



Working Women's Information Service

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This paper is an edited version of a speech prepared and delivered by Brenda Forbath, ACTU National Child Care Co-ordinator, on behalf of Cliff Dolan, President of the ACTU, to a national conference organized by the National Association of Community-based Child Care and held in Sydney in July 1983.

CHILD CARE: THE INDUSTRIAL ISSUES

INTRODUCTION

By taking up child care as an industrial issue, trade unions are becoming involved in a wide range of issues which will affect the lives and living standards of their members both as parents and as workers in child care. Trade unions are increasingly involving themselves in the development and management of child care services for their members. They are establishing the right to a range of leave provisions in awards relating to the care of children and are seeking to influence the policies of governments and employers with regard to the provision of child-care services. In doing so trade unions are now making a number of clear assertions:

- * they are recognising the right of women to participate in the paid workforce on an equal basis with men;
- * they are accepting that society has a collective responsibility for the care of young children and thereby working towards the establishment of universal access to publicly-funded child-care services for all parents wishing to use them;
- * they are recognising that both parents should be able to share the experience of child-rearing.

The issue of child care is therefore being taken out of the 'welfare basket' as a service for the poor and the needy and placed firmly into the category of a universal service. Unions are entering the campaign for access to a range of good-quality child-care services, at low cost, to any parent who wishes to use them.

A. THE NEED FOR CHILD CARE SERVICES

The need for child care services by women in the workforce continues to put pressure on a very limited number of places in government-subsidised programs. In February 1983 women constituted 37.2% of the entire labour force while the percentage of women in the labour force who were married stood at 59.8%.⁽¹⁾

In 1980 there were 284,300 children under 12 years of age and not attending school whose parents (i.e. both parents) were employed either on a full-time or a part-time basis.⁽²⁾ At the same time, of all children under 12 years who were not attending school, only 5.5% (62,040) received care at a centre (includes both government-subsidised and commercial centres but does not include preschools) while only 3.5% (39,480) were using government-subsidised care.⁽³⁾

In 1974 a report to the Federal Government by the Social Welfare Commission⁽⁴⁾ recommended that by 1980 the Australian Government should provide 108,000 children with places in government-subsidised child care centres and 30,000 children with places in family day-care programs. From the figures quoted above it is clear that government-subsidised child-care places available since 1980 fall far short of this target.

Between 1980 and 1982 the growth in the number of child-care places was minimal due to a policy of 'no growth' in children's services by the previous federal government. The intention of the new federal Labor government to make \$30 million available in the next budget for the development of new children's services will, it is hoped, go some way towards meeting the Social Welfare Commission targets recommended to the Whitlam Government in 1974.

Trade union action aimed at establishing new child care facilities either within a local neighbourhood or at the workplace is therefore now an important part of the broader struggle by community groups, local government and others to ensure that people in the workforce and other families, for whatever reason, gain access to government-subsidised child-care services.

Over the past 4 - 5 years trade unions have taken a number of initiatives on child care:

- (a) some unions have been involved directly in the development of services for their members, either individually or in conjunction with other unions, local government or community groups;
- (b) a number of unions have pursued the provision of child care in logs of claims submitted to employers;
- (c) others have begun to research the child-care needs of their members and to provide information to their members about existing services;
- (d) a significant number of unions are now providing child care for their members when they attend union meetings;
- (e) some unions and particularly the ACTU have sought to influence government policy on a range of matters relating to children's services.

Women unionists have played a central role in these initiatives through women's committees in individual unions, through state Working Women's Charter Committees or by becoming active at both the shop-floor level and the executive level of unions.

B. COST OF CHILD CARE TO USERS

The cost of child care, whether in the public or private sector, has escalated to such an extent that it is clearly a living standards issue which trade unions will need to take up.

