

The role of the State in family-friendly policy: An analysis of Labour-led government policy

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Abstract

Since 1999, the Labour-led governments have introduced several public policy initiatives to encourage women into the paid workforce. However, this article argues that the changes have not gone far enough, and they require families to fit around work rather than change the way that paid work is organised. In particular, the article suggests that legislation, policy discussions and government sponsored research have largely been based on the 'business case' rationale. Reliance upon the 'business case' has resulted in the importance of unpaid care work being overlooked with an emphasis on individual responsibility for balancing work and family life. Overall the needs of working parents are not being fully met.

Introduction

New Zealand appeared in approximately the bottom third of countries in the gender equality index of a recent international comparison of parental leave policies in 21 wealthy countries (Ray, Gornick and Schmitt, 2008). The gender equality index was based on the portion of leave available to fathers and the percentage of earnings replaced during periods of leave. Overall in the analysis of parental leave for both parents, New Zealand was only just above the median of all countries. The key best practices identified by the study were "(1) generous paid leave; (2) non-transferable quotas of leave for each parent; (3) universal coverage combined with modest eligibility restrictions; (4) financing structures that pool risk among many employers; and (5) scheduling flexibility" (Ray, Gornick and Schmitt, 2008: 3).

New Zealand government policy has addressed these issues through paid parental leave, and granting employees the 'right to request' flexible work schedules, including part-time hours. However, this paper argues that policy and legislation is based on a strong business case rationale to improve business, or economic outcomes. The effect of this is that responsibility for 'managing' work and family life remains with the individual and "the structural constraints that frame work-life choices are made invisible" (Hall and Liddicoat, 2005; Zacharias, 2006: 33). The risk, for individuals, in this is that once the economic imperative for these policies is removed, the policy may too be seen as unnecessary and working parents will struggle to manage their work and home responsibilities.

New Zealand has had minority led Labour governments since 1999. During this period the Labour-led governments have introduced significant changes to employment legislation and social policy in order to improve conditions for working parents (see Table 1 below). Besides being in accordance with Labour's policy platforms, these changes have been in response to

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several labour market changes, including changes to workforce demographics. Statistics show higher overall participation rates and consistently low unemployment rates in the new millennium. With more people overall in paid work, it is not surprising that the number of families with two parents working has increased. Census data from the 2001 New Zealand census show that the percentage of women working in two parent couples with children had increased significantly:

“In 2001, 36.8 per cent of mothers in opposite-sex couples with dependent children were employed full time, up from 31.4 per cent in 1991, while 30.9 per cent were employed part time, up from 26.9 percent in 1991 (Statistics New Zealand 2001b). The high level of working families has been confirmed by preliminary results from the 2006 Census data. It is also similar to the experience of Australia where ‘60 per cent of women and 90 per cent of men in the workforce [are] part of a two-parent household with dependent children’”. (Burgess, Strachan and Henderson, 2007: 415)

Therefore, as it might be expected, the female participation rate for the March 2008 quarter was 61.1 per cent (Statistics New Zealand 2008). This rate is close to the highest recorded rate of 62.2 per cent in the June 2006 quarter (Statistics New Zealand, 2001a). However, the New Zealand Household Labour Force Survey shows that, overall, unemployment levels for the March 2008 quarter are at a low level of 3.6 percent and that the labour participation rate is at 67.7 per cent (Statistics New Zealand 2008). These levels are consistent with those of recent years with the labour participation rate reaching a high of 68.8 per cent, which was reported in survey results in the June 2006 quarter (Statistics New Zealand 2001a).

Table 1: Summary of policy, legislation

Date	Title	Key points
2002	Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act 2002	To include 12 week government payment for eligible employees. Leave under the act falls into 4 types: maternity leave of up to 14 weeks, paternity/partners' leave (unpaid) of up to 2 weeks, extended unpaid leave. Total amount of leave between two parents is 52 weeks.
2004	Parental Leave and Employment Protection Amendment Act 2004	Period for above payments extended to 13 weeks Eligibility for leave changed to <i>average</i> of 10 hours per week from the <i>minimum</i> of 10 hours per week immediately preceding 6 or 12 month period
2005	Working for families	Financial package offering combinations of housing assistance, childcare subsidies and tax credits for working families
2005	Parental Leave and Employment Protection Amendment Act 2004	Period for paid parental leave payments extended to 14 weeks
2006	Parental Leave and Employment Protection Amendment Act 2004	Amended to include paid parental leave for those who are self-employed
2007	Employment Relations (Flexible Working Arrangements) Amendment Act 2007	Employee who are responsible for the care of any person has right to request flexible working practices (hours, days or place of work)
2007	20 hours' free child care	Up to 20 hours free child care for 3 and 4 year olds at eligible early childhood centres.
2008	Employment Relations (Breaks, Infant Feeding, and Other Matters) Amendment Act 2008	Required designated facilities and breaks for employees who wish to breastfeed in the workplace or during work periods. Employees provided with rest and meal breaks.

