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FAIR WORK AUSTRALIA REVIEW OF THE TERMS OF VARIOUS MODERN AWARDS

for

A.J. Macken & Co.

Your reference: Chrissie Macken

by

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EXECUTIVE SUMMARY

- 1 This report reviewed existing research and found it supported a conclusion that the performance of work by employees on weekday evenings and nights, or on Saturdays and on Sundays, has adverse effects on the employees concerned, their families, and the community.
 - a) Adverse effects on employees include physical and mental health problems, psychological distress, job dissatisfaction, poor work-life balance and work-family strain. They spend less time with their families, more time alone, and do not participate in family, social and community activities to the same extent as others.
 - b) Adverse effects on the families of the employees concerned include higher marital discord and marital dissolution, more parenting stress, poorer educational and social outcomes for children, higher adolescent depression and anxiety, and more time without the workers' participation in family activities.
 - c) Adverse effects on the community include less well-functioning families, less effective parenting, lower participation in volunteering and civic activities, lower social productivity and loss of social consistency and cohesion.
- 2 The existing research identifies the major cause of the adverse outcomes is that employees who work on weekday evenings and nights, or on Saturdays and on Sundays, have schedules which limit their ability to participate fully in family, social and community activities and to foster their relationships and cement their bonds with others.
- 3 This report reviewed existing research and found it indicates the adverse effects of nonstandard hours vary depending upon whether the work is performed on weekday evenings or nights, on Saturdays or on Sundays.
 - a) Night work is particularly associated with poor physical health, sleep problems, and fatigue.

- b) Evening work is particularly associated with less couple time and supervision of children and with high time commitment and stress.
- c) Weekend work is found to cause emotional exhaustion, job dissatisfaction, work-family strain, stress, burnout and the most interference between work and non-work activities, with the effects particularly pronounced for Sundays.
- d) Sunday is identified in the literature as the least usual and least popular day on which to work. It retains a special status, and is regarded as particularly important for family. Sunday work is associated with the most significant losses and disruption to civic participation and family leisure time, with research finding workers are unable to make up for foregone activities or social contact during the week.

AUTHOR LYN CRAIG

- 4 I am an Associate Professor and Australian Research Council (ARC) Queen Elizabeth II (QEII) Fellow at the Social Policy Research Centre, University of New South Wales. I am recognised internationally as a leading scholar in work-family and gender issues. I have particular expertise in the analysis and interpretation of work and family time allocation, using nationally representative time use data collected by the Australian Bureau of Statistics and comparable international agencies. Over a period of ten years, I have extensively researched the intra-household effects of social and workplace policy, the gendered division of labour, work-family balance, parenthood and gender equity and the intersections between the family and the economy. My research is widely published and highly cited. My academic Curriculum Vitae is attached as Appendix A.

STATEMENT OF INSTRUCTIONS

- 5 I was engaged on 7 August 12 by A.J. Macken & Co. Lawyers, solicitors for the Shop, Distributive and Allied Employees Association, and requested in writing to prepare an expert report for use in proceedings in Fair Work Australia (FWA). The following statements are in response to the questions I

was requested to answer in my report. My responses are based on a review of the existing research literature relevant to the questions.

QUESTIONS AND RESPONSES

- 6 **1) Does existing research support a conclusion that the performance of work by employees on weekday evenings and nights, or on Saturdays and on Sundays has adverse effects on:**

- a) **The employees concerned;**
- b) **The families of the employees; and**
- c) **The community?**

If “yes” to all or some of the above, please identify and outline the research which supports that conclusion and the nature and causes of those adverse effects.

Yes, adverse effects of working nonstandard hours (weekday evenings or nights, or on Saturdays and Sundays) have been identified in a range of previous research.

