the effective adoption of flexible work practices. Without significant change, the ADF will continue to struggle to retain people with caring responsibilities. The Review is not aware of any structural impediments to implementing a system such as the 'full-time equivalent' system used in many other organisations.

The Review recommends that the ADF introduce a workforce management system that enables more than one member to be posted to the same position. This would enable the provision of additional staffing to facilitate flexible work practices, such as job sharing. The Review recognises that additional resources may be required to achieve this objective, but views this as fundamental to increasing the availability and number of flexible working arrangements within the ADF. The reform must be widely communicated and effectively explained to all ADF members. This could increase the flexibility of the ADF's workforce planning arrangements, and embed effective flexible work arrangements in its culture. This will also be an important retention tool to address the stark decline in women's participation in the ADF at these critical milestones in life. Increasingly, the availability of flexible working arrangements and family friendly policies will be a crucial recruitment and retention tool for all personnel.

#### (d) Impact on career

Members on flexible working arrangements remain eligible for promotion, although the Defence Instruction notes that the 'time in rank' of members on PTLWOP may be calculated on a pro rata basis depending on the number of days they work.<sup>165</sup> As outlined in section 4.4, arrangements on this issue vary by Service. PTLWOP does not affect a member's seniority in Air Force. However, pro rata calculations are used in Army (although the situation varies depending on whether the member is an officer or a soldier) and Navy to determine the member's effective service, which is the basis of 'time in rank' calculations. These variations may impact on

the length of time it takes for a member to become eligible for promotion. In addition, if a member is using a flexible working arrangement, their performance appraisal report must include reference to this arrangement.<sup>166</sup> Information on whether a member is on a flexible working arrangement is provided to promotion boards.

The ADF suggested to the Review that inclusion of a flexible working arrangement on a performance appraisal report can be beneficial for a member:

This is important not only for promotion consideration (may show the member can work without constant supervision, is self-directed and self-disciplined) but may also help identify suitable candidates for positions where members are required to work independent of their chain of command or need to be able to make decisions with limited direction. It may also show that a member has the capacity to manage a heavy workload under significant time restrictions. On the whole, it can positively prove a member's capabilities and capacity for positions of greater responsibility.<sup>167</sup>

However, similar to the views raised in relation to maternity and parental leave, there is a widespread acceptance within the ADF that working part-time should have an impact on career progression in comparison to full-time members:

If a man decides to take a leave of absence or work part-time so as to pursue other priorities his ADF career progression should suffer. A woman is no different...For the situation to be otherwise, punishes those who chose to focus on building their careers.<sup>168</sup>

The Review also heard the perception that ADF members working part-time can be viewed less competitively and are seen as less 'committed' than their full-time colleagues by promotion boards, which reinforces a culture of 'presenteeism'. For example, one member stated:

I was on part-time leave without pay when I was coming to board for [promotion] and my career manager rang me and said 'can you just come back to full-time, just in the lead up to the Board... I had to be full-time, to go to Board to be seen as committed and the real deal.'<sup>169</sup>

Some members thought this attitude should change:

It shouldn't matter whether it is two days a week or five days a week if you are meeting the goals and outcomes of that job.<sup>170</sup>

One potential way of overcoming these issues could be to look at achievement 'relative to opportunity', so that someone who is working part-time would be assessed for promotions based on what they have achieved and the skills they have developed in the time they are at work, rather than necessarily being compared to the expectations of a full-time employee. Similarly, assessments for promotion could be made on an outcomes-based model, rather than a time-based model; that is, focusing on the outcomes achieved, rather than the time spent in a particular role.

### (e) Perceptions and attitudes to flexible working arrangements

It is clear that there can be a negative perception of and resentment towards those who use flexible work arrangements. As already explored, this is partly because such arrangements can result in additional work for other team members. The Review has also heard other reports of negative views directed towards members working flexibly:

We've got a guy at work at the moment who shows up to work between 8 and 8.30 every day because his wife is at sea and he takes their daughter to day care. The bitching that goes on in the office about him coming to work at 8, 8.30.<sup>171</sup>

I've had people take their five second snapshot of me. Like I'm not at my desk at 7.30 in the morning and they have that perception that I'm slacking off but they don't see me there at 5 o'clock in the afternoon.<sup>172</sup>

In some cases, it is possible that the stigma may be attributable, at least partially, to the use of the term 'part-time leave without pay'. One member raised concerns about this terminology with the Review:

You know that funny saying, when you're in a flexible working arrangement here we say you're on leave without pay...that's as if you're...sitting back with a glass of champagne ...There's a language I think that needs to change.<sup>173</sup>

This type of imagery suggests there is a perception of a member who is not 'pulling their weight' in an ADF environment that strongly emphasises the value of teamwork. This is reinforced by another member:

I was seen as being a team player only after I had returned to duty full-time.<sup>174</sup>

At times it seems that this resentment and stigma may also be underpinned by a lack of understanding about flexible working arrangements. This is certainly clear in the following statement from one ADF member:

I know a lady that has kids, who works here, and she only does...a three day a week thing, which obviously works really well but then I think, are you compromising your job like that?<sup>175</sup>

There is scope to improve this situation. One measure would be to change descriptions of part-time work to simply a form of flexible work. Terms such as 'part-time leave without pay' and 'part-time' carry negative connotations of a member only being 'part committed' to the organisation.<sup>176</sup>

A further option could include increasing information available to all ADF personnel about the availability and intent of flexible working arrangements, and how effectively they can function. Baird, Charlesworth and Heron have identified the dissemination of information about 'how well part-timers were performing' in a number of male-dominated workplaces as one practice that helped to move the part-time and flexible work agenda forward in those organisations.<sup>177</sup> Services are already undertaking a range of initiatives to inform members about flexible work.<sup>178</sup> However, given the lack of knowledge identified in consultations, increased and more consistent educative work should be undertaken.