Table 1: WEEKLY EARNINGS OF FULLTIME EMPLOYEES AUSTRALIA - AUGUST 1982

Females	
Service, sport & recreation workers	206-232
Trades, production process workers	191-226
Sales, shop assistants	220-225
Clerical workers	250-257
Professional, technical and related workers	263-361
Males	
Service, sport & recreation workers	253-380
Tradesmen, production/process	261-359
Transport and communications	291-349
Salesmen	279-354
Clerical workers	304-325
Professional and technical workers	211-468

The income test (devised by the previous Federal Government), to which all parents who use government-subsidised child-care services are subject, results in most two-income families paying the maximum fee which can be between \$45 and \$65 per week. In some areas, particularly Sydney, the maximum fee may be as high as \$85 per week. To be eligible for a fee subsidy a family must have an assessed income of less than \$250 per week after deductions for housing costs (up to \$100 per week) and dependent children (\$30 each child).

A great many families who are currently using child-care services have both parents working and in such cases the joint income would generally be in the vicinity of \$500 per week. Table 1 shows the weekly earnings for some of the more common categories of workers.⁽⁵⁾

Many women (45.4%) work only part-time⁽⁶⁾, in which case the joint family income would usually be lower than \$500 per week but still sufficient to disqualify the family from receiving a fee rebate under the current income test. Therefore most families with two incomes are likely to pay the maximum fee for child care services.

Child-care costs can now be equated with housing costs and are often as much as - if not more than - the cost of sending a child to a private school. Table 2 shows 1982 fees for some Australian schools.

Table 2: ANNUAL FEES FOR SELECTED AUSTRALIAN PRIVATE SCHOOLS - 1982

Methodist Ladies College, Melb. (prep. grades 1-5)	\$ 1527-1863
Moriah College, Sydney (prep.)	1872
St. Peter's Collegiate Girls' School, Adelaide	1800

A family paying \$50 per week for care of one child at a centre outlays \$2,400 per annum for 48 weeks' care.

Some examples of housing costs are:

In June 1982 the mean weekly rate in Melbourne was \$86.24. As far back as June 1981 the figure for Sydney was \$96.00.⁽⁷⁾

The average loan for a new house in Melbourne during the year ended April 1983 was \$26,205. Usual loan repayment conditions were interest rate 12½% p.a. with repayment over 25 years - approximately \$66.00 per week.⁽⁸⁾

The ACTU, along with many other groups throughout Australia, has made representations to the Minister for Social Security, Senator Grimes, expressing its concern at the effect of the income test on low - to middle-income families. We understand that the matter is currently under review and a decision regarding the income test and fee rebate system is expected during 1984. One thing remains clear, however, and that is - most people cannot afford to pay for child-care services at the current fee levels.

Table 3 shows how the level of federal government funding for child care has decreased between 1973 and 1983.⁽⁹⁾

Table 3: FEDERAL GOVERNMENT FUNDING FOR CHILD CARE

Year	Fed. Gov. expenditure \$m	CPI Increase \$m	Fed. Gov. Expenditure expressed in constant 1973/74 \$m	Real growth inc/dec per annum %
1973/74	8.974	14.4	8.974	
1974/75	45.23	16.7	38.717	+ 331.4
1975/76	63.97	13.0	45.614	+ 17.8
1976/77	67.086	13.8	41.617	- 8.8
1977/78	71.197	9.5	38.072	- 8.5
1978/79	63.836	8.2	30.893	- 18.9
1979/80	69.226	10.2	30.754	- 0.4
1980/81	74.034	9.4	29.535	- 4.0
1981/82	80.1	10.6	28.951	- 2.0
1982/83	103.0			

C. WORKERS IN CHILD CARE

The pay and conditions of workers in child-care are obviously of central concern to trade unions. For the trade unions who provide industrial coverage there is the responsibility of ensuring that child-care workers receive the pay and conditions commensurate with their responsibility for the physical, emotional and intellectual development of young children.

For other trade unions whose members use and rely upon these child-care services, the pay and conditions of child-care workers is an important component in the quality of the service being provided.

