

July 1994

Independent Education Union (IEU)

Submission on the discussion paper

“The Heart of the Matter”

The IEU has over 36,500 members working in non-government schools, early childhood centres and English colleges across Australia.

The IEU welcomes the opportunity to respond to issues raised in “The Heart of the Matter”. In particular this submission will address issues that relate to

1. Workers with family responsibility
2. Child care

Parenting allowance

The IEU strongly supports the concept of an infant parenting allowance and was very pleased with Mr Keating’s announcement that this allowance would be part of the next budget. The lack of a universal payment around the time before and after the birth of a child currently puts Australia behind international standards. Most EOC countries provide some form of maternity benefit.

The IEU believes that the allowance should be:

- Available to parents at home as well as those in the paid workforce
- Free of a means test
- Available for adopting parents

The two part proposal outlined in the report provides two levels of support. Restricting the parenting allowance to those who do not receive a paid benefit now may discourage employers from either considering or continuing to pay maternity leave benefits.

Ways of dealing with this include:

- Making the allowance universal. This would be easier to administer. The allowance will probably be taxed and therefore those already receiving a benefit may not get the full allowance.
- Allowing the allowance to be a base payment that employers could top up to award or agreement salaries.

Other options

In three enterprise agreements in NSW Catholic schools, early access to four weeks of Long Service Leave is available at the time of maternity leave (attachment A).

Employment conditions

Many workplaces are still not “friendly” to workers with family responsibilities. The following are suggestions that would enable women and men to more easily combine work and family.

1. Family Leave

Such leave should be paid, in addition to current leave entitlements, at least 5 days and cover a broad range of situations, not just illness and family members. Elder care is becoming an increasing problem especially for women.

The National Council for the International Year of the Family should publicly support the ACTU test case for special family leave.

2. Work related child care

Not all work situations are suitable for work based child care. Employers can assist employees in a number of ways, such as buying places at local centres, assisting employees to find suitable arrangements, offering to pay for child care so that employees can attend out of hours meetings, etc.

The Government, in developing policy initiatives that encourage the establishment of work related care such as grants and capital loans, should look at more flexible options i.e. use of capital loans to buy a long term lease on places and the need to look at a total variety of care arrangements for employees.

3. Flexible work practices

Many workplaces allow little or no flexibility for workers with family responsibility. The following are examples of the types of practices and flexibility that would assist workers with family responsibility.

- **Part time/job share**

This option is something that many women and some men would like access to following maternity leave and/or while children are young. Many employers still actively discourage part time work.

Maternity leave provisions in acts, awards and agreements could be expanded to allow as a right, access to part time work following maternity leave for a period of at least one year and then allowing an employee the right to return to a full time position or forfeit the right and remain as part time.

Any move to expand part time work needs to be accompanied by suitable safeguards of conditions etc. The IEU has developed a policy to address key issues (attachment B).

- Extended parental leave

Currently parental leave in most acts, awards and agreements is fifty two weeks unpaid. This is not sufficient. The original ACTU test case was for two years up to the time of a child's 5th birthday. This was opposed by employers and rejected by the Industrial Relations Commission. For men and women wanting to share the parenting and care of their children there should be an option for two years.

- Unpaid leave

Many workers have no absolute entitlements to unpaid leave, this leave being at the discretion of the employer. All workers should have an entitlement to unpaid leave which would allow them to combine paid and unpaid leave.

Role of schools

The education system has a role to play in preparing students for changing roles especially in relations to work and family. The IEU notes that a new curriculum unit, Family Studies in Schools, is to be developed under the umbrella of the Curriculum Corporation.

Childcare

Accreditation – Child Care Assistance

With the extension of fee relief to private childcare centres in 1991, the amount of fee relief provided by the federal government has increased 280%. In order to receive fee relief, centres must register and undertake a process of accreditation, the aim of which is to foster high quality care which meets the developmental, cognitive, emotional and physical needs of all children within the service. However, the current legislation dealing with the accreditation system leaves the removal of eligibility for fee relief in the hands of the Minister. We believe that the link to fee relief must be strengthened to ensure that eligibility for Child Care Assistance is removed if centres do not measure up to accreditation standard. This power should not rest with the Minister but should be an integral part of the accreditation process.