Baird, Charlesworth and Heron also noted that support of senior management 'provided an important signal that the work culture should change towards acceptance of part-timers' in the male-dominated organisations they examined.<sup>179</sup> In recent years, the former Chiefs of Army and Air Force have circulated directives in support of flexible working arrangements.<sup>180</sup> Within the ADF, the CDF and Commanding Officers must give a visible commitment to flexible work practices to demonstrate that it is a positive, rather than a negative, work option. Consideration could be given to whether any existing leadership positions currently held by men could be performed effectively in a flexible work arrangement. As noted earlier in this Chapter, one focus group participant told the Review about the positive influence of a particular leader's views towards work/family balance on the culture of the whole school.<sup>181</sup> This is a constructive example that other ADF bases could replicate.

## 6.4 Child care

Access to child care is an important factor in facilitating women's workforce participation and the need for quality, accessible child care emerged as a consistent theme throughout the Review. Particular issues include the need for flexible child care options, increased availability of child care at the hours and locations required by ADF members, and the manner in which priority of access is allocated to ADF members. These issues will be explored throughout this section.

## (a) ADF Program and Policy

The ADF has a 'Defence Child Care Program' which is intended to 'facilitate priority access to early childhood education and care for Defence families upon arrival in a new posting location, where the local community cannot meet the demand.'<sup>182</sup> Defence supports long day care and out of school hours care centres, as well as facilitating access to family day care, under this program.<sup>183</sup> Defence also provides limited funding to Defence families for day care. Further information on the ADF's practical support for child care is at Appendix M.3.

The ADF also has a child care policy, released in 1992, which is intended to guide the support provided by Defence for child care. It is intended to be read in conjunction with the *Defence Childcare Guidelines*, however Defence has advised that these Guidelines are out-of-date and no longer used. Defence has further informed the Review that Defence Instruction (General) Personnel 42-2 *Defence Child-care Policy* and associated *Defence Childcare Guidelines* are being revised.<sup>184</sup>

There is an incongruity between figures provided by the ADF on recent use of Defence child care centres, and other evidence presented to the Review regarding demand for child care. Figures provided by the ADF suggest that Defence child care centres may be under-utilised. As at February 2012, the average daily occupancy compared to licenced capacity was 69% across all Defence child care locations. This figure varied between 37% and 93% depending on location.<sup>185</sup> Defence has advised that reasons for this may include varying demand due to posting cycles; the location of some of the Defence child care centres, which are often on or near Defence establishments and may not be close to residential areas; as well as 'difficulty in attracting community enrolments because of Defences '[Priority of Access] guidelines and the "one month's notice to vacate" may be a deterrent to community families'.<sup>186</sup>

Qualitative evidence gathered by the Review suggests that there remains considerable demand for quality child care. The Review has heard:

You'd think they would [provide child care] because we're a major base and it's supposed to be family friendly. It's amazing. It would be so much easier to just come to work, here's my kid, take my kid... An on-base childcare would be amazing.<sup>187</sup>

There definitely needs to be better access to child care centres for Defence members, or perhaps a subsidy to use civilian centres.<sup>188</sup>

Some focus group participants also identified provision of child care as a tool for increased retention of ADF members.<sup>189</sup>

Responses to the Review's online survey suggest that Defence's current provision of child care is inadequate.<sup>190</sup> The responses to the items dealing with childcare suggest a large degree of uncertainty about childcare arrangements for ADF members. Among members with dependents, only 30% believed that there was adequate access to childcare. Nearly half of all female respondents with dependents (46%) and 36% of male respondents with dependents did not believe that access to childcare was adequate. A slightly higher percentage of women (38%) than men (31%) agreed that better access to childcare would improve their career progression opportunities.<sup>191</sup>

While the data provided to the Review suggests that some Defence child care centres may be under-utilised, the Review is aware that many Defence members are accessing some form of child care for their dependent children. Defence Census figures suggest that a proportionately low number of dependent children aged 0-6 years of permanent ADF members are utilising Defence employer-sponsored childcare.<sup>192</sup> Greater numbers were identified as using long day care and/or occasional care at other child care centres, which suggests that there is some demand for child care facilities with the hours and location required by ADF members.<sup>193</sup> Apart from childcare provided by a spouse or other family member, childcare used by children aged 0-6 years of permanent ADF members includes family day care, nannies, paid babysitters, vacation care and respite care.<sup>194</sup> This may suggest that traditional child care centres do not always meet the needs of ADF members, and that there is a need for Defence to consider the provision of more flexible child care options for ADF members.