EMPLOYEES

- 7 Atypical schedules are associated with adverse physical health outcomes for employees. Nonstandard workers have been found to have more health problems than other workers (Jamal, 2004) and research finds negative associations between nonstandard employment and health and general well-being (Costa, 1996; Price & Burgard, 2006; Tausig & Fenwick, 2001). Working non-standard hours affects workers' body temperature, energy levels, and sleep (Presser, Gornick, & Parashar, 2008; Tepas & Price, 2001). Late-hour workers, particularly, are subject to higher risks of heart disease and gastrointestinal problems (Bøggild & Knutsson, 1999). For women, nonstandard hours have been found to be associated with higher rates of breast cancer and problems in pregnancy or childbirth (Presser et al., 2008; Wedderburn, 2000). A Canadian study found men who worked evenings or irregular shifts were more likely to be diagnosed with a chronic health condition than those who worked standard hours (Shields, 2002). Nonstandard hours have been linked to greater fatigue (Tepas & Price, 2001)

and found to be associated with more visits to GPs by nonstandard than by standard workers (Strazdins, Clements, Korda, Broom, & D'Souza, 2006). Australian research also suggests the negative relationship between nonstandard work schedules and health pertains particularly for men in the measures of self-rated health, general health and physical functioning (Ulker, 2006).

- 8 Adverse effects of nonstandard hours on psychological and mental health of employees have also been found, though research on this is less extensive than on physical health. Nonstandard employees report greater psychological distress than standard employees (Bardasi & Francesconi, 2000; Benach, Gimeno, Benavides, Martinez, & Torne, 2004; Shields, 2002; Tausig & Fenwick, 2001). Some studies have identified associations between nonstandard hours and anxiety and depression (Akerstedt, Fredlund, Gillberg, & Jansson, 2002; Strazdins et al., 2006) and emotional exhaustion (Jamal, 2004). Some scholars find a negative impact on mental health is most likely to occur amongst male nonstandard workers who do not work their preferred hours (Houssard, 2010; Ulker, 2006).
- 9 Some of these adverse outcomes arise directly from the physical and psychological disruptions caused by working outside usual hours, but many also arise because of spill-over effects on other aspects of the employee's life. Research consistently reports a negative association between nonstandard working hours and work-life balance (Albertsen, Rafnsdóttir, Grimsmo, Tómasson, & Kauppinen, 2008; N. Jansen, Kant, Nijhuis, Swaen, & Kristensen, 2004). Adverse effects on employees who work nonstandard hours include greater work-family strain and role strain. As with mental health, this is especially so when workers work nonstandard hours because their job demands it (Beers, 2000; Hosking & Western, 2005; Presser & Cox, 1997). Lower paid and lower status workers are least likely to have job control or to choose to work nonstandard hours voluntarily, and so are likely to suffer the most adverse consequences of nonstandard hours upon their work-life balance (De Bruin & Dupuis, 2004; Hantrais & Ackers, 2005; Millward, 2002;

Presser, 2003a). Nonstandard hours workers have also been found to report greater job dissatisfaction (Benavides, Benach, Diez-Roux, & Roman, 2000).

- 10 A major reason for the negative implications of nonstandard work is the constraints it places upon the way workers can spend their non-work time. Importantly, nonstandard working hours put people out of sync with family and friends; their rhythms of life differ from those around them (Alexander & Baxter, 2005). Their free time more often occurs when other adults are working or children are at school (Wight, Raley, & Bianchi, 2008). This means these workers cannot use their discretionary time the way others do. Workers' social relationships can be adversely affected because they miss out on shared family events, routines and outings (Baxter, Gray, Alexander, Strazdins, & Bittman, 2007; Strazdins, Korda, Lim, Broom, & D'Souza, 2004). More of their free time is spent alone, which can cause feelings of isolation and psychological distress (Strazdins & Broom, 2004). Less of their time is spent with all family members together. If parents more often care for children solo, time with the children is thought less enjoyable and more demanding than if both were present to share the childcare (Craig & Mullan, 2009).
- 11 Working nonstandard shifts can also mean workers are unable to participate in social and civic activities which are open to others, and are important in integrating workers into their communities and cementing social inclusion and social connections. The inability to engage in voluntary work, to join clubs or attend church and social gatherings can also isolate workers from social supports which are essential to full functioning (Presser, 2003b).
- 12 Thus a body of research identifies adverse affects upon nonstandard employees themselves if they do not get the support, down time and convivial relaxation that other workers can enjoy. In addition, it is important to acknowledge that workers do not live in isolation, and that what affects them will also affect their families.

