

WORKING PAPER

AUSTRALIA: CASUAL EMPLOYMENT, PART-TIME EMPLOYMENT AND THE RESILIENCE OF THE MALE-BREADWINNER MODEL

Iain Campbell, Gillian Whitehouse and Janeen Baxter

‘Precariousness’ is a familiar term in the Australian literature on employment (Burgess and Campbell 1998; Weller and Webber 2001; Louie *et al.* 2006; Hunter 2006), but no common definition has yet emerged. ‘Precarious employment’ is sometimes used loosely as a synonym for select forms of non-standard employment, though more commonly, following the lead of writers in other countries (Rodgers 1989; Vosko 2006), precariousness is seen in terms of a bundle of job characteristics to do with insecurity and poor quality. For example, Burgess and Campbell (1998) propose a definition of precariousness couched in terms of low pay and high levels of labour insecurity. They follow Standing (1997) in distinguishing several different types of labour insecurity, but they add ‘working-time insecurity’ as a supplementary type. In this approach, precariousness may be found in any form of employment, though it may well be concentrated in certain forms of non-standard employment.

Though precariousness is best seen as a research agenda for examining all forms of employment, the conventional distinction between standard employment and non-standard employment is useful as a starting point. It provides a framework that invokes

the history of labour market institutions, including labour regulation and gender regimes.

As in most other industrialized societies, the employment system in Australia evolved around a model of the 'standard employment relation' (SER), usefully defined by Bosch (2006: 43) as 'a stable, socially protected dependent full-time job ... the basic conditions of which (maximum working hours per day and week, rest times, pay, social transfers, etc) are regulated to a minimum level by collective agreement or by labour and/ or social security law'. The SER represented a partial de-commodification of labour power. It erected barriers to precariousness within jobs, imposing characteristics such as a living wage, employment security ('permanency'), standardized working-time arrangements, and rights to trade union membership and employee voice. It was the product of a long, complex and contested historical process involving trade union movements, employers, political parties and governments. In Australia this evolution was marked by substantial state involvement in the spheres of employment and social security. In the context of prevailing norms about the propriety of (white middle-class) women's engagement with paid employment, early features in Australia were a 'needs-based' family wage (for white men) and a series of employment entitlements, including leave provisions and compensation for additional hours, embedded in a centrally coordinated system of industrial regulation. These helped to consolidate a strong male-breadwinner / female-carer model (Whitehouse 2004).

The traditional SER in Australia has been substantially eroded in recent years. This stems from two distinct sets of pressures. First are new demands from the workforce,

dissatisfied with the SER's intimate association with the male-breadwinner family model and its apparent inability to respond to new family models and new social risks. Second are neo-liberal initiatives around labour market regulation, aimed at withdrawing the state from protective regulation and opening up more space for management prerogative. Commitment to neo-liberalism has been particularly strong in Australia, and it has affected the actions of both Labor and Liberal–National Coalition governments. The erosion of the SER is marked both by a relative growth in forms of employment outside the SER and a differentiation of wages and working conditions within individual forms, including standard employment itself. The outcome has been masked by relatively good economic conditions since the early 1990s, but it can be aptly described in terms of fragmentation (Watson *et al.* 2003; Campbell 2008a). Though well short of the mosaic of employment arrangements noted in the US (see Carré and Heintz, this volume), the employment structure in Australia is now more disaggregated than in most European countries.

This chapter introduces selected aspects of the Australian experience. The first section sketches out the main forms of employment and the trends in their growth since 1992. It focuses on the peculiar but widespread category of casual employment and the category of permanent part-time waged work. The second section picks up two dimensions of precariousness that appear particularly important in Australia — lack of regulatory protection and working-time insecurity — and examines how they manifest themselves within the main categories of employment. The third section looks at some of the forces that have shaped precariousness in employment in Australia. We argue that the changes

affecting employment are building barriers to the transformation of the inherited male-breadwinner model.

FORMS OF EMPLOYMENT

In charting forms of employment, it is useful to start with what can be called *standard employment*, that is, full-time permanent waged work, as an approximation to the SER. Outside standard employment are several forms of (non-standard) employment, characterized by less protection and fewer employment rights and benefits (Tham 2007). The two main lines of division that serve to define the diverse forms of non-standard employment are: 1) a line separating employees from non-employees; and 2) a line separating 'permanent' employees from other types of employees, often called 'temporary' because they lack the basic employment security of an open-ended or 'permanent' contract of employment.

In Australia, the boundary between employee and non-employee status is largely regulated by common law, progressing by means of an accretion of court cases that deploy varied tests in order to establish the difference between a contract *for* service and a contract *of* service. The result has been confusion and extensive opportunities for employers to exploit the boundary. The issue has become even more complicated with the growth of self-employed contractors providing labour services to employing organizations in a range of industries (Productivity Commission 2006: 62). This has given rise to concerns about the growth of a significant group of 'dependent contractors' who appear largely indistinguishable from employees in the way they work, but who do

not enjoy the standard rights and benefits of employees (Creighton and Stewart 2005; Stewart 2002).