## (b) Availability and accessibility of child care

There are a number of specific areas where the provision of child care support to ADF personnel could be improved. A particular issue cited by Defence personnel is the location of available child care centres:

There are child care centres that I guess put Defence families first...but it still takes twenty, twenty five minutes to drive in on some mornings...You can't get in there too. It's full...The only other place that opens that would fit in with the time that we work is all the way over the other side of Darwin.<sup>195</sup>

There are no child care facilities within 25 minutes of [my workplace]. My work hours also limit child care locations. There must be a child care facility established at [this location] if it is to be an equal opportunity employment location for the ADF.<sup>196</sup>

The Review also frequently heard that child care centres are often not open at the times they are required, due to the irregular hours worked by many ADF personnel:

We joke in the Military that we're employed 24 hours a day...There are...jobs that either have very long work hours like those who work for Admirals, or very crappy work hours when you are on duty and you are overnight, or when you come in at midday and you finish at midnight because something's going on. Childcare centres don't open those hours.<sup>197</sup>

[The] ADF should be trying to provide child care that mirrors ADF work hours of that base. I found it quite difficult at the last base I worked at had work hours of 0700 – 1700 but the day care was only open from 0730 – 1630. Instead of using ADF day care, we've had to use private day care operator due to the longer hours.<sup>198</sup>

The Review also heard that members can encounter particular difficulties in accessing appropriate, quality child care in regional and remote areas. For example, in one remote area visited by the Review, a member stated:

I've got some young soldiers that have problems with child care – there's not enough up here and basically they can't get to work on time because of the fact that the child care centre doesn't open on time for them to get here by seven thirty.<sup>199</sup>

To address these issues, Defence should examine the operation and accessibility of its child care services, including in remote and regional locations, to ensure that they effectively meet the needs of ADF personnel. Given the range of child care types accessed by ADF personnel, this could include supporting a range of flexible options for child care, such as support for in home care, in addition to traditional child care centres. This may also help to address barriers leading to the under-utilisation of ADF child care facilities evident in figures provided to the Review.

The Review also heard concerns about Defence's 'Priority of Access Guidelines'. Since July 2005, the Defence Priority of Access Guidelines have applied to manage the application of placements in all Defence child care centres. Points are allocated as outlined in the table at Appendix M.4. This point system was 'introduced to assist "mobile" Defence families access Defence employer sponsored child care within six months of arriving in a new posting locality'.<sup>200</sup> However, the Priority of Access Guidelines do not appear to adequately prioritise return from maternity leave in relation to points allocation. The allocation of points has also been raised as an issue by focus group participants:

The personnel that are moving from Darwin have a wife, for example, that might not even work but wants to pursue other interests... [they] actually ended up with more points than me as a serving member with a serving spouse coming back from maternity leave. So that system...definitely needs review.<sup>201</sup>

As this is a critical point at which families require child care, this point system should be reviewed to ensure that it appropriately reflects the needs of ADF families.

The Review also heard concerns about child care needs at the time of postings and deployment. Unlike civilian families, ADF families may be required to move every three years (or less) and must continually make new child care and out of school hours care arrangements. This is often in areas where they have little or no family support.

## 6.5 Conclusion

Improving support for work and family balance is crucial to ensuring women's recruitment, retention and career progression in the ADF. The stresses of combining work, life and family and the perceived need to choose between family or career were issues of great concern to ADF members.

It is clear that there are a number of areas where the ADF can better support members to combine their family lives with their careers. These include consideration of how pregnancy of ADF personnel is 'managed'; facilitating access to maternity and parental leave and flexible working arrangements, including through improved workforce planning systems and more consistent policy implementation, without detriment to members' careers; and improving access to appropriate, affordable, quality child care. Throughout this Chapter, the Review has identified specific actions that will assist the ADF to address these issues. The ADF must implement measures to allow women to have a family and a career, rather than being forced to choose. This is a critical issue that goes to the very heart of the sustainability and capability of the ADF.

1 The figures in the following paragraphs are taken from results of the online *Treatment of Women in the Australian Defence Force Survey*. Paper survey responses and further discussion are in Appendix B.

2 Similar results were found in the 2011 Defence Attitudes Survey, in which around 65% of surveyed ADF members agreed with the question 'My workplace encourages a healthy balance between work, home and family life': 'HRMeS Extract 13 Feb 12' provided to the Review by CMDR A Westwood, 15 February 2012.

3 Focus group 4B.

4 Focus group 14A.

5 Focus group 11E.

6 *Treatment of Women in the Australian Defence Force Survey*; See also Focus group 23B.

7 Broderick Review Phase 2 Tasks 242 and 246 – Demographic data' provided to the Review by SQNLDR F James, 10 February 2012.

8 154 of 174 of men at Star rank have children, whereas only 2 of the 9 women at Star rank have children, Defence Workforce Information, 1 June 2012.

9 Directorate of Strategic Personnel Policy Research, *2010 Australian Defence Force Exit Survey Report: Reasons for Leaving*, DSPPR Report 14/2011 (January 2012), pp 51-52.

10 Focus group 12A.

11 *Treatment of Women in the Australian Defence Force Survey*.