FAMILIES OF THE EMPLOYEES

- 13 Workers live within a family context, so the home and the workplace are not independent of each other (Crompton, 2006; Glucksman, 1995). The relationship runs both ways. Not only do workplace demands and practices affect workers' lives, but families provide support and care to workers, enabling them to participate in paid employment and be productive at work (J. Williams, 2010). Now that more women are employed, both partners require this support, while at the same time households have less time available to provide it (Jacobs & Gerson, 2001). Time is a family resource, which is under more pressure when one or more household members works atypical hours. The work schedules of each family member are important to the wellbeing of all, and to the good functioning of the whole household. When parents work shapes when they are available to their children and to each other (Fagan, 2001; Maher, Lindsay, & Bardoel, 2010). Working evenings, nights or on Saturdays or Sundays changes the temporal structure of family life and a number of adverse effects have been identified.
- 14 Nonstandard hours have been associated with difficulties finding a partner, and thus inhibiting the formation of families in the first place (Shields, 2002). Nonstandard hours workers experience higher work-family conflict and more negative spill-over from work to family than standard-hours workers (Barnett, Gareis, & Brennan, 2008; N. Jansen, Kant, Kristensen, & Nijhuis, 2003). Relationship quality has been found to be affected adversely (Jekielek, 2003) and nonstandard hours have been connected with greater likelihood of marital problems, marriage instability and divorce (Kalil, Ziol-Guest, & Epstein, 2010; Presser, 2000; Shepanski & Diamond, 2007; Shields, 2002). The research further suggests that the increased marital instability does not result from those in troubled marriages seeking nonstandard hours, but rather that the causality runs the other way (Presser et al., 2008).
- 15 These adverse outcomes have been attributed to the constraint that working atypical hours puts upon the time that family members spend with one another (Presser, 2003b; Shepanski & Diamond, 2007). Family psychologists note the

advantages of couples and families spending time together to promote bonding (Strazdins et al., 2006). For couples, it is as important to consider the degree of overlap in work schedules as the impact of each individual's work schedule alone. Time use studies suggest nonstandard work leads to 'de-synchronization', that is, little overlap between the work time of partners (Lesnard, 2008). When partners work in non-overlapping schedules, this leads to couples spending less time together, limits their ability to build strong partnerships, and is associated with the lower relationship quality, increased negative work-family spill over and higher marital discord noted above (Schulz, Cowan, Cowan, & Brennan, 2004).

- 16 The schedule of children also matters. With children requiring supervision for their safety and to participate in sport and other extra-curricular activities, it can be a significant problem if parents are not available when their children are (Wight et al., 2008). School timetables are not flexible and lack of synchronisation between parents and children is challenging for families. It has been suggested that parents work nonstandard hours for childcare reasons, in order to maximise the time that they can be cared for by a parent (Craig & Powell, 2011; Mills & Täht, 2010). Research also finds that parents make efforts to compensate or buffer their children from any disruption from work by forgoing their own leisure or rest (Craig, 2007). However, this can come at a cost to good family functioning, especially if the parents are more stressed as a result (Bogen & Cherlin, 2004). Others prioritise joint family time over time together just as a couple (La Valle, Arthur, Millward, & Scott, 2002). This can also have adverse effects. Couple time is important for the quality of marriage and cementing the partnership, and this is much reduced in households in which one or both parents work nonstandard hours (Wight et al., 2008). The nonstandard hours of one partner can also mean that the other must do more household or care work to compensate, with the implication that neither partner is adequately rested (Craig & Powell, 2011).