The focus of these recent government initiatives, listed above, is on increasing labour force participation by encouraging parents into paid work with more government support available for working families. While it could be said that this is in response to the need to increase labour force participation, particularly women, it also recognises that there are an increase in families with two parents working, and that there are increased costs associated with the return to work, such as childcare (Hall and Liddicoat, 2005; Pocock, 2006).

This paper will discuss how, rather than recognising the importance of unpaid care work, government initiatives support childcare for parents in paid work, thus making families fit around current work practices rather than promoting long-term change to the way we work (Black, 2006a; Lewis, Gambles and Rapoport 2007; Zacharias, 2006). These initiatives aimed at persuading parents to enter back into the workforce are consistent with the business case approach found in most of the research conducted by government departments and commissions (summarised below in Table 2).

Table 2: Summary of relevant Government research and publications

Government Department	Departmental Objectives	Key points
Department of Labour	To improve the performance of the labour market and, in turn, strengthening the economy and increase the standard of living for those in New Zealand	'personal', 'managing family life', individual choice
Ministry of Social Development	To help families and whānau be safe and resilient; to be successful and have the ability to provide for their own needs.	Long and short term benefits
The Families' Commission	To highlight issues that affect families	Long term benefits, publications still focus on 'individual choice' for work-family issues.
Ministry of Women's Affairs	Action plan for Women	Focus on importance for women to be in <i>paid</i> work (Kahu and Morgan, 2007)

What is the business case for family-friendly policies?

The rationale for the business case is formed on the basis that family-friendly policies will improve the bottom-line and outcomes such as recruitment, retention and performance. The business case rationale for introducing family-friendly policies justifies the introduction of family-friendly policy on the basis that it will improve bottom-line business outcomes such as recruitment, retention and performance (Charlesworth and Baird, 2007; Hyman and Summers, 2007; Liddicoat, 2003; Zacharias, 2006). Doherty (2004) finds the business case to be strong motivation for employers to implement family-friendly policies and this has also been proven in New Zealand. An EEO Trust survey found that the foremost reason for having work-life balance policies was to recruit the best employees. Productivity and general business benefits were also important, with social responsibility listed as the last reason (EEO Trust, 2006). Still, given the labour shortage being experienced in New Zealand, introducing family-friendly policies for these reasons would be seen as an imperative.

However, the business case rationale has been criticised because business needs are prioritised over employee needs (Pringle and Tudhope, 1996). Furthermore, Zacharias finds that the use of the business case for introducing family-friendly policies “takes the current ways of organising workplaces and private lives for granted” (2006: 34), and as a result, runs the risk of gendered organisations and work practices being left unchallenged (Zacharias, 2006). Work practices are largely based on gendered ideas of the ‘ideal worker’, someone who has no care responsibilities or significant commitments outside of paid work. Assumptions of this ideal worker contribute to workplace cultures of long hours and exclusive loyalty (Eaton, 2003; Pocock, 2003; Williams, 2000). It has been suggested that family friendly policies, such as child care support, place more importance on the ‘ideal worker’ while policies, such as flexible places of work or hours of work, integrate variations from the standard (Budd and Mumford, 2004). Initiatives such as parental leave and sick leave to care for dependents do not challenge the accepted ‘norms’ of work. They do, however, allow temporary breaks from work for care of dependents, but upon return to work the norm must be adhered to. These policies, therefore, aim to fit employees’ lives around the accepted way of working rather than changing organisational culture. Furthermore, an emphasis on individual responsibility in the business case focuses on creating more ‘choice’ for individuals. The discourse of choice for individuals removes the responsibility from organisations, and society to change workplace practices; the onus is then on the individual to ‘manage’ their own work and home responsibilities (Lewis et al. 2007).

While family-friendly policies are seen as a way of attracting and retaining good employees, Doherty (2004) argues that use of the business case may lead to family-friendly policies being seen as a short-term solution until business conditions change. Zacharias too suggests that the business case is a ‘fair-weather’ solution and that “these policies may be discarded once these favourable economic conditions deteriorate” (2006:32).