Within the broad group of employees, it is conventional to distinguish ‘permanent’ and ‘temporary’ employees. The notion of permanency signals a platform of basic employment security, which has been important as the pivot for the acquisition of other rights and entitlements in the historical process of creating the SER. The two main types of temporary employment in Australia, apart from small categories such as apprentices and trainees, are fixed-term and casual employment. *Fixed-term* employees (those with employment contracts that terminate on a specified date or on completion of a set task) are familiar in international comparison and differ from permanent employees mainly in terms of a lesser employment security (Watson *et al.* 2003). The category of *casual* employment in Australia is more unusual (Campbell and Burgess 2001; Campbell 2004). Historically, this has been the main type of employment specified in labour regulation as an alternative to standard employment (O’Donnell 2004). In contrast to the latter, there is little right to protection against unfair dismissal and no right to notice (or severance pay) in case of dismissal; as a result casuals tend to have even less employment security than fixed-term employees, since they can be dismissed with ease at almost any time. Most dramatically, casual employment is exempted from almost all rights and benefits that have come to be attached to ‘permanent’ as well as most fixed-term contracts, including even such basic entitlements as annual leave, sick leave and payment for public holidays. The main attribute is a simple entitlement to a wage, enhanced in some cases by a so-called casual loading on the hourly rate of pay. Though some casual employees may build up long periods of tenure in their job — earning the

colloquial title of ‘permanent casuals’ (Owens 2001) — most are in short-term, irregular jobs characterized by high levels of employment insecurity and high turnover (ABS 2006c). The gap between these jobs and permanent employment is much wider than the gap between fixed-term and permanent jobs. Casual work is most accurately regarded as a particularly degraded form of temporary employment.¹

Because the traditional SER was defined in terms of full-time work, an important fault line also exists between full-time and part-time employment. Part-time employment often stands uneasily at the edges of social protection even when it is formally under a permanent contract of employment. The link between the SER and full-time work, justified in the past by the need to sustain the struggle for a living wage, was particularly strong in Australia, given the highly institutionalized male family wage, for most of the twentieth century. It has in practice been difficult to overcome this legacy, suggesting some echoes of the situation in Japan, where the regulatory framework has constructed part-time employment as a separate ‘status’ (see Gottfried, this volume). Part-time employment has grown rapidly over recent decades, reflecting the increased participation of women in paid work as well as transformations in youth labour markets. But the demands for an integration of such part-time employment within the mainstream of social protection, along the lines of efforts in European countries (Fagan 1999), have yet to be met. Most part-time waged work is locked within the framework of a casual contract, and even the minority form that is classified as ‘regular’ and ‘permanent’ remains characterized by clear deficits in comparison to standard employment (Baxter 1998). It may be, as some researchers suggest (Vosko 2007), that the presence of such a large component of part-time casual work undermines the utility

of a European approach and demands different strategies for improving job quality amongst part-time employees.

Distribution and trends

Changing employment conditions can be situated in the broader context; for example, the important background changes in participation by men and women in the paid workforce. The employment rate for working-age (15–64 years) men declined over the 1980s and then fell sharply in the recession of the early 1990s. It has since recovered but only to the level reached in 1990. On the other hand, the employment rate for working-age women, although affected by recessions, has grown from 29 per cent in 1954 to 48 per cent in 1980 and then to 65.4 per cent in 2006. In spite of this apparent trend towards convergence, there remains a considerable gender gap in employment rates (men's employment rate in 2006 was 72 per cent) and working hours (a much higher proportion of women's employment is part-time). This is associated in particular with barriers to effective labour market transitions for women in connection with childbirth, leading to a distinct 'motherhood gap' in forms of participation in the paid workforce (Whitehouse and Hosking 2005).

Table 4.1 presents Australian Bureau of Statistics (ABS) data on the incidence of varied forms of employment for August 2007.² It indicates that non-employees currently account for around 20 per cent of the workforce. The table confirms that full-time permanent (standard) employment remains the core category of employment in Australia. However, its dominance is not especially strong, accounting for just over half

of the workforce, and only around 40 per cent of the female workforce. Fixed-term employees, who make up around 4 per cent of the workforce, are counted within the permanent category in Table 4.1 — thus the actual incidence of standard employment is slightly lower than the figures for full-time permanent employees suggest. Temporary employment is prominent: in addition to the 4 per cent of employees on fixed-term contracts, casual employees make up more than one-fifth of the workforce, and they account for one-quarter of the female workforce. This casual work is mainly part-time but a substantial component is full-time.

Table 4.1 Types of employment, by sex, Australia, August 2007 (% of male, female and total employed persons)

	<i>Employment relationship</i>			
	<i>Employees</i>		<i>Self-employed workers</i>	
	<i>Permanent</i>	<i>Casual</i>	<i>Owner-managers of incorporated enterprises</i>	<i>Owner-managers of unincorporated enterprises</i>
Males				
Full-time	57.3*	8.0	7.5	12.0
Part-time	3.2	8.2	0.7	2.9
Total males	60.5	16.1	8.2	14.9
Females				
Full-time	43.3 ^a	5.1	2.1	4.2
Part-time	18.2	19.8	1.9	5.1
Total females	61.5	24.9	4.0	9.2
Persons				
Full-time	51.0 ^a	6.7	5.1	8.5
Part-time	10.0	13.4	1.3	3.9
Total	61.0	20.1	6.3	12.4

Source: ABS 2008.