- 17 Despite the efforts of parents to protect children from missing out on parental attention, moreover, research finds partners of nonstandard hours workers cannot fully compensate for the reduced time their spouse can spend with children (Barnes, Bryson, & Smith, 2006; Millward, 2002). Nonstandard hours often mean more time in paid work and less time available for domestic work, children and leisure (Brayfield, 1995; Connelly & Kimmel, 2011). Research finds that compared with parents on standard work schedules, family activities are more likely to be limited by work in households in which one or both parents work atypical hours. Those working at 'family times', such as nights, evenings and weekends, spend less time reading, playing and helping children with school work, and are less satisfied with the time they spend with children, than workers on a standard schedule (La Valle et al., 2002).
- 18 The loss of family time caused by nonstandard hours has been found in turn to adversely affect family processes and parenting standards. Compared to parents working standard hours, parents working nonstandard schedules report worse family functioning, less parental monitoring, less parent-child closeness, and less effective parenting (Barnett et al., 2008; Connelly & Kimmel, 2011; Davis, Crouter, & McHale, 2006; Strazdins et al., 2006). Studies relate nonstandard work to poorer parental mental health, which in turn negatively affects children (Bajracharya, 2007; Han, 2005). Atypical work times disrupt family routines, which is stressful for parents and also can diminish parent involvement and responsiveness to children (Davis, Goodman, Pirretti, & Almeida, 2008; Heymann & Earle, 2001; Poissonnet & Véron, 2000; Strazdins et al., 2004; Tausig & Fenwick, 2001). Nonstandard working hours of mothers increases the disturbance of parent-child activities, and negatively affects parent-child relationship quality (Roeters, Van Der Lippe, & Kluwer, 2010). The greater marital discord and likelihood of marital dissolution noted above also has negative implications for children.

- 19 Research also confirms that parent's atypical work schedules have negative effects on children's outcomes (Li et al., 2012). Parents' nonstandard hours are associated with poorer cognitive stimulation, and with lower test scores, among their children (Han, 2005; Heymann, 2001; Heymann & Earle, 2001). Researchers have found relationships between parents' nonstandard hours and childhood obesity (Miller & Han, 2008; Morrissey, Dunifon, & Kalil, 2011). Behavioural problems have also been identified. Young children of parents who work nonstandard hours have higher odds of having behavioural and emotional difficulties (Dunifon, Kalil, & Bajracharya, 2005; Joshi & Bogen, 2007; Rosenbaum & Morett, 2009; Strazdins et al., 2006; Strazdins et al., 2004). These associations are often mediated through family relationships and parent well-being (Li et al., 2012). There is evidence that the difficulty nonstandard working parents have in establishing routines for their children (Roeters et al., 2010) adversely affects children's emotional and social development, particularly in the early years of life (Strazdins et al., 2006). The detrimental effects of parents working at unsocial times are stronger the younger the child, particularly when it is mothers who are working the nonstandard hours (Daniel, Grzywacz, Leerkesa, Tucker, & Han, 2009; Han, 2005).
- 20 It is possible that the negative effects on young children are exacerbated by difficulty nonstandard working parents have in finding suitable substitute care for children, which is harder to access outside typical working times (Connelly & Kimmel, 2011; Kimmel & Powell, 2006; Meyers & Jordan, 2006). This often means parents working nonstandard hours use complex arrangements involving more planning and organisation, and a mix of different childcare providers (Moss, 2009). Arrangements are more likely to be informal, and therefore break down at short notice more frequently than formal childcare, which is more reliable but normally available only during standard working hours (Han, 2004; Le Bihan & Martin, 2004). That nonstandard workers are more likely to rely on informal childcare arrangements means that extended family, particularly grandmothers, are more often called upon (Hank & Buber, 2009; Moss, 2009; Vandell, McCartney, Owen, Booth,

& Clarke-Stewart, 2003). This in turn has implications for the wellbeing and time choices of those relatives who provide childcare. Informal childcare, especially if multiple carers are used, can also mean lower overall quality than formal care (Hank & Buber, 2009; Moss, 2009; Vandell et al., 2003). Thus the negative effects upon children's developmental outcomes might be in part because they are less likely than children of standard-hours workers to be cared for in settings that foster children's school-readiness (Heymann, 2001).

- 21 It is not only pre-school children who experience adverse consequences of parents' nonstandard hours work. School-aged children are also affected (Heymann & Earle, 2001). Research finds associations between parental nonstandard work and lower school engagement and less participation in extracurricular activities (Li et al., 2012). Parents who work atypical hours, particularly evenings and weekends, spend less time with their school-aged children who as a result receive less help with homework, take part in fewer after school activities and have less supervision than children of standard-hours workers (Heymann & Earle, 2001; Kurz, 2000; Rapoport & Le Bourdais, 2008). There are impacts upon school performance, with US research finding that for each hour a parent works between 6 and 9 in the evening there is a 16 percent increase in the likelihood their children score low in mathematics, and that children of parents who work nights are nearly three times more likely than other children to be suspended from school (Heymann, 2001). Adverse effects on adolescent wellbeing also include less parent-child relationship intimacy, especially between adolescents and fathers (Davis et al., 2006) and higher adolescent depression (Han & Waldfogel, 2007). Night work by mothers and evening work by fathers has been found to be associated with a lower quality home environment, less parent-child closeness and fewer meals together, and in turn significantly linked to increased risk of poor mental health in adolescents (Han & Miller, 2009). Maternal nonstandard hours have been found to predict adolescent overweight (Miller & Han, 2008) and poorer adolescent sleep patterns (Radošević-Vidacek & Koscec, 2004).