Is government relying on business case?

Charlesworth and Baird (2007) noted that when organisational effectiveness was interpreted as a ‘narrowly framed business’ case, the link between gender equity and organisational effectiveness was easily lost: “when the rationale for gender equity disappears, it becomes very hard indeed [to] get gender on the agenda” (Charlesworth and Baird, 2007: 399). The consequence, in terms of policy, is that if the business case is the rationale for the introduction of family-friendly policies, the focus of these policies is likely to be for the short term, and the underlying conditions that create tension between paid work and family will not change. The business case rationale justifies family-friendly policies because it is seen to improve business outcomes. The following section provides examples of how government policies and initiatives to support working families have relied upon the business case rationale, in particular:

- The Employment Relations (Flexible Working Arrangements) Amendment Act 2007
- The Parental Leave and Employment Protection Act 2004
- Financial support for working families: Working for Families and free childcare
- Government sponsored research

A significant amendment to the Employment Relations Act was passed by Parliament in November, 2007. The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 allows employees with children under the age of five or with disabled children the

right to request changes to their working hours (Transport and Industrial Relations Committee 2007). The legislation constitutes as a clear example of the prevailing business case rationality behind family-friendly policies. The Flexible Work Amendment Bill was introduced as a private member's Bill by Green Party Member of Parliament, Sue Kedgely in 2005. In its original form, the Bill focused only on working parents with children, and entitled employees to request changes to how they worked. It encouraged employees to challenge the currently accepted modes of work and questioned the way that work is structured, and acknowledged that the 'traditional' way work is carried out is often unsatisfactory, particularly for parents.

The 'business case' rationale became apparent during the consideration of the Bill by the Transport and Industrial Relations Committee. The Transport and Industrial Relations Committee recognised the benefits to employees and employers of a culture that allows flexible working arrangements as they would widen the recruitment pool (Transport and Industrial Relations Committee, 2007). Recruitment and retention is a key focus of the business case rationale, as mentioned earlier.

Accordingly, business needs are prioritised over those of the employee and it is the individual, rather than the organisation, who takes responsibility for 'managing' their family and work lives (Lewis et al 2007). The emphasis in legislation is on the *individual employee* to take the responsibility of managing their family-work balance, rather than the employer. Not only does the employee have to signal that they want to make changes, they must also specify the changes, provide information on how this might impact their work and suggest solutions to mitigate any negative impact. Under the Act, the employee is required to make their request in writing to the employer and state whether they were requesting a permanent or temporary change, and, if temporary, when it would end. However, there are several grounds upon which the employer may refuse the request for change to working conditions. These include: detrimental effect on quality, performance and ability to meet customer demand; inability to reorganise work among existing staff; inability to recruit additional staff; planned structural changes and burden of additional costs. Although the Act allows changes to working conditions that do not necessarily fall within traditional ways of working, it places the responsibility onto the individual employee rather than the organisation to find or suggest ways that work and family/care responsibilities can be better combined. Thus, the needs or outcomes of the business are prioritised over those of the employee.

A second example of the business case rationale in legislation is the Parental Leave and Employment Protection Amendment Act. Under the Act, there are several types of leave available to mothers and their partners. They include unpaid special leave of ten days to cover appointments associated with pregnancy; maternity leave; unpaid partner's leave; paid parental leave and extended leave. The maximum number of weeks leave that may be taken between a couple is 52 weeks extended leave plus the unpaid partner's leave entitlement. All of the types of leave are based on continuous service for a minimum of six months and an average of ten hours per week or more. Women with six months' service would be entitled to the special leave during pregnancy and fourteen weeks' paid parental leave. A partner with six months' service would be entitled to one week's unpaid leave. A woman with twelve months' service would be entitled to have extended leave to a maximum of 52 weeks, including the paid parental leave. Her partner, given the same service requirements, could share the extended leave entitlement and would be entitled to two weeks' unpaid partner's leave in addition to that. Self-employed women are entitled to paid parental leave with the same service requirements. Women or their partners who do not meet the service requirements are not entitled to parental leave (Department of Labour, 2007b).

In New Zealand, women make up the majority of part time and casual workers (Statistics New Zealand, 2001b). The Paid Parental Leave and Employment Protection Amendment Act 2004 has been criticised because eligibility is dependent on continuous service and minimum hours of work. This means that many women who are employed casually or on fixed term agreements may not be eligible for paid parental leave. Women who have worked part-time, but not on consecutive week (as one hour per week is required with at least forty hours per month), also, do not meet the requirements. The eligibility of women who have recently taken maternity leave, and wish to do so again for a subsequent child is also restricted. They must, once again, meet the continuous employment requirements with one employer criteria in order to be eligible for the leave.

