



New Zealand Nurses Organisation

Submission to the Department of Labour

on

Quality Flexible Work: Increasing Availability and Take Up in New Zealand

15 December 2006

Inquiries to: Angela Wallace
New Zealand Nurses Organisation
PO Box 2128, Wellington
Phone: 04 499 9533
DDI: 04 494 6389
Email: angelaw@nzno.org.nz

EXECUTIVE SUMMARY

1. The New Zealand Nurses Organisation considers that the only way to achieve Quality Flexible Work in New Zealand is to give employees the right to request flexible working hours and ensure employers take these requests seriously, through legislation. Information, resources and knowledge alone may go some way to achieve flexible work, however the government's emphasis is on **quality** flexible work and to achieve quality requires legal obligations, as well as information and resources.

RECOMMENDATIONS

2. It is recommended that you:
 - **note** that the New Zealand Nurses Organisation (NZNO) supports legislation to give employees the right to request flexible working hours and ensure that employers seriously consider the request;
 - **note** that NZNO supports the submission made by the Council of Trade Unions, and CTU affiliated unions;
 - **note** that Employers, unions and government all have a role to play in achieving employment equity, job security and satisfaction and that this includes responsibility for building workplace cultures that support the realities and needs of workers with family and community responsibilities;
 - **note** that NZNO considers that quality flexible working hours:
 - improves recruitment and retention
 - on a legislative basis will support employers and employees to appropriately deal with flexible working hours in workplaces
 - is good for employees and employers
 - is good for families and communities
 - Is good for New Zealand because it means a larger workforce, improved morale and better productivity

- Is good for reducing peak hour traffic congestion
- **note** that NZNO considers that **quality** flexible work would only be achieved by legislation, together with the information and resources provided to employees and employers,
- **note** that NZNO considers that shift work is a critical issue for nurses as it is hazardous to good health and wellbeing and creates work/life conflict, therefore quality flexible working hours legislation would provide opportunities for nurses to be actively involved in their shift work rosters;
- **note** that the aging nursing workforce in both the private and public sectors (nurses, midwives and caregivers) requires urgent action and quality flexible working hours legislation would provide a crucial tool for retaining older workers in the workforce overall, and in the health sector in particular;
- **note** that the powerful stories of nurses with caring responsibilities, which can apply to all workers with family and community obligations, provides examples of their circumstances and the potential affects that flexible working hours legislation would have had in their lives and career pathways;
- **note** that NZNO considers that workplace culture and perception is central to whether workplaces can move to quality flexible working hours and that practical guidance, information and case studies are required, by industry to show employers and employees how it can work for them;
- **note** that NZNO supports legislation, however does not agree with any proposal to target certain groups because there is good reason for all New Zealanders at certain times in their lives to require flexible working hours e.g. students, parents, grandparents, people who are not parents however undertake voluntary and community work, sports coaches, kaumatua and leaders of Maori communities and marae, and older workers who wish to work part-time.

- **note** that NZNO agrees with the need to provide employees and employers with practical guidelines on how to implement and manage flexible work options and as a union we look forward to working with employees, employers and government in partnership to develop guidelines and to implement and manage quality flexible work legislation.

ABOUT THE NEW ZEALAND NURSES ORGANISATION

3. The New Zealand Nurses Organisation (NZNO) is a Te Tiriti o Waitangi based organisation which represents 39,000 health workers. NZNO is the professional body of nurses and the leading nursing union in Aotearoa New Zealand. Our members include nurses, midwives, students, health care workers and other health professionals.
4. The NZNO vision is “Freed to care, Proud to nurse”. Our members enhance the health and wellbeing of all people of Aotearoa New Zealand through ethically based partnerships. Our members are united in the achievement of their professional and industrial aspirations. Within this context NZNO considers that the best way to help employees achieve quality flexible work and meet the needs of businesses, is to provide the right to request flexible working hours, through legislation.
5. NZNO has consulted its members in the preparation of this submission. NZNO supports the submission made by the Council of Trade Unions, and CTU affiliated unions.

NZNO POLICY AND POSITION ON THE ISSUE

6. The New Zealand Nurses Organisation supports legislation to give employees the right to request flexible working hours and ensure that employers seriously consider the request.
7. Employers, unions and government all have a role to play in achieving employment equity, job security and satisfaction. This includes responsibility

for building workplace cultures that support the realities and needs of workers with family and community responsibilities.