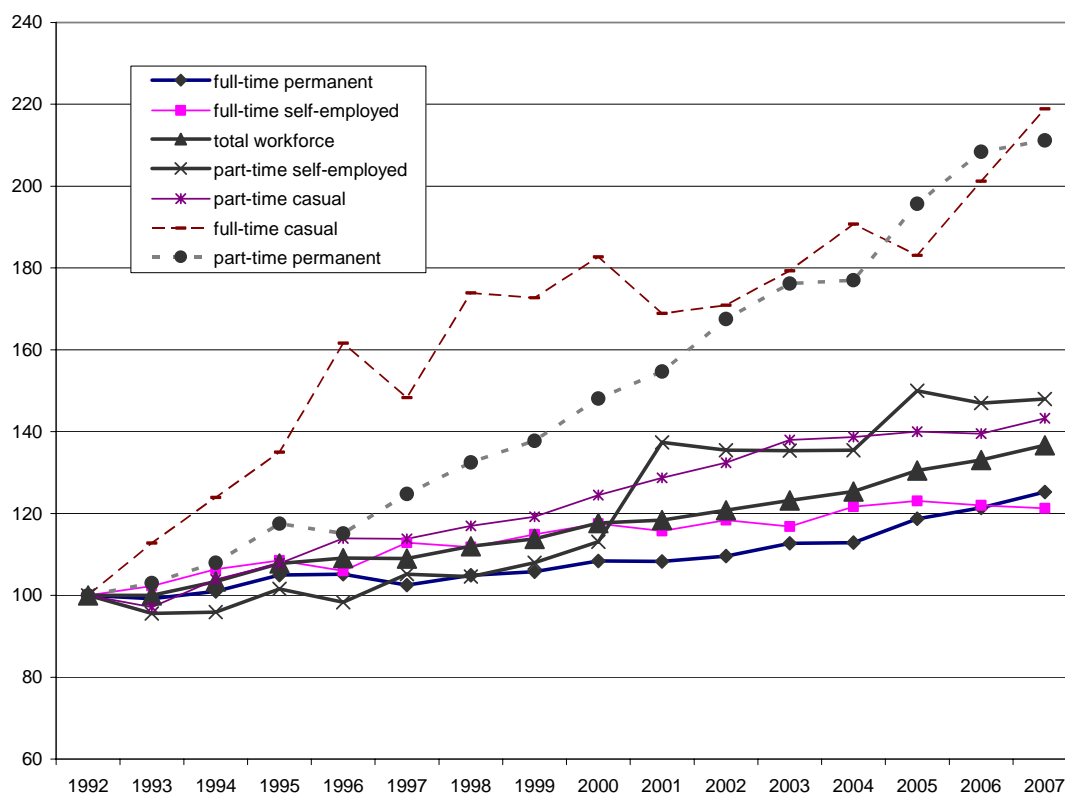
*Standard employment.

Table 4.1 suggests that a major difference between employed men and women is the much greater proportion of women in part-time work, both permanent and casual (and

among the self-employed). The figures presented in Table 4.1 indicate that around 45 per cent of employed women work part-time, compared to around 15 per cent of employed men. Both proportions are very high in international comparison (see OECD 2008a: 351). Women are the majority group in part-time casual employment and they overwhelmingly dominate part-time permanent employment (ABS 2008). The steady increase in the employment rate for working-age women signals a transformation of the traditional male-breadwinner model, but the predominance of women in part-time employment suggests that this transformation falls short of a fully developed dual-carer / dual-earner model. Instead, the current stage more closely approximates a modified breadwinner model, which continues to preserve important elements of the previous model (Pocock 2005; Whitehouse 2004).

Figure 4.1 charts the relative growth of the main categories of employment in Table 4.1 in relation to the overall growth of total employment, using 1992 as a base (= 100). Between 1992 and 2007 the number of total employed persons increased by more than 36 per cent, a strong rate of growth reflecting good economic conditions. Full-time permanent, or standard, employees displayed one of the slowest rates of growth; as a result this form of employment declined from 55.6 to 51 per cent of the workforce (ABS 2008).

Figure 4.1 The relative growth of selected forms of employment, Australia, 1992–2007



Source: ABS 2008.

The steepest trajectories shown in Figure 4.1 are for full-time casual and part-time permanent employees, both of which experienced increases of more than 200 per cent from 1992 to 2007. The overall proportion of casuals in the workforce increased from 16.9 per cent in 1992 to 20.1 per cent in 2007, continuing a trajectory of growth that can be traced back as far as the early 1980s (Campbell 2008a). The proportion of the workforce classified as part-time permanent employees also increased sharply, rising from 6.5 per cent in 1992 to 10 per cent in 2007 (ABS 2008). Nevertheless, part-time employees in Australia remain more likely to be ‘casual’ than ‘permanent’; thus, in 2007 57.3 per cent of all part-time employees were classified as ‘casual’ while only 42.7 per cent were classified as ‘permanent’ (ABS 2008).

EXAMINING PRECARIOUSNESS

Precariousness has several dimensions. This section concentrates on just two. We start with ‘lack of regulatory protection’, which can be seen as an overarching dimension that spans much analysis of precariousness. We then turn to ‘working-time insecurity’ — an element that is often neglected in discussions of precariousness. Unfortunately space does not permit discussion of other crucial dimensions, such as low and irregular earnings and employment insecurity.

Lack of regulatory protection

The main channel for regulatory protection of employees in Australia has been the rather unusual system of labour regulation centred on awards.³ Statutory regulation has played only a limited role, while the common law provides the rather dilapidated and unpredictable third channel, underpinning both award and statutory regulation (Creighton and Stewart 2005). The award system was the mechanism through which the SER was established and then extended, and it provided dynamic labour standards to support a platform of ‘decent’ work (Cooney *et al.* 2006). However, it was a complicated and layered system, leaving sizeable gaps as a result of poor coverage, poor enforcement and numerous exemptions. It has been substantially eroded under neo-liberal pressures, although it survives in a residual form, now supplemented by a set of registered collective (enterprise-level) and individual agreements that function as additional streams of regulation (Campbell 2008a). These additional regulatory streams have

introduced a significant element of decentralization (and enhanced employer power) into the system. They have also added to the patchwork character of the system, helping to widen the existing regulatory gaps and to introduce new gaps.