- 22 Research suggests that families in difficult circumstances are particularly likely to experience adverse effects of nonstandard hours. Australian evidence of negative impacts of parents working nonstandard hours upon adolescent wellbeing is found to exist primarily within sole parent families (Dockery, Jianghong, & Kendall, 2009). Sole mothers are particularly vulnerable to adverse effects of working atypical hours, as their childcare arrangements are often piecemeal and contingent (Tekin, 2007). This is exacerbated when the children are adolescent, as they are harder for one parent to supervise (Han & Waldfogel, 2007), and arranging substitute care is more challenging (Kurz, 2000). In addition to sole mothers, others with low incomes may also have more difficulty protecting their children from adverse outcomes (Baxter & Alexander, 2008; Joshi & Bogen, 2007; Tekin, 2007). The association between nonstandard work and adverse effects on child outcomes and family processes is more pronounced in disadvantaged families, especially when parents work nonstandard hours full-time (Li et al., 2012). Parents' nonstandard work can mean children are without adult supervision. For example, research on low-income working US families describes children being left in the care of other children or alone during the evening because of parental work schedules (Heymann, 2000). US research has also found that high-wage nonstandard mothers can provide more care-giving than lower-wage nonstandard mothers (Connelly & Kimmel, 2011). The research suggests lower income workers are both least able to choose their preferred work schedules, and also least able to protect their children from the consequences of family-unfriendly hours (La Valle et al., 2002).
- 23 Indeed research finds that families who actively choose to work nonstandard hours are few (Hosking & Western, 2005; Presser & Cox, 1997). French research finds nonstandard hours are much more commonly imposed by employers than chosen by workers (Lesnard, 2008). UK research found that for fathers, particularly, atypical work is more closely linked to financial necessity and job insecurity than to preference (La Valle et al., 2002). For both mothers and fathers, control over working arrangements depends largely on their labour market position, with parents in lower socioeconomic groups more

likely than those in professional jobs to feel they had no option but to work at atypical times (La Valle et al., 2002). The majority of nonstandard workers view employment during nonstandard hours as an accommodation to labour market needs, not as a personal preference (Beers, 2000; Han, 2004). This appears related to the further research finding that nonstandard hours workers are more likely to have low level occupations and qualifications and therefore relatively weak bargaining power in the workplace (Millward, 2002).

THE COMMUNITY

- 24 The effects of nonstandard hours upon individual employees and their families find echoes in effects upon the wider community. Workers live not only within families but also within communities, and each is interlinked (Li et al., 2012). The good functioning of society depends on an infrastructure of support that families and social networks give each other. This has an economic value. Although often overlooked in standard economic accounting, social production (unpaid domestic labour, raising children, voluntary work and social care) underpins and subsidises the market economy (Folbre, 2007; Ironmonger, 2004). Estimates put the replacement cost of unpaid care work and volunteering in Australia at about \$261 billion, around 48 percent of GDP (ABS, 2006). Furthermore social production and care are goods in themselves (Elson, 2004). Unpaid care-giving for children, or for others who require looking after because of disability, illness or old age, domestic work for the household, and volunteer work are all essential contributions to social wellbeing. They are fundamental to child development, the creation of human and social capital, the fostering of social connectedness, the wellbeing of adult partners, and the welfare of the elderly (Bittman & Pixley, 1997).
- 25 Historically, most social care, voluntary and unpaid work has been performed by women. Now that women are more likely to be employed, and men's work time remains high, it is increasingly difficult for households to find time for these socially necessary but unremunerated tasks (Jacobs & Gerson, 2004; Pocock, 2003). The social risk is that as the economic opportunity cost of providing voluntary work and unpaid care for children and others increases,