It is therefore important to establish the very clear connection between the level of recurrent funding to child-care services, the pay and conditions of workers (and hence the quality of the service) and the level of unionisation and industrial protection of those working in this sector.

(i) Pay and Conditions of Workers in Child Care

Historically child-care work has had little status within our society. This has been reflected in the low pay and poor working conditions which have generally characterised this industry. It is not, therefore, surprising to note that the majority of child-care workers are women and young girls. Some have two years of training but most are untrained.

In the community-based centres set up over the last 7-8 years there has been an attempt to develop a close co-operative working relationship between staff - a team-work approach - which aims to de-institutionalise the caring situation.

This feature, together with the close involvement of parents in centre management, has led to the development of a model of child care which can provide an enriching experience for young children. This type of child-care situation has been under threat almost from the time it was developed. It has been the dedication of workers and parents which has allowed it to survive, however tenuously. This dedication has been exploited for too long. A number of serious problems now have to be tackled.

- * In some states there is considerable disparity in working conditions enjoyed by staff members working side-by-side and having the same or very similar responsibilities. This is particularly evident when one compares conditions of pre-school teachers and those of other child-care workers; e.g. in Western Australia pre-school teachers working in government-subsidised child-care centres receive 10 weeks' annual leave (same as Education Department secondary schools) and have not more than 5½ hours of child contact time per day; by comparison, a qualified child-care worker receives 4 weeks' annual leave and works a 7½-hour day.
- * Rates of pay for unqualified workers in child care are very low - ranging from \$184.20 per week to \$239.30.
- * In many centres child-care workers, whether qualified or unqualified, are forced to undertake cooking, cleaning and administrative duties because there is no funding for co-ordinators, cooks and cleaners and/or because centres wish to cut their costs.
- * Lack of funds for maintenance, the need to keep centres operating at maximum capacity and the frequent lack of staff amenities affect staff working conditions and the quality of service being offered and have an overall demoralising effect on staff.
- * When child-care staff are on sick leave government-subsidised centres often cannot afford to employ relief staff. This places an additional burden on remaining staff who are already overworked.
- * The need for relief staff is again apparent if staff are to have access to in-service training to improve their skills and improve the quality of the service being provided.
- * Funding arrangements do not allow for money to be set aside for long service leave entitlements to be met. In many community-based centres, established in the mid-1970's, this will create problems for employing bodies in the near future and has the potential for creating industrial conflict.



- * In most awards covering child-care workers, there is no provision for non-child contact time during which staff can prepare programs, collect resources and examine the needs of individual children. Funding would be needed to employ replacement staff if permanent staff gained this entitlement.
- * The lack of career prospects in child care, together with low pay, creates considerable staff turnover.

This list of problems relating to wages and conditions of child-care workers is clearly not exhaustive. However, the importance of these particular concerns is confirmed by a study undertaken in Melbourne in November/December 1981 regarding job stress amongst 134 child-care staff.⁽¹⁰⁾

The results of this study identified 10 interrelated determinants of job stress, the most important being:

- * Organisation: stress caused by staff changes and major changes in policy and instructions.
- * Work load stress: having too much work or too little time to complete work and having to cover for absent workers.
- * Professional stress: limited career opportunities, low job status, low pay.
- * Environmental stress: coping with high noise levels, inadequate space and lack of privacy.