The award system has produced a large array of rights and entitlements for employees, but these are generally confined to full-time permanent (standard) employees, with special clauses applying to other permitted forms of waged work. The differentiated nature of protection is shown by the example of ‘casual’ employment. Although it is possible to find casual workers in Australia whose poor conditions result from their shadowy presence within an informal or illegal sector, the majority of casual workers in Australia are fully within the mainstream of the formal, regulated sector. They are recognized as employees (in contrast to the UK), but in most protective regulation — whether legislation or awards and agreements — they are governed by special clauses. These clauses permit casual employment, under certain limitations, and then specify that casual workers are *exempted* from most rights and entitlements, starting with employment protections such as rights to notice and compensation for dismissal, but easily extending into most rights and entitlements. They are categorized as workers entitled to an hourly wage (sometimes with a ‘casual loading’) for each hour spent under the direction of the employer at the workplace but to very little else. In short, they are regulated but not effectively protected.⁴ The existence of this category of workers is a surprising but crucial feature of the Australian system. It is difficult to find any other OECD country, with the exception of the US, where it is legal to deprive employees of such standard leave entitlements as paid annual leave and paid public holidays (Campbell 2004). Even in the case of New Zealand, which offers the closest parallel to

Australia, casual workers have access to basic leave entitlements through national legislation (Campbell and Brosnan 2005).

Part-time permanent employment has a more mixed profile, which is linked with a different institutional history. In the past, such employment occupied an uncertain position within protective regulation. Many awards failed to make provision for it, thereby ensuring that most part-time jobs acquired casual status. This has now been remedied, but provisions for part-time permanent employment have generally been introduced into awards and agreements in the same manner as for casual work, through special clauses tacked onto the main text of the regulation. These clauses may specify an entitlement to an elementary level of employment protection as well as standard leave provisions, but they may still include inferior provisions and exclusions from other benefits (Junor 1998; Hunter 2006). Thus, although the rapid growth of part-time permanent employment appears at first glance as a positive development, in comparison with the prospect of faster increases for casual employment, many concerns remain about the implications of this growth for workers.

Lack of regulatory protection is not confined to non-standard work. It can also apply to parts of the standard workforce, either where there are gaps in protection or where rights and benefits have been eroded in the course of labour market deregulation. Because of the patchwork nature of the system, access to regulatory protection increasingly appears as a continuum, with differentiation emerging within the forms of permanent employment.

Working-time insecurity

Standardized working-time arrangements were central in the evolution of the SER, sustaining a high level of security for employees and helping to establish the specific form of the male-breadwinner model in Australia. Deviations from the norm centred on working hours that were: a) irregular in number and timing, involving non-social periods and multiple starts; b) overly short; or c) overly long. These are also the sites of much change in the present period, draining employees of control over work (and life) and sponsoring increased working-time insecurity.

In Australia, working-time insecurity among employees is most evident among casuals. The precise deficit at the formal level varies somewhat according to the text of regulation. Casuals are generally subject to some minimal protective regulation (minimum start times and sometimes penalty rates for non-social periods) under awards and agreements. However, a central feature of casual employment is the ability of employers to determine the number and timing of hours and to alter these at short notice (including reduce to zero). Casual employment can be used for small parcels of work, often at inconvenient times, and it can be used as a convenient reserve for occasions when demand might increase. At the extreme, casual employment shades off to on-call arrangements, where labour time seems available to employers on demand. This can be organized by firms through a carefully-maintained list of casuals who have offered themselves as ready for work, or a similar result can be obtained through use of temporary work agencies. Casuals appear here as easily available, easily deployed in the workplace, and then easily disposable. How these deficits work out in practice is highly

variable, with significant differences according to industry conditions and employer strategies. For example, a study by Walsh and Deery (1999) shows that casual employees in a retail enterprise tended to work short hours that were relatively unpredictable, while those in a hospitality enterprise worked longer hours in highly irregular, unpredictable and unsocial working-time patterns.

In some situations, casuals have reported a sense of control over their working-time arrangements, linked to their lack of commitment to an enterprise. Certainly, in favourable labour market circumstances, casuals may be able to acquire flexibility to suit their needs (for comments on nursing see Lumley *et al.* 2004). However, the more common situation for casual workers is one characterized by a lack of control over working hours. Interviews and focus groups suggest that the negotiation of working hours is commonly a rather fraught process, in which workers are often reluctant to refuse shifts — even at short notice and even at inconvenient times — for fear of jeopardizing future offers (Pocock *et al.* 2004). Most casuals are vulnerable to churning, moving in and out of unstable, short-term jobs in irregular patterns.

Though permanent status generally includes access to regular hours and regular rosters and access to pro-rata leave entitlements, many part-time permanent employees also experience substantial working-time insecurity. Case-study research in sectors such as banking, retail and hospitality points to substantial working-time changes affecting part-time permanent employees, including ‘cocktail contracts’ that mix minimum hours under permanent conditions with additional hours under casual conditions; the imposition of working-time conditions that had traditionally been associated with casual employment

(irregular hours, more frequent starts, fewer weekly hours and a greater proportion of hours worked outside ordinary hours); and a loss of penalty rates (Whitehouse *et al.* 1997; Junor 1998; Knox 2006). Some permanent part-time jobs have thus come increasingly to resemble casual part-time jobs.