the supply will dry up, with adverse impacts on social cohesiveness and community functioning (Lewis & Giullari, 2005; Putnam, 1995; F. Williams, 2009). Curtailing social production has broad consequences because the economic and social benefits generated are only partially enjoyed by those who perform the activities (Caporaso & Levinde, 1992; Folbre, 2007). For example, parents raising children into productive adults create worth that accrues to the government, employers, and the whole community; it is a social service that benefits all (Chesnais, 1998; Crittenden, 2001; Klevmarken & Stafford, 1999). Conversely there are substantial social costs if parents are unable to perform their roles adequately, and ensure children are well-raised (England, 2005; Folbre, 1994, 2001). For example, schools and teachers must input more to failing or troubled students (Li et al., 2012), and children who receive inadequate care may grow into delinquent adolescents or antisocial adults (Heckman & Masterov, 2004).

- 26 It is particularly difficult to undertake social production or community participation if nonstandard hours are worked. Volunteering, taking part in community activities, religious observance, visiting elderly relatives, and facilitating children's sports, are more difficult for workers whose timetables are not compatible with those prevalent in the community. It is not only the workers own time that is affected; their nonstandard hours may also constrain the civic participation of their family. More than a fifth of Australian children under 12 years old are now cared for regularly by a grandparent (Whelan, 2012), who as noted above are more likely to be involved during nonstandard hours, when other care is less available (Hank & Buber, 2009; Moss, 2009; Vandell et al., 2003). Healthy people in early retirement have historically taken on volunteer civic or community activities, with benefits for their own health and wellbeing, as well as promoting social cohesion and building social capital (Jeannotte, 2003 ; Musick, Herzog, & House, 1999; Putnam, 1995; Thoits & Hewitt, 2001). The aging of the population has led to suggestions that policy should encourage higher workforce participation of women and older people (Daley, McGannon, & Ginnivan, 2012; Productivity_Commission, 2009). One option canvassed is an increase of the

retirement age. This could perversely inhibit the workforce participation of women by taking away grandparents as a childcare alternative (Compton & Pollak, 2011). More broadly, encouraging more adults into the workforce cannot be seen as increasing productivity unless the costs of the socially productive activities that are foregone as a result are also acknowledged. To the extent that more paid work displaces productive unpaid work, net productivity gains are illusory (Elson, 2004; Folbre, 2004, 2007; Glucksman, 1995; Ironmonger & Soupourmas, 2009).

27 As combining work and family becomes more difficult, people may be discouraged from attempting to do so, even to the extent of foregoing childrearing. Cross-national research finds that in countries in which paid work is least compatible with family life, women's fertility is lower (de Laat & Sevilla-Sanz, 2011; Kohler, Billari, & Ortega, 2006). It appears that whereas in the past, women would forego market work in order to have children (Becker, 1965; Mincer, 1962), now the reverse is the case; the more difficult it is for women to combine family responsibilities with paid work, the fewer children they have (McDonald 2000)(de Laat & Sevilla-Sanz, 2011). Recent research has extended this finding to look specifically at the effects of nonstandard hours on fertility, and finds that there is a lower probability of having a first child when the female partner in a couple works a nonstandard schedule (Begall, Mills, & Ganzeboom, 2012).

28 **2) In the event that you identify any adverse effects in answer to the previous question, to what extent does existing research indicate that those effects on the groups identified vary depending upon whether the work is performed on weekday evenings or nights, on Saturdays or on Sundays?**

Although many studies look at nonstandard hours in combination, and find adverse effects of all, they also differentiate between the effects of working on weekday evenings and nights, Saturdays and Sundays.