(ii) Unionisation and Industrial Coverage of Workers in Child Care

One of the reasons for the low pay and poor conditions of workers in child care has been their lack of unionisation. While awards for the majority of workers in child care have existed for some time within the state industrial systems, it has been difficult to recruit these workers into their appropriate unions. There are a number of explanations for this:

- * The prevailing societal view "that anyone can look after children", together with the low status accorded to this type of work, has caused workers (in the main, women) in child care to undervalue the work that they do and, for some, caring for children is not regarded as 'work' but rather as an extension of a 'natural' instinct.
- * Employers and society generally have exploited the dedication of workers who care for children so that any hint of industrial action or complaint about wages or conditions has been denounced as "not caring for the children".
- * The isolation of child-care workers (only 4-6 workers are usually employed in each centre) makes it difficult for any sense of solidarity to develop around an issue and it is thus easier for employers to intimidate their workers. In



these circumstances workers do not have the support of a large group if they want to take up matters, nor do they have many opportunities to exchange views or get information and ideas. It is also difficult for unions to make contact with workers when they are spread over such a wide area.

- * Reliance of many child-care services on volunteer labour, primarily although not solely due to inadequate funding, has frequently worked against the concept of unionisation and the right to award rates of pay and conditions. Parents have often had no option but to 'offer' themselves for work at their child-care centre in order to keep the service, upon which they rely, operating. This 'conscripted' voluntary labour has the effect of obscuring the industrial issues confronting staff.

Consequences of the low level of unionisation of workers in child care are:

- * There has been insufficient impetus for unions to upgrade awards and indeed their low membership has made it difficult for them to forcefully pursue wage claims and improvements in conditions.
- * Government funding for recurrent costs has been kept to a minimum because there has been no pressure for improved wages and conditions through industrial channels.

There are, however, strong indications from unions throughout Australia that the situation is beginning to change. Unions are increasing their child-care worker membership, predominantly among qualified staff and mostly in government subsidised centres. There is clearly a growing recognition of the need to become unionised in order to argue more forcefully for increased funding to meet improved wages and conditions which will ultimately contribute to an improvement in the quality of care being provided.

Industrial coverage of all workers in the children's services sector will also be necessary to ensure that workers are not divided against each other. Award-free areas still exist in some states in relation to workers in out-of-school-hours services, co-ordinators of centres, cooks in child-care centres and some family-day-care staff.

(iii) Funding of Workers in Child Care Services

While the 1972 Child Care Act provides funding for some trained staff under the categories of 'nurse' and 'teacher' in accordance with 75% of award salaries, this is clearly insufficient to meet an appropriate percentage of full employment costs. The ACTU has recommended to the Federal Government that the 1972 Child Care Act be reviewed as a matter of urgency. Fundamental areas of concern are:

- * The need to broaden the scope of the Act to include funding for co-ordinators, domestic staff and untrained child care staff.
- * The need to provide a percentage of costs such as workers' compensation, long service leave, superannuation and relief staff costs for preparation time, sick leave and holiday leave replacements.
- * The need for annual maintenance and equipment renewal grants.

It is essential that funding arrangements recognise full employment costs so that workers are not exploited or parents asked to pay ever-increasing child-care fees.

Funding arrangements will also have a significant impact on the quality of the service being provided. However, unless workers in child care become more extensively unionised and are prepared to demand their industrial rights, the struggle for increased levels of funding will remain very difficult.



D. FAMILY DAY CARE : SOME INDUSTRIAL ISSUES

The problems confronting workers in child care outlined in the previous section are magnified many times for care-givers in family day-care schemes.

During October/November 1980 there were 6,218 care-givers, almost all of whom were female.⁽¹¹⁾ This group, isolated from each other working within the confines of their own homes, have no industrial protection. They do not get paid in accordance with any award rate; they have no sick leave or holiday leave, workers' compensation, long-service leave or lunch breaks. Instead they receive a fee which might vary between \$38 and \$55 per child per week.⁽¹²⁾

Care-givers are encouraged to believe they are not really 'working' but simply incorporating a few extra children into a domestic situation they would be in anyway. This passive workforce is a perfect means by which to provide child care 'on the cheap' and thereby obscure the actual cuts in government spending on children's services which have occurred since 1976. It is not surprising, therefore, to find that family-day-care schemes have expanded while other services such as centre-based care and out-of-school-hours care have stagnated. Between 1976 and 1981 10,000 family day-care places were established while only 1,500 centre-based child-care places were created.⁽¹³⁾

Such a situation has had the effect of dividing workers in child care and thereby weakening their campaign for improved wages and conditions. It perpetuates the exploitation and isolation of female labour within the family and promotes a return to the privatisation of child care at the expense of public group care. It remains to be seen what priority the new Federal Government will give to the future expansion of these schemes. In the meantime, these workers should be protected and they should be entitled to basic industrial rights which all workers expect to receive.