Further complexities associated with the control of working hours and blurring of lines between casual and permanent part-time employment are apparent where workers have been offered permanent status via individual agreements that also remove penalty rates for 'non-social' hours. Existing workers opting to retain their original casual status have found their higher pay rate means they are no longer rostered for as many hours, and never for weekend work (Macdonald *et al.* 2007: 10).

This connects with another aspect of working-time insecurity: that of *underemployment* (insufficient hours in the job), which appears very high in Australia compared with other OECD countries (ILO 2007; see Jonsson and Nyberg, this volume for a discussion of this phenomenon in Sweden). On one measure ('part-time workers who want more hours'), 6.2 per cent of the labour force in August 2007 was classed as underemployed, far more than those affected by unemployment (4.1 per cent of the labour force).

Underemployment affects more employed women (8.7 per cent) than employed men (4.2 per cent), and it represents a useful signpost for problems of poor quality in both casual and permanent part-time jobs (Campbell 2008b). Many of the underemployed part-time workers are stuck in jobs with few weekly hours. Though such mini-jobs are not, as in the German case (see Weinkopf, this volume), supported by direct incentives through taxation and social security, they are undoubtedly sustained by aspects of the

social security system that operate according to a ‘work first’ model, as well as by the vulnerability of the large number of workers, especially women, needing or wanting reduced hours of work (O’Donnell 2005).

Another aspect of working-time insecurity is overly long hours — a phenomenon that is becoming more widespread in Australia, particularly amongst men.⁵ Australia has moved from a position of relatively low average weekly hours for full-time employees in the early 1980s to a position near the top of the OECD league table (Campbell 2007). This is not surprising, as Australia lacks protective provisions such as maximum daily hours, maximum weekly limits, and maximum overtime limits. Furthermore, the limits that do exist, such as the prescription of payment or time off in lieu of overtime, are undermined by many regulatory gaps. The absence of protective conditions around the use of overtime means that extra hours at the demand of the employer are more-or-less mandatory. Much of the observed increase in hours can be attributed to growth in the proportion of full-time employees working long or very long hours in the one job, primarily in the form of unpaid overtime. This can occur in situations where provisions for paid overtime exist but are ignored in practice or where no effective standard is present (or certain employees are exempted). Some view lengthening hours as a benign development, arguing that long hours are largely voluntary and that unpaid overtime is not really ‘unpaid’ because it is rewarded in other ways such as by access to accelerated promotion (Wooden 2001). However, this is only part of the story. Even where long hours appear voluntary, they often go hand-in-hand with lack of control over more fundamental matters such as workloads (see Peetz *et al.* 2003). Moreover, the increase in the proportion of full-time employees working long hours may have unfortunate

social consequences, impeding gender equity and helping to consolidate the contemporary variant of the male-breadwinner model in Australia.

Lack of access to paid and unpaid leave, both in the sense of formal entitlements and in the sense of practical access to such leave, can also cause working-time insecurity.

Without such entitlements many employees find it difficult to match their work schedules to their lives outside of work, including caring responsibilities. Casual employees lack most leave entitlements, but even amongst permanent and fixed-term employees there is a marked differentiation in access to varied forms of paid and unpaid leave. Paid parental leave is perhaps the most glaring example, still confined to only a minority of employees in Australia (see below).

Our discussion suggests that precariousness is strongly associated with certain non-standard forms of employment in Australia, particularly casual and permanent part-time employment. However, elements of precariousness, particularly those connected with working-time insecurity, have also intruded into full-time permanent employment in recent years. Given the high proportion of women in part-time employment in Australia, particularly in association with labour market transitions around childbirth, the link between precariousness and part-time employment is worrying. Around 70 per cent of the women who were working full-time prior to the birth of their child change to part-time on return to work (Whitehouse *et al.* 2006: 18). The impact of increasing precariousness and the ‘casualization’ of permanent part-time employment is thus far-reaching, particularly in view of evidence that the hourly earnings of part-timers continue to decline relative to full-time earnings.⁶

LEGISLATION, POLICY AND SOCIAL REGULATION

Two important forces that have contributed to the shaping of precarious employment and its links with gender relations and the family framework over the past 15 years are the neo-liberal philosophy that has guided transformation of the industrial relations system and the social conservatism that has governed recent approaches to work and family policies. The new federal Labor government, elected in November 2007, is likely to soften the edges of these forces, and perhaps to reverse some of their more extreme manifestations, but it is not likely to introduce a new direction.⁷

Neo-liberalism and the transformation of industrial relations

Neo-liberal ‘deregulation’ has proceeded in a slow and uneven rhythm. The sharpest changes were associated with the federal Coalition government (1996–2007), which introduced opportunities for employers to use individual employment contracts to achieve below-award wages and conditions and to sidestep standard employment protection (‘unfair dismissal’ protection).

It would be wrong to argue that the neo-liberal agenda and the kinds of deregulation it has delivered are the primary dynamics behind the growth of varied forms of precarious work, or even that all regulatory change has been in the one direction.⁸ The impact is complex. In our judgment the primary impact has been to open up wider opportunities for employers to evade traditional award standards. The extent to which these

opportunities are realized is determined by the responses of social actors, in particular by employers, trade unions, individual employees and households.