NIGHTS

- 29 Night work is regarded as particularly likely to have adverse physical health effects, disrupting circadian rhythms and limiting sleep (Costa, 1996). Mothers working nights are especially likely to sacrifice sleep to coordinate childcare and employment (Presser, 2003b). Night work is particularly associated with lower mental health and increased likelihood of depression (Akerstedt et al., 2002). Marriage stability is affected especially by night work, with studies finding married parents who work night shifts are much more likely to face marital dissolution than their counterparts who work standard hours (Kalil et al., 2010; Presser, 2000). Having parents working night schedules has been found to be detrimental for children's involvement in extracurricular activities and school engagement (Han, 2005). Nonstandard hours have a greater impact on mothers' time than fathers' time (Barnes et al., 2006), and extracurricular activity involvement is lower for younger children when the mother has a night schedule even when the father has a standard work schedule (Bajracharya, 2007). Working nights is significantly associated with work family strain for fathers (Alexander & Baxter, 2005). Associations with children's emotional or social difficulties have been found when mothers (but not fathers) worked nights (Strazdins et al., 2004). Night work can mean that children's sleep is also affected, that families do not eat breakfast together, and that children's morning routines suffer (Radosevic-Vidacek & Koscec, 2004; Wight et al., 2008). Even if night-working mothers maintain their time with children by leaving for work after the children go to bed and returning in time to get them up and ready for the day, heightened fatigue can be a problem both for the mothers' health and for the quality of their parenting (Strazdins et al., 2004).

EVENINGS

- 30 Weekday evening work is more directly disruptive to children than night work, because it means parents cannot pick their children up from school or take them to extra-curricular activities, and are absent for evening meals, to help with homework and at children's bedtimes (Han, 2004;

Heymann & Earle, 2001; Wight & Raley, 2009). The disruption in family routines associated with evening work has been found to cause stress for parents (Akerstedt et al., 2002). Evening work is particularly associated with less time spent with a spouse (Wight et al., 2008), and has been found to be related to marital problems for married men and with difficulties finding a partner for single men (Shields, 2002). Afternoon shifts are also identified as more detrimental than night work to voluntary social activities (Albertsen et al., 2008; Skipper, Jung, & Coffey, 1990). For both men and women evening shifts are associated with higher levels of psychological distress (Shields, 2002). For mothers, working evening shifts brings a higher risk of being over-committed. Mothers working an evening shift full-time have been found to spend more time in sole charge of children, in addition to their paid work, so to be particularly over-stretched, with negative implications for their own well-being and that of their families (Hook & Wolfe, 2011).

WEEKENDS

- 31 Weekend hours require employees to work on days that most people can set aside for family, leisure and socialising, so are considered particularly undesirable (Demerouti, Geurts, Bakker, & Euwema, 2004). Weekend work is associated with higher absenteeism and turnover than weekday work (Harrison, Newman, & Roth, 2006; Presser, 2003b) and organizations need more time to fill vacant positions involving weekend work (Strouse, Carroll-Hernandez, Sherman, & Sheldon, 2003). Weekend work is related to higher job stress and more emotional exhaustion than weekday work (Jamal, 2004). Employees whose schedules include weekend work report higher levels of burnout (Fenwick & Tausig, 2004) and less job satisfaction (Ruggiero, 2005). Studies assessing the effect of nonstandard work schedules on perceived family well-being and daily stressors found weekend workers report more work stressors than weekday workers (Davis et al., 2008). Working weekends are especially associated with lower satisfaction with both work and family life (Martin, Wittmer, & Lechhook, 2011; Presser, 2003b), and with greater work-family strain, particularly for lone mothers (Alexander & Baxter, 2005; Baxter & Alexander, 2008) This is likely

because weekend work hours are associated with particularly significant reductions in social activities and family time (Almeida, 2004; Bittman, 2005) and the most interference between work and family/non-work activities (Fenwick & Tausig, 2001). Weekend work impedes participation in sports and socialising, and curtails joint family time. Research suggests parents use the weekends to make up childcare time lost during week, and this is not possible for weekend workers (Craig & Mullan, 2010; Hook, 2012; Hook & Wolfe, 2011). Associations between nonstandard hours and children's emotional or social difficulties are particularly pronounced when mothers or fathers work weekends (Strazdins et al., 2004). Study has found parents who work nonstandard hours are concerned about how their work times affected their children, and most prefer not to work on weekends (La Valle et al.).