In addition, there is a need to extend a system of accreditation to all children's services including family day care, occasional care, out of school hours care, and vacation care as soon as possible.

There are differing levels of child care assistance available depending on the service used. Children in Out of School Hours Care should receive the same level of funding

support as well as access to Child Care Assistance as do children in services which cater for the under fives.

Planning of Services

There needs to be a more consistent approach to needs based planning with full co-operation by all levels – federal, state, local government, committees and service providers.

Fee relief should be restricted where there is already an oversupply of services. In an overall planning strategy the provision of services by the State, for example pre-schools, needs to be considered.

Areas of Need

As indicated in the report, the needs of remote and rural areas are not adequately being met in child care. Services need to be able to provide a more diverse range of services under the one umbrella. Services should be allowed to be more flexible if they are to meet the demands of a particular community. Specific grants for the establishment of multipurpose centres was an important step in this direction. However, funding arrangements between state and federal bodies needs to be clarified.

Demand for services for the under 2 year olds is not being met whilst there is an oversupply in some areas for the over 3's. The number of over 2's places needs to be increased but this should not be done at the expense of other services. The ongoing cost of under 2's places is greater and additional funding should be available for these places.

Award Coverage

There needs to be recognition that the provision of quality care is not a low cost item. The amount of funding should be adequate to meet the needs of childcare for all families. Childcare workers in all services – long day care, occasional care or family day care, should be recognised as skilled workers. The protection of award wages and conditions should be extended and enhanced for all.

9. Temporary Employees

- (a) Delete clause 2(e) of the Award.
- (b) “Temporary Teacher” means a teacher employed to work full time or part time for a specified period which is not more than a full year but not less than four school weeks. Provided that teacher may be employed for a specific period in excess of a full school year but not more than two full school years where such a teacher is replacing a teacher who is on leave for a period in excess of a full school year or is replacing a teacher on secondment to another position within the school, Archdiocese or elsewhere.
- (c) The parties recognise that a temporary teacher may be appointed to a series of other temporary positions either within the school or another school of the Archdiocese immediately following the cessation of a prior temporary appointment.
- (d) The Archdiocese, the ITA and the teacher may agree to extend the temporary period of appointment beyond two years if the Archdiocese, the ITA and the teacher concerned agree. The ITA shall not withhold its consent unreasonably.

10. Family Leave

The Archdiocese will grant family leave to teachers in accordance with *Attachment B* of this Agreement.

11. Long Service Leave in conjunction with Maternity Leave

- (a) A teacher with at least twelve months service may apply for payment of her pro-rata long service leave entitlement at the commencement of maternity leave. The payment, calculated in accordance with Clause 12 of the Award, will be to a maximum of four weeks pay.
- (b) Where a teacher desires to be paid some or all of the long service leave entitlement in conjunction with maternity leave, the teacher will give not less than four weeks notice in writing prior to the commencement of maternity leave of her intention to claim paid leave.
Except as varied by subclauses (a) and (b) of this clause, Clause 12 of the Award and Division 3 of Chapter 2 of the Industrial Relations Act will continue to apply.

* **Refer to note on conditions of leave at the base of page.**

12. Paternity Leave

A teacher who otherwise satisfies the relevant requirements of the Industrial Relations Act 1991 shall have an entitlement to unpaid paternity leave as defined therein. The CEO Sydney will not unreasonably withhold consent to the taking of extended paternity leave which can be for a maximum of twelve months.

* The CEO Sydney will permit teachers to take long service leave in blocks of less than a full term without clause 12.4 (d) of the Award coming into effect. Provided that:

- (a) The minimum period of leave to be taken in any one application is four weeks, and
- (b) Term one of each school year is to be excluded from this provision.

All other provisions of clause 12 of the Award will apply except as varied in the Enterprise Agreement between the parties to allow for limited long service leave payments to be made in conjunction with maternity leave.