12 'Broderick Review Phase 2 Tasks 242 and 246 – Demographic data', note 7.

13 Department of Defence, *Health Directive No 235, Management of Pregnant Members in the Australian Defence Force*, draft approved by Defence Health Policy Steering Group 29 November 2011 provided to the Review by SQNLDR F James, 6 December 2011, para 1.

14 Department of Defence, *Health Directive No 235, Management of Pregnant Members in the Australian Defence Force*, draft approved by Defence Health Policy Steering Group 29 November 2011, above, para 6.

15 Department of Defence, *Health Directive No 235, Management of Pregnant Members in the Australian Defence Force*, draft approved by Defence Health Policy Steering Group 29 November 2011, above, para 33.

16 Focus group 11E.

17 Focus group 11E.

18 Department of Defence, *Health Directive No 235, Management of Pregnant Members in the Australian Defence Force*, draft approved by Defence Health Policy Steering Group 29 November 2011, note 13, para 32(d).

19 Department of Defence, *Health Directive No 235, Management of Pregnant Members in the Australian Defence Force*, draft approved by Defence Health Policy Steering Group 29 November 2011, note 13, para 36 and Annexure A, para 4.

20 Confidential submission 24.

21 *Treatment of Women in the Australian Defence Force Survey*.

22 Human Rights and Equal Opportunity Commission, *Pregnant and Productive, Report of the National Pregnancy and Work Inquiry* (1999), p 117.

23 *Sex Discrimination Act 1984* (Cth), s 7(1).

24 *Work Health and Safety Act 2011* (Cth), s 19.

25 The Review acknowledges that restrictions may be placed on pregnant ADF members for reasons other than danger to the pregnant worker or her unborn child. Limitations may be placed on pregnant members because, for example, there would be difficulty in obtaining appropriate medical care in a particular location, the member may give birth before a deployment is scheduled to end or a pregnant member may not be able to meet the physical demands of the role. In all cases, the reason for the imposition of a particular restriction will be relevant to determining whether the restriction constitutes less favourable treatment.

26 'Health Directive No 235 Management of Pregnant Members in the Australian Defence Force May 2012' (draft) provided to the Review by SQNLDR F James, 8 June 2012.

27 Department of Defence, *Health Directive No 235, Management of Pregnant Members in the Australian Defence Force*, draft approved by Defence Health Policy Steering Group 29 November 2011, note 13, para 47.

28 *Sex Discrimination Act 1984* (Cth), s 7(2).

29 *Disability Discrimination Act 1992* (Cth), s 15.

30 Focus group 6A.

31 Focus group 9B.

32 People Strategies and Policy, *Pay and Conditions Manual*, Department of Defence. At <http://www.defence.gov.au/dpe/pac/> (viewed 12 June 2012), Divisions 5.4.3 and 5.4.18.

33 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.4.15.

34 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.4.12.

35 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.4.12.

36 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.4.12; SQNLDR F James, email to the Review, 16 March 2012.

37 People Strategies and Policy, *Pay and Conditions Manual*, above, Divisions 5.4.14 and 5.4.4.

38 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.4.16.

39 People Strategies and Policy, *Pay and Conditions Manual*, above, Divisions 5.5.3 and 5.5.4.

40 People Strategies and Policy, *Pay and Conditions Manual*, above, Divisions 5.5.3 and 5.5.4. It is noted that the duration of the total leave period is longer for parental leave than for maternity leave. The ADF has advised the Review that this is based on previous legislative and industrial relations decisions: 'The *Maternity Leave (Commonwealth Employees) Act 1973* (Cth) provides