The unionisation and protection of these 'out-workers' will be a critical issue facing trade unions in the near future.

E. LEAVE PROVISIONS RELATING TO CARE OF CHILDREN

The pursuit of a range of leave provisions relating to the care of children by the trade union movement formally acknowledges that:

- * women are now a permanent part of the workforce;
- * women have the right to return to the workforce after having children;
- * either parent should have the opportunity to care for their children.

The assumption underlying these provisions is that child-care facilities will be available and affordable when a parent returns to work at the end of a period of leave.

Leave provisions and policies of particular interest are:

* Maternity leave

A decision by the Australian Conciliation and Arbitration Commission in 1979 recognised the right of women in the workforce to unpaid maternity leave of up to 12 months and the right to return to the same or a similar job at the end of the leave period.

* Parental leave

ACTU policy provides for the broadening of the existing maternity leave provisions "to provide the opportunity for either parent to take leave consistent with the protection provided by current maternity leave clauses. These clauses should include provision for a guarantee of re-employment following leave and for an unbroken period of entitlement rights such as leave and promotion". A number of unions are already pursuing claims in this respect. The A.L.P. Women's Policy also contains a clause to this effect.

* Leave to care for sick dependants

ACTU policy refers to employees being "entitled to paid leave for the purposes of caring for dependants or next-of-kin in the event of illness or other personal emergencies and that a person caring for children be entitled to paid leave when required to visit each child's school or child care centre".

The care of sick children has long been a problem facing women in the workforce. In most instances it is women rather than men who use up their own sick leave or take time off without pay to care for their sick children. Few child-care centres have facilities to care for sick children and most would be precluded from taking children with illnesses which could infect other children.

In an unpublished study conducted in the municipality of Collingwood, Victoria, during June/July 1979, 701 primary and pre-school children attending schools, child-care centres and kindergartens in the area were surveyed in relation to their care arrangements when they were sick. Of significance to our concerns were the following findings:

- * there were 253 instances in which a mother missed work to care for a sick child (this involved 100 children);
- * there were 17 instances in which a father missed work to care for a sick child (9 children were involved);
- * there were 42 instances in which a sick child was left alone (22 children were involved).

Unions are beginning to collect similar information from their members as a basis for making claims for additional leave provisions and in doing so are recognising yet another industrial issue in the area of child care.



F. EMPLOYER CONTRIBUTION TO PROVISION OF CHILD CARE SERVICES

Very few employers in Australia have provided child-care facilities for their employees unless it was in their direct interest to do so. At different times during this century employers have provided child-care facilities when there was a labour shortage or when there was a desire to attract women to work in certain types of industry. Such child-care facilities were usually owned and controlled by the employers and were often a means of creating a more compliant workforce.

In 1974 a survey of affiliates to the Victorian Chamber of Manufactures found that most employers believed:

"All costs of returning mothers to the workforce, including provision of child care services and retraining of mothers, should be borne by the economy, rather than the mother, the family or the employers... Employers should not be required to directly contribute to either the establishment or operation of community child care facilities".