Thirdly, the government has, in recent years, introduced two initiatives aimed at encouraging more parents into paid work. The first is *Working For Families*, which is a financial package for only those parents who are in paid work. It offers a combination of housing allowances, supplementary payments, tax credits and childcare subsidies (both for pre-school and after school care). It was introduced in 2004 and is available to all families earning \$70,000 per annum or less and some families (with several children) earning up to \$100,000 per annum or less (Working for Families, 2007). One of the requirements for eligibility is a minimum total hours of work per week for the household. The emphasis on paid work, again, reflects the 'business' imperative of encouraging parents into paid work. A consequence of the minimum cut off is families needing to fit around standard work organisation. The second initiative, which was effective from 1 July 2007, was the introduction of twenty hours free childcare for all three and four year olds in New Zealand. While the impetus for this was to provide pre-school education for children, it also supports parents in paid work by easing the financial burden of childcare. The policy of supported childcare, again, assumes that work organisation cannot be changed to accommodate families and instead families need to fit in around work requirements.

The research and policy advice of governmental agencies follows a model that focuses on individual choice and responsibility and, excluding that of the Families Commission, is driven by a business case rationale to improve economic and business outcomes. An example of the prevalence of the business case in governmental research is the New Zealand Department of Labour. The Department has been pivotal in providing research that investigates work practices and how they can maximise economic productivity. The purpose of the Department of Labour is indeed "to improve the performance of the labour market and, through this, strengthen the economy and increase the standard of living for those in New Zealand" (Department of Labour, 2007). Its role, amongst others, is to provide information and support to improve workplace productivity. The Department of Labour has two major research initiatives; one is in work-life balance and the other, work productivity (Department of Labour, 2007). The language used by the Department of Labour's description of work-life balance, for example "...deciding on and maintaining an appropriate balance between our work life and our personal life is an individual responsibility", focuses on individual choice and needs, and describes managing family life as one would describe managing a business (see the Department of Labour report *Lessons from the Workplace Project*, 2008: 48). In line with a business case rationale, this form of nomenclature is translated and normalised into workplace practices.

In contrast to a focus on the economic prospects of the country, the Ministry of Social Development undertakes social research on children, youth, family and community. The Ministry works strategically to bring about long term benefits, while, also, endeavouring to find short term solutions (Ministry of Social Development, 2007). This combined approach is evident in research published by the Ministry in 2006. The research *Work, Family and Parenting* investigated the effect on children of work-family choices made by parents and how families could be supported to minimise negative work spillover. The methodology behind the research was one that focused on individual choice and preferences in combining work and family life, which is in line with the business case's emphasis on individual responsibility. The research did recognise, however, that individual choices are often made within constraints such as financial constraints (Colmar Brunton, 2006).

Another Government Department that has undertaken research in the family-work area is the Families Commission. The Families Commission's purpose is to highlight issues that affect families and disseminate this information across government agencies and the community (Families Commission, 2007c). The Families Commission takes an approach that centralises family concern, rather than social and economic development. It included work-life balance and quality flexible work as a focus for 2007. The Families Commission recently published research on parental leave in New Zealand, and its findings were that "New Zealand can do better to give parents real choices around how to balance their employment and family responsibilities" (Families Commission, 2007b: 11). The findings of the Families Commission's research will be discussed in detail later in this paper. However, despite its family centred approach to work-life balance, in a pamphlet aimed at working parents, the Families Commission emphasises steps that *individuals* can take in order to provide better balance in their lives (Families Commission, 2007a). This is consistent with the business case approach of individual responsibility for achieving balance, rather than workplace change or responsibility (Lewis et al. 2007).

How do we know that the policy changes are not enough?

As indicated earlier in this article, New Zealand does not perform particularly well in international comparisons of support for family-friendly policies (Ray et al. 2008). This is confirmed by data from different sources within New Zealand – reports in popular media; statistics showing women are over-represented in part-time work; level of payments made to women on paid parental leave and research conducted by the Families Commission.