8. For all the reasons outlined in the Flexible Work consultation document, NZNO supports quality flexible work arrangements because flexible working hours:

- improves recruitment and retention – an estimated 30% of nurses with annual practicing certificates are not actively nursing. Research undertaken by the New Zealand Nursing Council suggests that the key reasons include family responsibilities, unattractive hours and poor salaries (NZHIS, 2000). Given the current acute shortage of nurses and midwives and the high turnover amongst this occupational group, in our view introducing quality flexible work arrangements may assist in attracting nurses back into the workforce.
- on a legislative basis will support employers and employees to appropriately deal with flexible working hours in workplaces. NZNO is concerned that in order to gain flexible working hours, workers with family and community responsibilities are willing to trade off flexible working hours and pay and conditions. For example, Ang and Briar (2005) found that mothers are willing to sacrifice pay and work conditions for work that fitted in with affordable childcare and school hours. In our view, these trade offs are unacceptable.
- is good for employees and employers. It gives employees more control over their patterns of work and balance in their lives. Surveys show employees who work flexibly are happier and more productive. For employers flexible workplaces result in better morale and productivity, less absenteeism and reduced staff turnover.
- is good for families and communities. It reduces the stress for parents juggling paid work and family life. It enables students to vary their hours

of work around classes, assignment and family commitments while working to reduce student loan debts. . It enables people to fully participate in community and voluntary responsibilities, such as school, sporting and other community activities.

- is good for increasing the overall workforce in a society facing an aging workforce. Given the current shortages and ageing workforce population (in both the private and public health sectors e.g. nurses and caregivers), there is an urgent need to retain older workers. According to NZ Health Workforce 2004 statistics, almost 46% of active nurses and midwives are over the age of 45 years. NZNO considers that legislation provides a crucial avenue for supporting older workers to continue sharing their skills, knowledge and experience in the workforce.
- Is good for New Zealand because it means a larger workforce, improved morale and better productivity. It supports families and means more people contributing in their communities. It reduces peak hour traffic and public transport issues because start and finish times would be staggered as people move away from the traditional 9 to 5, Monday to Friday routine.

QUESTIONS

Question 1: Do you think there is anything needed in your workplace to achieve quality flexible work arrangements and practices? If so, what

9. NZNO considers that there are a number of good ideas presented in the discussion document that in combination will go some way to supporting NZNO members' workplaces to be better informed, understand and think about flexible work arrangements. However, in our view legislation is required to achieve **quality** flexible work. Flexible working hours legislation would give employees the right to **request** flexible working hours and employers an obligation to seriously **consider** the request. The legislation

provides a process. NZNO considers that **quality** flexible work would only be achieved by legislation, together with the information and resources provided to employees and employers.

10. Legislation, information and resources will support NZNO members, particularly nurses to request flexible work arrangements. However increased understanding and awareness of the reasons and benefits will also be important, on particular issues, such as shift work.
11. There are multiple layers of effects from shift work. Shift work is hazardous to good health and wellbeing. Shift work disrupts the circadian rhythm, which impacts on the quantity and quality of sleep and therefore impacts on performance. Less sleep and sleep deprivation from disruptions in normal sleep patterns causes greater levels of fatigue.
12. Shift work contributes to life/work conflict. Most people's lives and family is organised around shift work. Night shift, afternoon shifts and weekend work often means that people are out of phase with the rest of the community, particularly family and friends. This can impact on family and social life and have significant outcomes for the general health of those working shifts and extended hours.

Heather's story

13. Starting a family necessitated a move back into nursing for Heather Dateling. The regular travel and long hours she worked as a senior medical representative in South Africa didn't fit around caring for a baby. So it was back to hospital nursing where an on-site crèche enabled regular contact with her two-month-old daughter during her 12-hour shifts in an emergency department. As well as long shifts, the position required her to be on call, giving her 45 minutes to find a babysitter if she was needed to staff an emergency.

14. On the birth of her second child, Heather cut back to half-days for a few months, returning to 12-hour shifts when he was five months old. “If I was able to change the way I worked then, I’d definitely never have worked a 12-hour shift, even with a crèche on-site. Twelve hours is a long time for a baby, but it’s even longer for a toddler”, she says.
15. “More flexible working hours are a must and in nursing it’s entirely possible. You could really work your rosters on a set number of shorter shifts that reflect the busy times. If it’s possible within the hospital’s economy and budget I don’t see why it wouldn’t work really well. Nurses would be happier, more productive and also willing to be more flexible themselves when the need arises”.
16. While the above example relates to a working mother with small children, the same could be applied to a father with family responsibilities or a kaumatua with community and marae obligations. Within the context of quality flexible work, it is important that nurses and other shift workers, have an opportunity to work with their employer and their whole team to input to the rosters. A team approach enables individuals to identify and signal times and days where they would prefer to be rostered off, in order to participate in family and community activities.