SUNDAYS

- 32 Although both weekend days are important family, leisure and social time, research draws a distinction between Saturday and Sunday. Sunday work is less common than Saturday work (ABS, 2009). A European multinational study identified Sunday work as the least usual type, with Saturday employment about twice as prevalent as Sunday employment (Presser et al., 2008). Consistent with this relative rarity, Sunday is the most unpopular day on which to work. For example, retail employees are more strongly opposed to Sunday than to Saturday work (Deery & Mahony, 1994). This attitude is longstanding. A 1991 study surveyed retail employees in six organizations and found that while only 15 percent of the sample were not prepared to work on a Saturday and 25 percent were not prepared to work evenings, over half (51 per cent) were not willing to work on Sundays (Kirby, 1992). A significant proportion felt that working such hours would be harmful to their relationships with their children, partner and family (Kirby, 1992). More recent research suggests that little has changed in this regard; Sundays are still the least preferred day to work (La Valle et al., 2002; Martin et al., 2011). Research finds that as a result Sunday workers require compensation and inducements to take up these shifts, and also that allowing

employees control over whether or not they adopted them was important to satisfactory outcomes (Martin et al., 2011; Tausig & Fenwick, 2001).

- 33 The reluctance of employees to work Sunday shifts has been attributed to the special flavour and meaning the day holds (European Sunday Alliance, 2012). Even when both weekend days are looked at together, researchers note that Saturdays and Sundays remain distinct from one another (Presser et al., 2008). Religious observance is less widespread than in times past, but it still occurs in western countries including Australia most commonly on a Sunday (European Sunday Alliance, 2012; Pastoral Projects, 2006). Also, Sunday retains a special status as preserved for family, and international research finds that working on it is associated with even more loss of family time than Saturday. A UK study found that parents who worked on Sundays are considerably more likely than those who worked on other days, including Saturdays, to report that their work frequently disrupted family activities and limited their engagement in family life (La Valle et al., 2002). A study of 31 European states found that working one or more Sundays a month was associated with higher likelihood of reporting one or more health impairments and poorer work-life balance (Wirtz, Nachreiner, & Rolfes, 2011).
- 34 In Australia, a study investigated the incidence and impacts of Sunday work analysed the Australian Bureau of Statistics Australian Time Use Survey 1997 (Bittman, 2005). It found that in 1997, by a substantial margin Sunday was the least likely day of the week for Australians to work and those that did work on it missed out on important activities and social contact. They were less able to coordinate schedules with others, and as a result had lower civic engagement and spent less time with their families, including children. They shared fewer meals and leisure time with others. The research further found that they were unable to make up for foregone activities or social contact during the week, and concluded that at that time Sunday work had net detrimental effects on workers, their families and their communities (Bittman, 2005).

- 35 Research suggests that the detrimental effects of working Sundays on safety, health, and social well-being should be taken into account when designing work schedules, and that compensation and penalty rates needs to be adequate to make up for the loss of amenity (Allan, Brosnan, & Walsh, 1998). A study taking into account the negative effects of Sunday work concluded that premiums paid would need to be substantial if they were to increase scheduling satisfaction (Martin et al., 2011). Researchers have concluded that better pay for work outside the standard work week and more choice over schedules help offset the difficulties for parents, supplying financial resources for child care and other services (Fenwick & Tausig, 2001; Martin et al., 2011).

EXPERT'S DECLARATION

- 36 I Jocelyn Craig declare that
- i) I understand that my overriding duty is to assist the court impartially on matters relevant to my area of expertise.
 - ii) I have set out in my report what I understand from the instructing solicitors to be the questions regarding which my opinions as an expert are required.
 - iii) In responding to the questions asked of me, I have done my best to be as accurate as possible. All of the matters on which I have expressed an opinion lie within my field of expertise.
 - iv) I have not included anything in the report that has been suggested to me by anyone, including the solicitors instructing me, without forming my own independent opinion.
 - v) At the time of signing the report I consider it to be full and accurate. If for any reason I subsequently consider that the report requires any correction, amendment or qualification, I will notify those instructing me.
 - vi) I understand that this report will be the evidence that I will give under oath, subject to any correction, amendment or qualification I may make before swearing to its veracity.
 - vii) I have attached to this report a list of the documentation reviewed for this report, which include the substance of the facts and instructions

given to me which are material to the opinions given in this report or upon which those opinions are based.

- 37 I confirm that the opinions I have expressed represent my true and complete professional opinion.

Jocelyn (Lyn) Craig

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APPENDIX A

Curriculum Vitae