



INDEPENDENT EDUCATION UNION OF AUSTRALIA

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23 July 2002

Ms Pru Goward
Sex Discrimination Commissioner
Human Rights and Equal Opportunity Commission
GPO Box 5218
Sydney NSW 1042

By email: paidmaternityleave@humanrights.gov.au

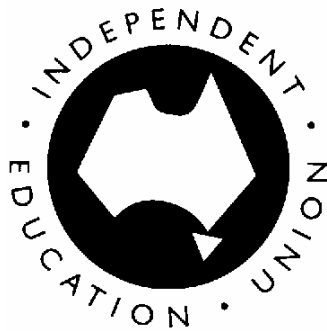
Dear Ms Goward,

Please find attached the Independent Education Union's submission to the Commission's Discussion Paper 'Valuing Parenthood: Options for Paid Maternity Leave: Interim Paper 2002'.

Many thanks for your assistance.

Yours sincerely,

Lynne Rolley
Federal Secretary



INDEPENDENT EDUCATION UNION OF AUSTRALIA

**SUBMISSION TO THE SEX DISCRIMINATION
COMMISSIONER**

**'Valuing Parenthood: Options for Paid Maternity
Leave: Interim Paper 2002'**

July 2002

EXECUTIVE SUMMARY

- 1. The IEU strongly supports the establishment of a national system of 14 weeks paid maternity leave funded by government and employers. The IEU urges the establishment of a process of negotiation between government, employers and unions to agree to the elements of such a scheme.**
- 2. The IEU supports access by all employed women to 14 weeks paid maternity leave at the rate of pay which they received prior to commencing their maternity leave, regardless of the vagaries of geographic location or size of employer.**
- 3. This payment should be available to all working women who take leave to give birth or adopt a baby, with no artificially imposed qualifying periods. A woman's entitlement to paid maternity leave should rely only on evidence of the existence of an employment relationship.**
- 4. The IEU believes there are significant social policy and equity reasons for women who work in casual and temporary positions, as well as those who are in permanent full-time or part-time roles, to have access to paid maternity leave at their salary level prior to their commencing leave.**
- 5. The IEU supports a model which combines a government contribution, an employer levy and a further employer top up through collective bargaining to 14 weeks on full pay.**
- 6. The IEU supports a model which requires a government contribution to Living Wage Level, employer levy to at least Average Weekly Earnings, with the industrial parties negotiating further to 14 weeks paid leave in enterprise bargaining. In the non-government sector this would ensure a maternity leave safety net for employees who currently have no access to paid maternity leave, while providing the opportunity to enhance provisions for those who currently have access to paid leave entitlements.**
- 7. The IEU believes there should be a contribution by all employers to a system of paid maternity leave, including those which might be defined as "small business". Phase-in arrangements over a period of time would allow all business to factor the costs of their contribution to the national scheme into the operation of their enterprise. The Union is strongly of the view that there are economic and social benefits for business and the community in supporting women's equal participation in the workforce through higher levels of female employment and the retention of their skills in the workforce.**
- 8. The IEU opposes the concept of an employee contribution to a paid maternity leave scheme, believing that women and their families already contribute a significant amount in terms of actual expenditure and foregone earnings.**
- 9. The IEU believes that the method and timing of the payment should replicate as far as possible the employee's pay arrangements at the time of commencing**

leave. However, the union supports flexible options which recognise women's needs at the commencement of leave and rejects any proposal that full or part payment of the leave be dependent upon return to work.

10. The IEU believes that the practical operation of the scheme needs to be administratively simple and that the payment for maternity leave should be linked to the workplace without onerous requirements by either the employee or employer in relation to dealing with agencies such as Centrelink.
11. The IEU believes that paid maternity leave should be seen as genuine paid leave and consequently should be counted for the purposes of accruing annual, sick and long service leave entitlements and superannuation.
12. The IEU believes there should be provision for women to transfer part of the maternity leave payment to a partner but that the mother should be the primary recipient, for example, for at least six weeks of the payment.
13. The IEU urges recognition of the significant issues associated with women's return to work after maternity leave. These include access to flexible arrangements such as part-time work and job share or other options which enable women and their partners to balance work and parenting commitments.

The IEU therefore supports enhanced provisions in awards and agreements, carer's responsibilities legislation and judicial decisions (such as the Schou case in Victoria and the Bogle case in Western Australia) which recognise the importance of flexible arrangements to enable women to return to work after maternity leave and continue their careers with appropriate recognition of their parenting role.

14. The IEU urges the Inquiry to recommend the right for women to have greater access to periods of unpaid maternity leave and for either parent to be entitled to access unpaid family leave in blocks of time up to the time their child is 6 years of age.
15. The IEU urges the Inquiry to recommend the development and resourcing of a comprehensive information and education strategy directed to the broad community, employers and employees which sets out and advocates the benefits to the social and economic interests of the community, for such a system of paid maternity leave.

1. INTRODUCTION

- 1.1 The Independent Education Union of Australia (IEU) welcomes the opportunity to contribute to this Inquiry into paid maternity leave. The Union congratulates the Sex Discrimination Commissioner's initiative in opening up this important debate within the community by releasing a discussion paper and initiating a national Inquiry into the provision of paid maternity leave.
- 1.2 As the federally registered union representing over 55,000 teachers and other education staff in the non-government education sector, over 70 per cent of whom are women, the IEU is responsible for negotiating awards and agreements which include the provision of entitlements such as parental leave, family leave, carers' leave and maternity leave. These are entitlements which are central to a worker's capacity to balance their work and family commitments.
- 1.3 In preparing this submission, the IEU Women's Committee has consulted with its Women and Equity Committees at State and Territory levels and has drawn upon the experiences of many women who have contacted the union with concerns in relation to pregnancy and work. The submission is also informed by the process and outcomes of negotiations with non government employers in relation to the inclusion of paid maternity leave into Enterprise Agreements.
- 1.4 The Victorian Independent Education Union (VIEU) has made a separate submission to this Inquiry based on consultations it has conducted with its members and committee. The IEU strongly endorses this submission which is attached to this national submission (**Attachment 2**)

The IEU also places on the record its endorsement of the submission made by the Australian Council of Trade Unions.