Reports in media indicate that New Zealanders still feel tension between work and family. Laila Harre, who was instrumental in developing New Zealand's Parental Leave and Employment Protection (Paid Parental leave) Amendment Act 2002, has been quoted as saying that government and workplace policies do not give people genuine choice about whether to work or not: "All our social policy is designed around the choice of whether to work or stay home being available only to people who have partners who can support them financially, so it's not a choice" (Harre cited in Black, 2006b). In addition, an ACNielsen survey of 1000 New Zealanders published by Relationship Services found that of "more than half of the population want more time with their children (66 per cent of men, 52 per cent of women) and close friends (54 per cent on average)" (cited in Collins, 2006). A prominent New Zealand journalist, who left the profession, amongst other reasons, to gain more time with family and friends, was quoted as saying that: "...policy makers only look at work/life balance in terms of providing more childcare whereas the real answer will only come from redefining work so that women can feel they are achieving and be perceived as achievers

without having their kids parked eternally elsewhere” (Black 2006a). In short, these media reports indicate that the regulatory framework still does not support women in paid work with children.

While, according to OECD statistics, the average annual hours worked has decreased since 2001, New Zealand still rates as one of the highest in terms of numbers of hours worked per person. New Zealand ranks above Australia, Canada and Japan, amongst other countries (OECD 2007). Burgess and Rasmussen (2007) found that the average hours worked per week has increased in both Australia and New Zealand since the 1990s. This increase includes an average growth in household working hours and a change to when the hours are worked. Hours of work have changed so that the standard working week of daylight hours, Monday to Friday, is no longer as common as they were previously. While average working hours in New Zealand have decreased a little since 2001, Burgess and Rasmussen found that “there appears to be a tacit acceptance that working hour trends have been reversed permanently and will continue to either increase or stay at a high level” (2007: 9). One effect of a labour shortage is, indeed, an increase in the number of hours worked by individuals (Callister, 2005). While increased working hours poses many problems, it is of concern to employers trying to attract parents of children into the paid workforce. The increase in working hours also has an impact on parents’ decisions to work because they need to arrange childcare to cover longer hours and choose to spend less time with their family.

Another indicator of women’s efforts to combine paid work and family responsibility is the proportion of women working part-time. Of those working part-time, the majority were women “with almost two and a half times more females working part time than males” (Statistics New Zealand 2001c). In Australia, part-time jobs are held largely by women in their childbearing years. Pocock’s interpretation is that “they have essentially adapted the traditional Worker-man/Carer woman model by adding a half-time wage earning role to the duties of women” (2003: 165). It could be inferred that the reasons for most of part-time work being done by women in New Zealand are the same.

Strachan and Burgess (1998) found that if employment should generate enough income to support a family then paid parental leave should also provide sufficient income to support a family. However in 2008, paid parental leave was paid at a *maximum* of \$407.36 compared to a *minimum* of \$480 per week for a 40 hour week under minimum wage legislation (Department of Labour, 2008). Minimum wages are based on a minimum standard required to meet an acceptable standard of living. This would suggest that the parental leave payments would not be adequate to provide a certain standard of living. It could also be implied that as the maximum amount payable for paid parental leave is lower than the minimum wage, care or family work is, indeed, less valued than paid work, and that parental leave payments would probably not be sufficient to support a family.

Following research with New Zealand families, the Families Commission found that while recent changes to legislation had made improvements, there were further changes that should be made. The recommendations of the report were that government funded paid parental leave should be extended to 13 months by 2015; that eligibility should be extended to those who had been in employment but may have experienced ‘gaps’ in employment or changed employers in the previous 6 months and that requirements of minimum hours per week be removed (Families Commission, 2007). They also found that the level of parental leave payments should be increased in order to lessen the burden on families.

Conclusion

While several positive changes to legislation and government policy were made during the period of Labour-led governments in New Zealand from 1999, these changes were grounded in a business case rationale. The significance of this is that they favoured individual responsibility for 'managing' family and paid work responsibilities. They focused on the positive outcomes for business and the economy in the short-term, rather than long-term change and outcomes. While acknowledging the responsibilities of working families, the legislation encouraged families to shape their lives around work rather than changing how we expect work to be done. Furthermore, another criticism of the business case rationale is that when the circumstances supporting the 'business case' change, the policies may be removed. There could not be a clearer example of this than an announcement by the prime minister in the lead up to a general election in November 2008. Prime Minister Helen Clark announced that her party had intended to extend paid parental leave, but would now abandon the policy given the emerging global financial crisis (Trevett, 2008).

It has been argued that, in order for working families to have real choice in how they balance their responsibilities, systems and institutions of work must change. This has not yet happened in New Zealand and it is predicted that the next few years, with a change in economic conditions and a newly elected centre-right government, it will show how Labour-led policy was based upon the business case rationale and how this has weakened or restricted the improvements possible for working families.

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