Question 2: What do you think will help employees achieve the flexible work arrangements that they need?

17. NZNO considers that the best way to help employees achieve quality flexible work is to provide assurance that there is a process for requesting flexible work arrangements and that their employer will listen to the requests and where appropriate support the employee. Page 7 of the discussion document suggests that for employees it is important that they know what is available and they feel they can make a request and that the environment is supportive, the request will be dealt with reasonably and in a transparent and consistent

way and that the decision is adhered to. NZNO strongly believes that the only way to achieve this, is through legislation.

18. NZNO supports the possible approaches in terms of information and resources to support the process for making the request.
19. NZNO also strongly believes that examples of flexible work arrangements are required including case studies describing the experiences of other workers, in different industries. For example the continuation of a series of reports such as the Department of Labour Work-Life Balance in New Zealand: A snapshot of employee and employer attitudes and experiences publication.
20. To improve understanding and awareness of all workers it is also important to provide a practical list of work arrangements used and/or available. This enables both employees and employers to understand that flexibility does not just have to be about the hours that are worked over a day (e.g. start, finish times, participating in the development of team rosters), however may extend to the cultural values of an organisation, such as employees knowing they can go if there is a family emergency.

Question 3: What do you think will help managers or employers introduce and manage flexible work arrangements?

21. The Department of Labour Work Life Balance publication suggests that most employers said there were no barriers to them offering flexible working arrangements. The rest perceived the key barriers to be “the type of work needing everyone at work the same time” and “the complication of having such work arrangements”. Given this it will be important that the information and resources, including guidelines and examples of quality flexible work arrangements, are tailored to the different needs, of different employers.
22. Information about the rationale for, and benefits of, flexible work arrangements and practical examples of what other employers do will be critical. Employers will need to see at a practical level how this could work

and employers will need to be exposed to simple processes for supporting employees.

23. Within this context, NZNO considers that legislation is required, because employers are more likely to actively engage with the Department of Labour, unions and employees to find solutions that best meet the needs of their workers, balanced with the needs of their organisation /business.

Question 4: What do you think are the practical difficulties managers or employers may face when trying to implement quality flexible work arrangements?

24. NZNO considers that the practical difficulties for managers or employers will be based on their perception. As outlined above, their perception that “it is complicated”. The following NZNO member shares her experiences with a workplace culture that is unwilling to “think about practical solutions”.

Kate’s story

25. A lack of flexibility in hours on offer prompted Kate Norris to trade the job she describes as her passion for something a lot more family friendly. Kate’s enthusiasm for nursing inspired her to establish and manage a cardiac and respiratory unit at Burwood Hospital and complete a Masters degree on the personal experience of people living with chronic lung disease – all before having children.
26. Kate swapped clinical practice for tutoring when she realized that her job as a charge nurse just wasn’t sustainable with young children. “if I’d stayed in my job as a charge nurse, I just couldn’t have done it. They couldn’t offer the flexibility, and I know they wouldn’t have considered a job share or some arrangement like that, which would’ve been great.
27. Now the mother of pre-schoolers Lui and Nico, Kate says her current employers at Christchurch Polytechnic have done all they can to accommodate her needs as a parent, as well as recognising her masters

degree. “I also felt my qualifications and skills weren’t valued by the DHB and that’s particularly why I left”.

28. “I was quite fortunate to get the position at CHCH Polytechnic, but unfortunate in that my great passion is to be nursing at the bedside, and managing nurses at the bedside”.

29. Kate believes the unwillingness of some hospital managers to independently consider a shift to flexible working hours is down to workplace culture, and the unwillingness of management to accept a reasonable challenge to the status quo.

30. “The nurse manager part of me thinks it will take a bit of thinking around how it would work around the needs of patients and continuity of care, but I don’t think it’s too hard at all and it would definitely be great for nurses. There are so many women like me who are steaming ahead in nursing with passion and enthusiasm, and you just lose your confidence the longer you’re out of it”, Kate says.

31. NZNO considers that legislation, information, resources and support through employer, union and nurses working together would provide the best forum for “doing a bit of thinking around how it would work around the needs of patients and continuity of care” and support nurses to meet their family and community responsibilities at the same time.

Question 5: What do you think can make it hard for employees to ask for flexible work arrangements?

32. NZNO considers that even highly skilled, confident and experienced workers find it hard to ask for flexible work arrangements. And even if they do ask, not all employers are willing to change the status quo. In some workplaces there is very little acknowledgement of the role of parents as employees and recognition of the skills that working parents with families bring to the workplace.