- for 52 weeks of unpaid leave. The ADF has adopted this level of assistance in the [Pay and Conditions Manual (PACMAN)]. In line with [the Defence Enterprise Collective Agreement], 14 weeks of this period can be paid leave. The 66 weeks of unpaid parental leave was put in place by the Australian Industrial Relations Commission (now Fair Work Australia) in about 1990 through a negotiation process as a result of a parental leave test case. This 66 week period was placed into the General Employment Conditions Award and subsequently into the Australian Public Service Award. This 66 week period was adopted as the appropriate level of assistance for ADF members through the PACMAN. Two weeks of this period of leave can be paid.' SQNLDR F James, email to the Review, 16 March 2012.
- 41 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.5.3.
- 42 People Strategies and Policy, *Pay and Conditions Manual*, above, Divisions 5.5.4 and 5.5.6.
- 43 SQNLDR F James, email to the Review, 16 March 2012.
- 44 People Strategies and Policy, *Pay and Conditions Manual*, note 32, Division 5.5.5.
- 45 Members can also access the Commonwealth Government's Paid Parental Leave scheme, subject to meeting the eligibility criteria for that scheme. It provides up to 18 weeks parental leave, paid at the national minimum wage, to eligible working parents who are the primary carer of a child born or adopted after 1 January 2011. This pay is in addition to any paid maternity or parental leave provided by Defence but is not an extra leave provision. People Strategies and Policy, *Pay and Conditions Manual*, note 32, Parts 4A and 5; Family Assistance Office, 'Paid Parental Leave scheme for working parents', <http://www.familyassist.gov.au/payments/family-assistance-payments/paid-parental-leave-scheme/> (viewed 31 May 2012).
- 46 Calculations based on data from 'RFI 441 2011 Maternity and Parental Leave' provided to the Review by SQNLDR F James, 6 June 2012; Department of Defence, *Defence Annual Report 2010-11*, pp 273-274. At <http://www.defence.gov.au/Budget/10-11/dar/index.htm> (viewed 6 June 2012). The number of members accessing paid and unpaid maternity and parental leave in 2011 is compared to the total number of ADF personnel (including Permanent, Gap Year, members of the active Reserve, and Reservists on continuous full time service) as at 30 June 2011. It is noted that Reservists generally are not eligible for maternity/parental leave unless they are on continuous full time service but may access a 12 month break from training obligations. As the Review does not have data on the number of Reservists who have taken a break from training obligations for this purpose, they are not included in the percentages provided.
- 47 'ADF MAT PAT Leave 2003 to 2010 V2' provided to the Review by CMDR A Westwood, 6 November 2011; 'RFI 441 2011 Maternity and Parental Leave', above. Data provided to the Review suggested that the following numbers of men have accessed paid maternity leave in recent years: 2003 - 24; 2004 - 3; 2005 - 1; 2006 - 4; 2007 - 2; 2008 - 1; 2009 - 2; 2010 - 3; 2011 - 2. The two men identified as accessing paid maternity leave in 2011 have not been included in the Review's calculations of the percentage of ADF members accessing maternity and parental leave in 2011.
- 48 R Philbey, email to the Review, 22 November 2011; CMDR A Westwood, email to the Review, 31 May 2012.
- 49 The Review was referred to three policies for advice on whether maternity and parental leave positions can be backfilled. Navy's policy is contained in an annex to the Sailor's Career Management Manual. While it provides relatively clear guidance that a position can be filled, this document is not easily accessible and does not provide a policy position on Navy officers. Army advised that it does not have a specific policy on this issue, but that such a posting would be managed through the policy 'Career management of soldiers in the Australian Regular Army and Army Reserve'. This document does not provide clear advice on procedures for backfilling, nor is it clear how backfilling of officers' positions would occur. Air Force's relevant policy, 'Posting, Attachment and Temporary Duty - Permanent Air Force' does not appear to clearly articulate whether backfilling can occur. For further information, refer to: Department of Defence, ABR 10, *Navy Sailors Career Management Manual*, provided to the Review by CMDR A Westwood, 12 January 2011, Annex A to Chapter 4; Department of Defence, *Defence Instructions (Army) PERS 47-11, 'Career management of soldiers in the Australian Regular Army and Army Reserve'*, 20 December 2005; Department of Defence, *Defence Instructions (Air Force) PERS 3-1, 'Postings, Attachment and Temporary Duty - Permanent Air Force'*, 20 November 1997.
- 50 Navy has advised that maternity/parental leave positions can be backfilled, depending on the duration of leave. In this instance, members would generally be posted to a 'pool position' during their leave, which would allow another member to be posted into that position. However, '...provision of a relief may result in there being no suitable vacancy in the same locality when the sailor returns from MATLVE [maternity leave].' RAAF members remain posted to their position during their leave period. In exceptional and extenuating circumstances, a position can be temporarily backfilled. A Reservist may also be employed to do the duties but not be posted against the position. Army has advised that maternity/parental leave positions can be backfilled if a suitable replacement is available, although this is often not possible in a Posting Year. Army further advised that: 'The use of pool positions although not a preferred approach would be considered if it was appropriate to the circumstance.' The member going on leave would be posted into the pool position, and an individual providing backfill would be posted to the unit establishment position. Reservists may only 'fill' a vacancy by being posted to another active or pool position: SQNLDR F James, email to the Review, 8 February 2012; Department of Defence, ABR 10, *Navy Sailors Career Management Manual*, Chapter 4, Annex H, provided to the Review by CMDR A Westwood, 12 January 2012; SQNLDR F James, email to the Review, 17 February 2012; SQNLDR F James, email to the Review, 27 February 2012.
- 51 Focus group 7A.
- 52 Focus group 32B.
- 53 Focus group 16D.
- 54 Focus group 1A.
- 55 Focus group 20C.
- 56 *Treatment of Women in the Australian Defence Force Survey*.
- 57 Focus group 7A.
- 58 People Strategies and Policy, *Pay and Conditions Manual*, note 32, Divisions 5.4.19 and 5.5.3.