There are, however, a few notable exceptions where an employer or a developer has continued to contribute towards the provision of child-care facilities:

- * A number of public and private hospitals still continue to subsidise child-care facilities for their employees. The service, however, is usually made available only to trained nurses or other highly skilled medical or para-medical staff whom the hospital wishes to retain. Domestic and clerical staff rarely have access to these services. It could be argued, however, that in the case of public hospital child-care facilities, these are being subsidised by public funds through health-sector funding.
- * A number of educational institutions provide child-care facilities for staff and sometimes for students as well. Again it could be argued that education funds are being diverted into child care.
- * Marquise Knitwear in Malvern, Victoria, continues to subsidise a child-care facility for its employees. The centre, however, is also open to the broader community and operates along commercial lines.
- * At both Eden Park and Warriwood, in New South Wales, the developers have built in child-care facilities and continue to have some input into the operation of these child-care services.

The question now facing trade unions with regard to employer contribution to, or provision of, child-care facilities is: how to get employers to contribute toward the cost of child-care facilities for their members and at the same time ensure that parents using the facilities and the trade unions involved maintain control over the planning, development and management of such facilities.

A number of unions have included child care in a log of claims: e.g. The Vehicle Builders Employees' Federation; The Food Preservers' Union of Australia and the Australian Postal and Telecommunications Union. None, however, has managed to succeed with such a claim.

Unions are faced with serious, if not insurmountable, difficulties when seeking to pursue a claim for child care within the Australian Conciliation and Arbitration Commission.

Lachlan Riches, federal industrial research officer for the Australian Bank Employees Union, points out that the balance of legal opinion seems to indicate that child care would not be considered by the High Court to be an industrial matter.⁽¹⁴⁾ He says:

"It seems ... probable that the High Court, if the issue was raised before them ... would decide that the provision of child-care facilities is a matter relating to the relationship of parent and employer and is sufficiently remote from that of employer and employee, so as not to satisfy the requirements of an industrial relationship."⁽¹⁵⁾

It was a legal opinion based on this view which finally decided the Food Preservers' Union, in the late 1970's, to withdraw their plans to pursue this matter in the High Court. Whether such a claim could be pursued through a state industrial body has yet to be investigated. As Riches points out:

"In the state area there are no ... constitutional inhibitions ... the jurisdiction of the State Tribunals is governed by the particular legislation of the State Parliament setting them up and whether the issue of child care is one which can be dealt with by those State Tribunals is a relatively simple matter of statutory interpretation."⁽¹⁶⁾

Until a successful test case is taken at either the federal or state level it would seem that employer contribution to child-care facilities will remain minimal. A paper currently being prepared on work-place child care by the National Women's Advisory Council may open up some new avenues for consideration in relation to this question.

At present unions are attempting to form broadly-based committees to set up child-care facilities near the work place. They represent a range of interests, one of which is employers. In this way it is hoped that employers will make a contribution to child care facilities, either in the form of a capital contribution or of funds for operating costs along with government funds and, in some cases, financial input from unions. In such cases the child-care facilities are usually managed by parent-users with trade union and employer representation on a committee of management.

CONCLUSION

The child-care issues facing the trade union movement and many other organisations in 1983 are numerous.

- (a) More government-subsidised child-care places are needed urgently both at the workplace and in the community generally.
- (b) The cost of child care to parents needs to be lowered considerably.
- (c) The 1972 Child Care Act urgently needs to be reviewed with a view to broadening its scope and providing a more generous proportion of the total employment costs of staff.
- (d) More child-care workers must be urged to join unions in order to press for better wages and conditions.
- (e) Unions and community groups must continue to work together to influence government policy with regard to funding issues and other policy matters.
- (f) Child-care facilities must be incorporated into new workplaces when they are being established where this is appropriate.
- (g) Ways of encouraging employer contribution to the cost of child care must be examined.
- (h) Proper pay rates and conditions for workers in award-free areas of child care must be pursued: e.g. family-day-care workers, out-of-school-hours workers, co-ordinators and some domestic staff.

Conferences such as this one should provide an important forum for trade unions, workers in child care, parents and other sections of the community to make a contribution to the development of strategies for the future.



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Cartoons by courtesy of Community Child Care Newsletter No. 12 and The Association for Out of School Hours Services Newsletter October 1983.