Lorraine's story

33. "A little bit better, but it depends on the company you work for" is how Lorraine Burnand describes the choices available to nurses caring for young children. That's compared to when she was doing it some 20 years ago, and she says surprisingly most of the challenges facing parents remain the same.
34. Now working rotating rostered shifts at Cabvit Acquired Brain Injury Rehabilitation in Wellington, caring for brain-injured clients, Lorraine recalls returning to work on reduced pay when her children were young to enable her to fit work around childcare.
35. "You pretty much took what you could, and I think there could've been a better way" she says. "A big part of the problem is still trying to find suitable care for your children to enable you to go out to work because most employers have their set hours and aren't very accommodating – it's a case of "if you want to work here, this is how it is".
36. "When you're a working mother with young children, there's very little support for what you do. It's important for employers to acknowledge that you have children, that you're going out to work to support them, but that you're still coming home to do the domestic stuff as well."
37. Lorraine feels strongly that having a chance to keep nurses in the workforce and having parents as employees should be viewed as a bonus by employers rather than a problem.
38. "I think people with children are more reliable. They have a different nature, they're better at multi-tasking and they want to work because they need to work to support their kids". The majority of working mothers are genuinely trying to do the best for their employers, for themselves and for their families and this should be supported, she says. "It needs to be more flexible – it's really hard trying to juggle a home life that involves caring for children as well as working part time."

Question 6: Do you think different types of employers, types of work or workplaces, or occupations face particular challenges in providing for quality flexible work? What are these challenges? What is needed to meet these challenges?

39. Using the Department of Labour Work Life Balance survey findings, it notes that the likelihood of certain types of working arrangements being made available to employees depends partly on the industry. However, information, case studies and examples of how flexible working hours and arrangements can be implemented in their industry is crucial. It will also be important for the Department of Labour to tailor information to meet the needs of the differing industries and support those who perceive that “flexibility is impossible” to consider that it may be possible through practical advice and information, e.g. How to guides.

40. NZNO considers that increasing awareness and understanding of the benefits of flexible working hours for the workplace and employees will be crucial to assisting employers to overcome challenges whether perceived or real.

Question 7: The discussion paper presents a number of approaches. What are your views on these approaches

a) Providing employers with more information and resources about managing quality flexible work;

41. NZNO supports this approach, however information and resources alone will not achieve quality flexible work. Legislation is required to prompt employers and employees into action, to seek out and utilise these resources.

b) Providing employees with more information about the existing provisions of the Employment Relations Act in relation to requesting flexible work

42. NZNO supports any approach to better inform employers and employees about Employment Relations legislation, however unless there is a

compliance requirement to act on this information and resource, it may not have a big impact on the status quo.

c) Providing legislation with more specific provisions about employees' rights to request flexible work

43. NZNO supports legislation to provide the right to request flexible work, with a process to be followed and an obligation to seriously consider the request. However, NZNO does not agree with any proposal to target certain groups. Considering ages and stages, there is good reason for all New Zealanders at certain times in their lives to require flexible working hours, e.g. students, parents, grandparents, people who are not parents however undertake voluntary and community work, sports coaches, kaumatua and leaders of Maori communities and marae, and older workers who wish to work part-time. NZNO would not like to see the legislation prioritized for particular groups. In our view it should be available for all workers in all stages of life and balancing family and community responsibilities and obligations.

44. NZNO considers that quality flexible work legislation requires a process for employees to make a request, and an obligation by employers to seriously consider it, including a process for appealing a decision.

d) Providing employers with formalized guidelines on how to implement and manage flexible work

45. NZNO agrees with the need to provide employees and employers with practical guidelines on how to implement and manage flexible work options and as a union we look forward to the opportunity to work with the Department of Labour and employers on the development of these guidelines.

e) Supporting employers, employees and unions to work in partnership to implement and manage flexible work

46. NZNO agrees with the need for employees, employers, unions and government to work together in partnership to implement and manage quality flexible work.

Angela Wallace
NZ Nurses Organisation

REFERENCES

Ang, E K. & Briar, C (2005) *Valuing Motherhood? Experiences of Mothers Returning to Paid Employment*, *Women's Studies Journal*; 18:2, pp 11-25.

Department of Labour (2006) *Work-Life Balance in New Zealand: A Snapshot of employee and employer attitudes and experiences*, Department of Labour, Wellington

New Zealand Health Information Service (2000) *Non-Practicing Nurses and Midwives Report*, NZHIS.