- 59 People Strategies and Policy, *Pay and Conditions Manual*, note 32, Divisions 5.4.19 and 5.5.4.
- 60 Focus group 2A.
- 61 Focus group 23A.
- 62 Focus group 8C.
- 63 Confidential meeting.
- 64 Focus group 11D.
- 65 Focus group 2A.
- 66 Focus group 28A.
- 67 *Treatment of Women in the Australian Defence Force Survey*.
- 68 Focus group 6A.
- 69 *Treatment of Women in the Australian Defence Force Survey*.
- 70 Focus group 3A.
- 71 Meeting with Defence representatives on CDF Action Plan.
- 72 Focus group 28A.
- 73 Focus group 24E.
- 74 Focus group 3A.
- 75 Confidential interview.
- 76 For example, RAAF has an 'Air Force Connect' program which is intended to provide a mechanism for members on extended leave to keep in touch with the organisation. Within Navy, members are expected to keep in touch with their career manager and the Unit Personnel Officer of the unit to which they are posted, while Army does not have any specific 'keep in touch' policies and the extent to which Army members keep in touch is based on individual choice. Members on leave may access some forms of training (mainly online but in Navy, also training supported through the Defence Assisted Study Scheme or remote project work) at their own discretion. SQNLDR F James, email to the Review, 1 March 2012; SQNLDR F James, email to the Review, 2 March 2012.
- 77 Confidential meetings.
- 78 Department of the Navy (United States), 'OPNAV Instruction 1330.2A: Navy Career Intermission Pilot Program Guidelines', 30 August 2010. At <http://www.public.navy.mil/bupers-npc/support/tflw/Pages/CIPP.aspx> (viewed 1 June 2012).
- 79 A L Daniel, 'Career Intermission Pilot Program Renewed for Three Years' (Media Release, 16 March 2012). At [http://www.navy.mil/search/display.asp?story\\_id=65933](http://www.navy.mil/search/display.asp?story_id=65933) (viewed 1 June 2012); Department of the Navy (United States), 'OPNAV Instruction 1330.2A: Navy Career Intermission Pilot Program Guidelines', above; meeting with ADM M Ferguson, Vice Chief of Naval Operations, USA.
- 80 Daniel, above; Department of the Navy (United States), 'OPNAV Instruction 1330.2A: Navy Career Intermission Pilot Program Guidelines', above; Confidential meeting.
- 81 Productivity Commission, *Paid Parental Leave: Support for Parents with Newborn Children*, Report No. 47 (2009), p 4.22.
- 82 Australian National Health and Medical Research Council cited in Productivity Commission, above, p 4.22; Australian National Health and Medical Research Council, 'Infant Feeding Guidelines for Health Workers' (Draft for public consultation), October 2011. At [http://consultations.nhmrc.gov.au/public\\_consultations/public-consultation-draft-inf](http://consultations.nhmrc.gov.au/public_consultations/public-consultation-draft-inf) (viewed 18 June 2012); Department of Defence, 'Supporting Breastfeeding in the Workplace', Annex B, provided to the Review by SQNLDR F James, 19 June 2012.
- 83 'RFI 441 2011 Maternity and Parental Leave', note 46. It is noted that members may choose to use other forms of leave, such as long service or recreation leave, instead of unpaid maternity leave. However, the Review does not have data on how many women use these options.
- 84 For example, BHP Billiton – Nickel West Kwinana, NSW Police Force, National Australian Bank Limited and IBM, among others, have become accredited by the Australian Breastfeeding Association as 'breastfeeding friendly workplaces'. Australian Breastfeeding Association, *Listing of current accredited breastfeeding friendly workplaces*, [http://www.breastfeedingfriendly.com.au/index.php?option=com\\_content&task=view&id=32&Itemid=46](http://www.breastfeedingfriendly.com.au/index.php?option=com_content&task=view&id=32&Itemid=46) (viewed 25 June 2012).
- 85 Focus group 11E.
- 86 Focus group 35B.
- 87 Confidential submission 19.
- 88 Department of Defence, 'Supporting Breastfeeding in the Workplace', Annex B, provided to the Review by SQNLDR F James, 19 June 2012.
- 89 SQNLDR F James, email to the Review, 2 April 2012; Department of Defence, 'Supporting Breastfeeding in the Workplace', above, p 5.
- 90 SQNLDR F James, email to the Review, 2 April 2012.
- 91 People Strategies and Policy, *Pay and Conditions Manual*, note 32, Divisions 5.4.24.
- 92 People Strategies and Policy, *Pay and Conditions Manual*, note 32, Divisions 5.4.24.
- 93 SQNLDR F James, email to the Review, 16 March 2012.
- 94 Family Assistance Office, *Paid Parental Leave scheme eligibility*, <http://www.familyassist.gov.au/payments/family-assistance-payments/paid-parental-leave-scheme/working-parents---eligibility.php> (viewed 19 June 2012).
- 95 Productivity Commission, note 81, p 2.27.
- 96 Productivity Commission, note 81, p 4.57.
- 97 Department of Defence, *Defence Instruction (General) PERS 49-4, 'Flexible work arrangements for members of the Australian Defence Force'*, 8 May 2012 ('DI(G) PERS 49-4'), p 1.
- 98 DI(G) PERS 49-4, above, pp 2, 5.
- 99 DI(G) PERS 49-4, above, pp 2, 5.