One misunderstanding can be cleared up. The increase in casual and similarly precarious forms of employment cannot plausibly be linked to efforts to sidestep rigid employment protection regulation for regular workers. Australia has always had relatively weak employment protection for regular workers (OECD 2004: 112), and indeed this has been further weakened in recent years. Thus, in contrast to Spain, the growth of ‘temporary’ employment does not appear as a case of development of ‘flexibility at the margin’ (see MacInnes, this volume). It is true that casual employment has substantial advantages for employers in comparison to permanent employment and that these have been influential in shaping employer decisions to use such employment. But these advantages have little to do with any putative flexibility as a result of greater ease of dismissal and more to do with factors such as relative cost, greater ease of deployment, administrative convenience and lack of power.

Social conservatism and the development of work–family policy

Australia’s approach to work–family policies has been strongly influenced over the past decade by the Coalition government’s unease and even occasionally hostility to women’s exit from a full-time homemaker role (Brennan 2007). The goal of delivering ‘choice’ to mothers to stay at home to look after young families was prominent in their rhetoric, and support for the male-breadwinner model was given effect in policies that ranged from tax arrangements that rewarded single-earner families (with strict income

tests and high effective marginal tax rates on secondary earners) to a ‘maternity payment’ in lieu of a paid maternity leave scheme (see Vosko and Clark, this volume, for parallel developments in Canada).

The case of paid maternity leave is instructive. Australia’s tardiness in implementing a scheme is partly associated with the somewhat unusual development of the social welfare system, with many entitlements delivered through the wage-setting system, and others (for example, pensions) funded through general revenue rather than contributory social insurance arrangements. Entitlements to (12 months’) unpaid parental leave were initially won in the industrial relations system, but there was limited capacity to achieve paid leave in this forum. The Coalition government resisted a concerted campaign for government-funded paid maternity leave led by the Human Rights and Equal Opportunity Commission in 2002, partly with the rationale that providing this leave would discriminate against mothers in a traditional homemaker role. Consequently, access to paid maternity leave is highly variable — it is provided for public servants and by some private companies, but a 2005 survey showed that only around a third of mothers who were employed in the 12 months prior to the birth of their child accessed some paid maternity leave, and less than 5 per cent relied solely on this form of leave for parenting purposes (Whitehouse *et al.* 2006: 11–13).

The pivotal issue of child care shows similar forces at work. Community-based models of childcare were effectively displaced by private providers in the 1990s, as part of a neo-liberal reform. Government subsidies have been guided by a concern to make services available to parents regardless of their labour force status. However, in this

case there was a considerable increase in expenditure (albeit redirected towards private providers) and the proportion of young children in child care almost doubled over the past decade (Brennan 2007: 45). Thus, while policies were consistently underpinned by the perceived need to avoid ‘disadvantaging’ mothers not in paid employment, some expenditure went to areas that would assist working parents.

CONCLUSIONS

This chapter has identified several trends that signal an increased incidence of precariousness in the Australian employment structure. In particular, there has been growth in the prevalence of non-standard forms of employment and deterioration in the conditions of some employees in these categories (particularly in permanent part-time work) as well as in some areas of standard employment. Working-time insecurity, both in terms of ‘casualization’ of permanent part-time employment and extended (and unpredictable) hours in permanent full-time work, is of particular concern. In the context of a policy framework that fails to provide effective work–family supports, these trends tend to consolidate the dominant version of a male-breadwinner family model. The most fruitful pathways beyond this situation are likely to be those that reduce working-time insecurities and provide appropriate leave and flexibility arrangements (Buchanan and Thornthwaite 2001; Murray 2005). Accommodating the needs of employees who seek reduced hours is widely seen as an essential step in the direction of gender equity. Essential accompaniments in the interests of enabling greater genuine choice around family configurations are the limitation of excessive hours,

especially among men, and the encouragement of men's use of part-time employment and parental leave.

NOTES

REFERENCES

- ABS [Australian Bureau of Statistics] (2006a) *Labour Statistics: Concepts, Sources and Methods*, August, Cat. no. 6102.0.55.001.
- (2006b) *Working Time Arrangements, Australia*, November, Cat. no. 6342.0.
- (2006c) *Forms of Employment, Australia*, November, Cat. no. 6359.0.
- (2008) *Australian Labour Market Statistics*, July, Cat. no. 6105.0, data cubes.
- (various years) *Employee Earnings and Hours Survey*, Cat. No. 6306.0, unpublished data.
- Baxter, J (1998) 'Will the employment conditions of part-timers in Australia and New Zealand worsen?' in J. O'Reilly and C. Fagan (eds) *Part-time Prospects: an international comparison of part-time work in Europe, North America and the Pacific Rim*, London: Routledge.
- Bosch, G. (2006) 'Working time and the standard employment relationship', in J-Y. Boulin, M. Lallement, J. Messenger and F. Michon (eds) *Decent Working Time: new trends, new issues*, Geneva: ILO.
- Brennan, D. (2007) 'Babies, budgets, and birthrates: work/family policy in Australia 1996–2006', *Social Politics: international studies in gender, state and society*, 14(1): 31–57.
- Buchanan, J. and Thornthwaite, L. (2001) *Paid work and parenting: charting a new course for Australian families*, a report for the Chifley Foundation, Sydney: ACIRRT.