- 100 DI(G) PERS 49-4, above, pp 2, 3, 5-6.
- 101 The ADF's policy on flexible working arrangements notes that the duration of a flexible working arrangement is to be 'no longer than two years per application or *the remaining tenure of the current posting*' (emphasis added). See DI(G) PERS 49-4, above, p 6. The Review also heard in focus groups that flexible working arrangements have to be renegotiated at new locations (for example, Focus group 16D).
- 102 'ADF PTLWOP 2006 and 2011' provided to the Review by CMDR A Westwood, 18 January 2012. Figures based on Regulars, Gap Year and continuous full time service personnel.
- 103 Focus group 10A.
- 104 *Treatment of Women in the Australian Defence Force Survey*.
- 105 Focus group 6A.
- 106 *Treatment of Women in the Australian Defence Force Survey*.
- 107 SQNLDR F James, email to the Review, 30 November 2011.
- 108 Meeting with Army career management representatives.
- 109 DI(G) PERS 49-4, note 97, Annex A.
- 110 DI(G) PERS 49-4, note 97, p 4.
- 111 Focus group 3B.
- 112 Focus group 16B.
- 113 *Treatment of Women in the Australian Defence Force Survey*.
- 114 Meeting with Navy career management representatives.
- 115 *Treatment of Women in the Australian Defence Force Survey*.
- 116 *Treatment of Women in the Australian Defence Force Survey*.
- 117 Focus group 23B.
- 118 DI(G) PERS 49-4, note 97, p 10.
- 119 DI(G) PERS 49-4, note 97, p 5.
- 120 DI(G) PERS 49-4, note 97, p 5.
- 121 Focus group 28A.
- 122 Focus group 28A.
- 123 Focus group 28A.
- 124 For example, Charlesworth, Keen and Whittenbury discussed these issues and the use of innovative rostering practices in Victorian Police: S Charlesworth, M Keen and K Whittenbury, 'Integrating part-time work in policing services: policy, practice, and potential' (2009) 10(1) *Police Practice and Research* 31, pp 40-41.
- 125 CMDR A Westwood, email to the Review, 23 May 2012.
- 126 SQNLDR F James, email to the Review, 2 April 2012.
- 127 For example, Focus group 10C.
- 128 Focus group 12A.
- 129 *Treatment of Women in the Australian Defence Force Survey*.
- 130 Focus group 10A.
- 131 Focus group 11B.
- 132 Focus group 11B.
- 133 Focus group 11E.
- 134 *Treatment of Women in the Australian Defence Force Survey*.
- 135 Focus group 9B.
- 136 DI(G) PERS 49-4, note 97, p 5.
- 137 DI(G) PERS 49-4, note 97, p 5.
- 138 Figures in this paragraph are from the results of the online *Treatment of Women in the Australian Defence Force Survey*.
- 139 '17 CSS Bde Directive 1.15 – Work/Life Balance' provided to the Review by SQNLDR F James, 16 May 2012.
- 140 Focus group 15B.
- 141 Focus group 27A.
- 142 Focus group 4C.
- 143 Focus group 4C.
- 144 Focus group 11B.
- 145 Confidential submission 12.
- 146 *Treatment of Women in the Australian Defence Force Survey*.
- 147 Confidential meeting.
- 148 Focus group 1A.
- 149 Confidential submission 19.
- 150 Particular training and support initiatives that have been suggested include: highlighting case studies of successful initiatives; creating an application system/checklist that provides advice on the types of issues employees should consider when proposing and discuss alternative working arrangements; providing sample application and response forms; identifying specific training needs; incorporating flexibility into all training, particularly for managers; and providing opportunities for employees to discuss issues, such as through seminars. E Drew and E M Murtagh, 'Work/life balance: senior management champions or laggards' (2005) 20(4) *Women in Employment Review* 262, p 264; M B Kropf, 'Flexibility initiatives: current approaches and effective strategies' (1999) 14(5) *Women in Management Review* 177, pp 180,182.