- Burgess, J. and Campbell, I. (1998) 'The nature and dimensions of precarious employment in Australia', *Labour and Industry*, 8(3): 5–21.
- Campbell, I. (2004) 'Casual work and casualisation: how does Australia compare?' *Labour and Industry*, 15(2): 85–111.
- (2007) 'Long working hours in Australia: working-time regulation and employer pressures', *Economic and Labour Relations Review*, 17(2): 37–68.
- (2008a) 'Australia: institutional changes and workforce fragmentation', in S. Lee and F. Eyraud (eds) *Globalization, Flexibilization and Working Conditions in Asia and the Pacific*, London: Chandos.
- (2008b) 'Pressing towards full employment? The persistence of underemployment in Australia', *Journal of Australian Political Economy*, 61: 156–80.
- Campbell, I. and Brosnan, P. (2005) 'Relative advantages: casual employment and casualisation in Australia and New Zealand', *New Zealand Journal of Employment Relations*, 30(3): 33–45.
- Campbell, I. and Burgess, J. (2001) 'Casual employment in Australia and temporary work in Europe: developing a cross-national comparison', *Work, Employment and Society*, 15(1): 171–84.
- Cooney, S., Howe, J. and Murray, J. (2006) 'Time and money under WorkChoices: understanding the new *Workplace Relations Act* as a scheme of regulation', *UNSW Law Journal*, 29(1): 215–41.
- Creighton, B. and Stewart, A. (2005) *Labour Law*, 4th edn, Sydney: The Federation Press.
- Fagan, C. (1999) 'Developing the concept of lifetime working hours: the potential role of part-time work', in J-Y. Boulin and J. Hoffmann (eds) *New Paths in Working Time Policy*, Brussels: European Trade Union Institute.

- Hunter, R. (2006) 'The legal production of precarious work', in J. Fudge and R. Owens (eds) *Precarious Work, Women and the New Economy: the challenge to legal norms*, Oxford: Hart.
- ILO [International Labour Office] (2007) *Key Indicators of the Labour Market*, 5th edn, Geneva: ILO.
- Junor, A. (1998) 'Permanent part-time work: new family-friendly standard or high intensity cheap skills?', *Labour and Industry*, 8(3): 77–95.
- Knox, A. (2006) 'The differential effects of regulatory reform: evidence from the Australian luxury hotel industry', *Journal of Industrial Relations*, 48(4): 453–74.
- Louie, A., Ostry, A., Quinlan, M., Keegel, T. Shoveller and LaMontagne, A. (2006) 'Empirical study of employment arrangements and precariousness in Australia', *Relations Industrielles/Industrial Relations*, 61(3): 465–89.
- Lumley, C., Stanton, P. and Bartram, T. (2004) 'Casualisation friend or foe? A case study investigation of two Australian hospitals', *New Zealand Journal of Employment Relations*, 29(2): 33–48.
- Macdonald, F., Whitehouse, G. and Bailey, J. (2007) *Tipping the Scales: a qualitative study of the impact of work choices on women in low paid employment in Queensland*, report for Queensland Department of Employment and Industrial Relations, June. Online. Available HTTP: <<http://www.deir.qld.gov.au/pdf/ir/tippingthescales.pdf>> (accessed 7 January 2008).
- Murray, J. (2005) 'Work and care: new legal mechanisms for adaptation', *Labour and Industry*, 15(3): 67–87.

- OECD [Organisation for Economic Cooperation and Development] (2002) *OECD Employment Outlook 2002*, Paris: OECD.
- (2004) *OECD Employment Outlook 2004*, Paris: OECD.
- (2008a) *OECD Employment Outlook 2008*, Paris: OECD.
- (2008b) OECD Stats: 'Incidence of permanent employment'. Online. Available
 HTTP: <<http://www.oecd.org/els/employment/data>> (accessed 24 July 2008).
- O'Donnell, A. (2004) "Non-standard" workers in Australia: counts and controversies',
Australian Journal of Labour Law, 17: 1–28.
- (2005) *Re-inventing Unemployment: welfare reform as labour market regulation*,
 Working Paper no. 36, Centre for Employment and Labour Relations Law,
 University of Melbourne.
- Owens, R. (2001) 'The "long-term or permanent casual" – an oxymoron or "a well
 enough understood Australianism" in the law', *Australian Bulletin of Labour*,
 27(2): 118–36.
- Peetz, D., Townsend, K., Russell, B., Houghton, C., Allan, C. and Fox, A. (2003) 'Race
 against time: extended hours in Australia', *Australian Bulletin of Labour*, 29(2):
 126–42.
- Pocock, B. (2005) 'Work/care regimes: institutions, culture and behaviour and the
 Australian case', *Gender, Work and Organization*, 12(1): 32–49.
- Pocock, B., Buchanan, J. and Campbell, I. (2004) 'Meeting the challenge of casual
 work in Australia: evidence, past treatment and future policy', *Australian Bulletin
 of Labour*, 30(1): 16–32.
- Pocock, B., Prosser, R. and Bridge, K. (2004) '*Only a Casual...'*: how casual work
 affects employees, households and communities in Australia, Discussion Paper,
 Adelaide: Labour Studies, University of Adelaide.