- 151 DI(G) PERS 49-4, note 97.
- 152 SQNLDR F James, email to the Review, 1 March 2012; meeting with Army career management representatives.
- 153 M B Kropf, 'Flexibility initiatives: current approaches and effective strategies' (1999) 14(5) *Women in Management Review* 177, p 185; M C Mattis, 'Advancing women in business organizations: Key leadership roles and behaviors of senior leaders and managers' (2001) 20(4) *Journal of Management Development* 371, pp 379-280; R J Recardo, 'Overcoming resistance to change' (1995) 14(2) *National Productivity Review* 5, p 9; Diversity Council of Australia, *Get Flexible! Mainstreaming Flexible Work in Australian Business* (2012), p 27. At <http://www.dca.org.au/News/News/Get-flexible-or-get-real%3A-It%E2%80%99s-time-to-make-flexible-working-a-legitimate-career-choice/245> (viewed 28 June 2012).
- 154 The Review received advice from each Service and the Department of Defence about workforce planning systems: SQNLDR F James, email to the Review, 3 April 2012; SQNLDR F James, emails to the Review, 27 April 2012; SQNLDR F James, email to the Review, 18 May 2012; SQNLDR F James, emails to the Review, 21 May 2012; 'Workforce structure components', provided to the Review by SQNLDR F James, 27 May 2012.
- 155 Department of Defence, *Defence Annual Report 2010-11*, p 471. At <http://www.defence.gov.au/budget/10-11/dar/index.htm> (viewed 5 June 2012).
- 156 *Treatment of Women in the Australian Defence Force Survey*.
- 157 Focus group 16B.
- 158 Focus group 11B.
- 159 Focus group 20C.
- 160 Confidential submission 12.
- 161 M Baird, S Charlesworth and A Heron, *Flexible and part time work in Australia: some responses to the need for worklife balance* (English version of a paper to the 'Egalite homes/femmes et articulation travail/famille: vers un nouveau modele?' Conference, Paris, 30 September-1 October 2010).
- 162 Meeting with Army career management representatives.
- 163 SQNLDR F James, email to the Review, 30 November 2011; SQNLDR J Deveney, *Improving Flexible Employment in Air Force* (2010) pp.27-30, provided to the Review by SQNLDR F James on 30 November 2011 and 23 January 2012.
- 164 SQNLDR F James, email to the Review, 30 November 2011.
- 165 DI(G) PERS 49-4, note 97, p 8.
- 166 DI(G) PERS 49-4, note 97, p 8.
- 167 SQNLDR F James, email to the Review, 27 February 2012.
- 168 *Treatment of Women in the Australian Defence Force Survey*.
- 169 Meeting with Defence representatives on CDF Action Plan.
- 170 Focus group 2A.
- 171 Focus group 4C.
- 172 Focus group 23C.
- 173 Focus group 9B.
- 174 Confidential submission 19.
- 175 Focus group 9A.
- 176 The negative perception of part time employees as only 'part committed' has been discussed in relation to other industries such as policing. See Charlesworth, et al, note 124, 39-40.
- 177 Baird, et al, note 161. See also Diversity Council of Australia, *Get Flexible! Mainstreaming Flexible Work in Australian Business*, (2012), p 28. At <http://www.dca.org.au/News/News/Get-flexible-or-get-real%3A-It%E2%80%99s-time-to-make-flexible-working-a-legitimate-career-choice/245> (viewed 28 June 2012).
- 178 For example, Air Force has developed a website on types of flexible working arrangements available to members (and how to apply) and information for members on how to develop a business case for flexible work, and included information on flexible working arrangements in *Air Force News*. Navy has included information in its newsletter *Sea Talk* and through the New Generation Navy webpages. Army has provided some information to its members. SQNLDR F James, email to the Review, 30 November 2011; SQNLDR F James, email to the Review, 23 January 2012; SQNLDR F James, email to the Review, 16 February 2012; 'BR Phase 2 Task 349 – CP13 5\_Communication of FWP' and 'NGN Web Page\_Flexible Work Practices in the Navy' provided to the Review by CMDR A Westwood, 23 May 2012.
- 179 Baird, et al, note 161. See also Diversity Council of Australia, note 177, p 28.
- 180 'CAF\_16-08 Work-Life Balance In The Royal Australian Air Forces' provided to the Review by SQNLDR F James, 30 November 2011; 'Chief of Army Intent for Work-Life Balance' provided to the Review by SQNLDR F James, 23 January 2012.
- 181 Focus group 15B.
- 182 SQNLDR F James, email to the Review, 24 January 2012.
- 183 SQNLDR F James, email to the Review, 24 January 2012.
- 184 SQNLDR F James, email to the Review, 20 January 2012.
- 185 Figures taken from '120120 DCCB Input for Broderick Review RFI' provided to the Review by SQNLDR F James, 19 April 2012.
- 186 SQNLDR F James, email to the Review, 1 March 2012.
- 187 Focus group 4C.
- 188 Figures in this paragraph are from the online *Treatment of Women in the Australian Defence Force Survey*.
- 189 Focus group 17A.
- 190 Figures in the paragraph are taken from the *Treatment of Women in the Australian Defence Force Survey*.
- 191 *Treatment of Women in the Australian Defence Force Survey*.

- 192 Based on Census data provided, only around 2.2% of dependent children of ADF Permanent members aged 0-6 years were identified as using a Defence employer-sponsored childcare centre (373 out of a total of 16,973 dependent children aged 0-6 years). Other data provided by Defence suggests that a total of 4,107 children were using Defence child care centres as at February 2012, however: a) it was not possible for the Review to reconcile how this statistic reconciles with the Census figures, and b) it is possible that some of those 4,107 children accessing the Defence child care centres are the children of community members, rather than Defence personnel. '19\_2012 Broderick Review Phase 2\_RFI 318' provided to the Review by SQNLDR F James, 26 April 2012; 'Copy of 120120 DCCB Input for Broderick Review RFI' provided to the Review by SQNLDR F James on 19 April 2012.
- 193 4,021 dependent children were identified as using 'childcare centre – long day care'; 1,111 were identified as using 'childcare centre – occasional care'; 921 were identified as using 'before-school care'; 1,336 were identified as using 'after-school care'; and 86 were identified as using 'other employer-sponsored childcare centre': '19\_2012 Broderick Review Phase 2\_RFI 318', above.
- 194 '19\_2012 Broderick Review Phase 2\_RFI 318', above.
- 195 Focus group 11A.
- 196 *Treatment of Women in the Australian Defence Force Survey.*
- 197 Focus group 3A.
- 198 *Treatment of Women in the Australian Defence Force Survey.*
- 199 Focus group 11A.
- 200 From Department of Defence, 'Defence Priority of Access Guidelines', Defence Personnel Executive Minute. At <http://www.defence.gov.au/dco/childcare.htm> (viewed 30 April 2012).
- 201 Focus group 28A.