- Productivity Commission (2006) *The Role of Non-Traditional Work in the Australian Labour Market*, Commission Research Paper, Melbourne, May.
- Rodgers, G. (1989) 'Precarious work in Western Europe: the state of the debate' in G. Rodgers and J. Rodgers (eds) *Precarious Jobs in Labour Market Regulation: the growth of atypical employment in Western Europe*, Geneva: ILO.
- Standing, G. (1997) 'Globalization, labour flexibility and insecurity: the era of market regulation' *European Journal of Industrial Relations*, 3: 7–37.
- Stewart, A. (2002) 'Redefining employment? meeting the challenge of contract and agency labour', *Australian Journal of Labour Law*, 15(3): 235–76.
- Tham, J-C. (2007) 'Towards an understanding of standard employment relationships under Australian labour law', *Australian Journal of Labour Law*, 20(2): 123–58.
- Vosko, L. (2006) 'Precarious employment: towards an improved understanding of labour market insecurity', in L. Vosko (ed.) *Precarious Employment: understanding labour market insecurity in Canada*, Montreal: McGill-Queen's University Press.
- (2007) 'Precarious part-time work in Australia and in transnational labour regulation: the gendered limits of SER-centrism', *Labour and Industry*, 17(3): 45–70.
- Walsh, J. and Deery, S. (1999) 'Understanding the peripheral workforce: evidence from the service sector', *Human Resource Management Journal*, 9(2): 50–63.
- Watson, I., Buchanan, J., Campbell, I. and Briggs, C. (2003) *Fragmented Futures: New Challenges in Working Life*, Sydney: Federation Press.
- Weller, S. and Webber, M. (2001) 'Precarious employment and occupational change', in J. Borland, B. Gregory and P. Sheehan (eds) *Work Rich, Work Poor: inequality and economic change in Australia*, Melbourne: Centre for Strategic Economic Studies, Victoria University.

- Whitehouse, G. (2004) 'From family wage to parental leave: the changing relationship between arbitration and the family', *Journal of Industrial Relations*, 46(4): 400–12.
- Whitehouse, G. and Hosking, A. (2005) 'Policy frameworks and parental employment: a comparison of Australia, the United States and the United Kingdom', in *Proceedings of Transitions and Risk: New Directions in Social Policy conference*, Melbourne: Centre for Public Policy, University of Melbourne.
- Whitehouse, G., Lafferty, G. and Boreham, P. (1997) 'From casual to permanent part-time? Non-standard employment in retail and hospitality', *Labour and Industry*, 8(2): 33–48.
- Whitehouse, G., Baird, M., Diamond, C. and Hosking, A. (2006) *The Parental Leave in Australia Survey: November 2006 report*. Online. Available HTTP: <http://www.uq.edu.au/polsis/parental-leave/level1-report.pdf> (accessed November 2007).
- Wooden, M. (2001) 'The growth in "unpaid" working time', *Economic Papers*, 20(1): 29–43.

¹ The OECD database, which includes a table on the incidence of permanent and temporary employment in OECD countries, assigns casual employees in Australia to the category of ‘permanent’ employees, while only fixed-term employees are counted as ‘temporary’ (OECD 2008b; see also OECD 2002). This strange classification decision bears no relation to the reality of Australian labour markets and confuses cross-national comparisons.

² Definitions of the categories are available in the ABS manual (ABS 2006a). The most common definition for ‘part-time’ embraces ‘those employed persons who usually worked less than 35 hours a week (in all jobs) and either did so during the reference week or were not at work in the reference week’ (ABS 2006a). Traditionally the ABS has distinguished ‘permanent’ and ‘casual’ employees by questions in the relevant survey about access to paid sick leave and paid holiday leave. This approach is robust and continues today, but the two main categories of employees are now called ‘employees with leave entitlements’ and ‘employees without leave entitlements’ respectively. We continue to use the old terminology for these categories. Within the group of self-employed we distinguish two categories of owner–managers (that is, of incorporated and unincorporated enterprises). While the distinction is not crucial for our analysis, we present separate estimates to illustrate the size of the category ‘owner–managers of incorporated enterprises’, which the ABS has often included in the ‘employees’ category on the basis that they will be paid a salary by the enterprise.

³ Awards are legally binding documents set down by permanent, independent, quasi-judicial tribunals operating with powers of compulsory conciliation and arbitration. Award regulation has applied at both federal and state levels, although the former was most important and largely set the pace for the state tribunals.

⁴ The casual loading supplement is often presented as if it represented a ‘cashing out’ of all such rights and entitlements. Quite apart from the issue of whether this is fair and adequate, we can note that less than half of all casual employees claimed to receive a casual loading (ABS 2006b). It is true that the meaning of ‘casual’ remains contested, and an employer’s designation of someone as ‘casual’ is by no means conclusive (O’Donnell 2004; Creighton and Stewart 2005). If casual workers are able to prove continuity of service and regular schedules, they may in the eyes of the courts acquire rudimentary rights and entitlements.

⁵ Average hours have increased for both men and women, but men are considerably more likely to be represented in the ‘very long hours’ groups. In November 2006, 25 per cent of employed men and 8.5 per cent of employed women worked a total of 50 or more hours per week (ABS 2006b: 57).

⁶ The part-time/full-time hourly earnings ratio was estimated to be 0.86 in 2006 compared with 0.95 in 1990 (based on unpublished data from ABS 6306.0 surveys). The figures should be interpreted with caution given changes in categories and definitions over the time period.

⁷ The new federal Labor government is promising a revised industrial relations system, characterized by stronger minimum standards, an elimination of opportunities for employers to lower award conditions through registered individual contracts, and a softening of employer exemptions from ‘unfair dismissal’ regulation. Most recently, it has promised to ‘bite the bullet’ in introducing a national paid maternity leave scheme.

⁸ In some areas, and particularly at state level, the formal conditions for casual employees have been improved (Hunter 2006: 95ff). In particular, what Pocock, Buchanan and Campbell (2004) refer to as a *conditions-attachment* approach has been used to extend entitlements for some groups of casual employees.