- 1.5 **The IEU strongly supports the establishment of a national system of 14 weeks paid maternity leave funded by government and employers. The IEU urges the establishment of a process of negotiation between government, employers and unions to agree to the elements of such a scheme.**

2. THE NON GOVERNMENT EDUCATION SECTOR

- 2.1 The non government education sector is a diverse one. There are approximately 2,650 non government schools across the country employing over 100,000 teachers and support staff. The sector also comprises early childhood centres, pre schools, long day care centres, English Language Colleges and private training providers.
- 2.2 A large majority of non government schools are affiliated with and operated by particular religious groups, the largest of which is the Catholic church which employs over 70% of staff in the sector.

There are over 800 employing authorities in the non government sector including those schools which form part of the Catholic, Anglican and Lutheran systems and also over 780 separate independent school authorities.

- 2.3 The size and diversity of the sector impacts on the industrial context and the salary and conditions which have been negotiated into awards and agreements across the schools and systems in all states and territories reflects a similar complexity and diversity.
- 2.4 An analysis of the provisions across Australia shows that the Union has had some success in negotiating paid maternity/family leave on behalf of its members, however coverage is uneven and the provisions are varied in terms of the length of the period of leave and the conditions applying to it such as the length of service required before qualifying for the leave. There remains a substantial number of staff in non government educational institutions who have no access to paid maternity/parental leave.
- 2.5 The data at **Attachment 1** provides a summary of the maternity/family leave provisions, both paid and unpaid, across the non government sector in Australia.

3. CONTEXT

- 3.1 The IEU believes that the raft of legislation currently in place in Australia which addresses issues of equity, anti discrimination and equal opportunity in the workplace have ethical, moral and symbolic significance for the Australian and international communities. It represents the nation's stated community standards as to what Australia's legislators believe should represent fair and socially just employment practices and outcomes for all citizens regardless of gender, employment, race, ethnicity, religion, disability etc. The IEU believes that paid maternity leave has similar ethical and social justice significance and requires strong support from governments.
- 3.2 Substantial national and international research exists which argues that a nation's economic and social interests and the strategic competitive edge for business are advanced by ensuring that public policy supports what is fair and just for women in the workforce. The IEU believes that a commitment to paid maternity leave as part of a raft of policy and legislative measures which support women and their families has the capacity to make the Australian economy more productive and efficient and its society more equitable and just.
- 3.3 The Union believes that if students attending non-government schools are to receive positive messages about the value of women in our society, governments must contribute to that message by providing the necessary legislative and regulatory frameworks to assist in the process. A positive commitment to paid maternity leave represents such a message.

At the moment, Australia and the United States are the only two OECD countries without government supported paid maternity leave and this gives the clear impression that federal and state governments in Australia do not support women's equal participation in society and are not committed to higher levels of female employment and the retention of their skills in the workforce.

It certainly makes clear to young women that they will be significantly disadvantaged financially and in terms of their participation in the workforce if they leave it to have

children. Certainly this is a contributing factor to the declining birth rates in this country at present.

4. STRUCTURE AND ORGANISATION OF A PAID MATERNITY LEAVE SCHEME

4.1 Eligibility Requirements

- The IEU supports access by all employed women to 14 weeks paid maternity leave at the rate of pay which they received prior to commencing their maternity leave. This is consistent with ILO Convention C183, ACTU policy endorsed at its 2000 congress and IEU Policy.
- This payment should be available to all working women who take leave to give birth or adopt a baby, with no artificially imposed qualifying periods. The IEU believes that a woman's entitlement to paid maternity leave should rely only on evidence of the existence of an employment relationship. For example, while most Awards/Agreements have a 12 month qualifying period for access to unpaid maternity leave, the IEU is concerned that some employers, such as some independent schools in South Australia, require three or four years of service to be eligible for paid maternity leave.
- There are significant social policy and equity reasons for the coverage of women who work in casual and temporary positions, as well as those who are in permanent full-time or part-time roles.

In the non-government education sector, there are many women who for a variety of personal or family circumstances work in casual or temporary/sessional positions, often with the same employer for many years. The IEU believes these women should have access to paid maternity leave at the salary level prior to their commencing the leave.

- As is evident from the range of paid maternity leave entitlements available in the non-government education sector (from nil to twelve weeks on full pay), the IEU supports the introduction of a scheme which will provide access to paid maternity leave for all women. Access to paid maternity leave should not be dependent upon the vagaries of geographic location or size of employer. (For example, why should a teacher in a Catholic school in Sydney have nine weeks paid leave, while a teacher in a similar school in Melbourne has six weeks and in Adelaide only four weeks and many others have no paid maternity leave?)

4.2 Funding Models

- Given the shared responsibility of government and society to protect the health and safety of the mother and child and the overall social and economic benefits to the national interest and to individual employers of a paid maternity leave scheme, the union supports a model which combines a government contribution, an employer levy and a further employer top up through collective bargaining to 14 weeks on full pay.
- The IEU supports a model which requires a government contribution to Living Wage Level, an employer levy to at least Average Weekly Earnings, with the industrial parties negotiating further to 14 weeks paid leave in enterprise bargaining. In the non-government

sector this would ensure a maternity leave safety net for employees who currently have no access to paid maternity leave, while providing the opportunity to enhance provisions for those who currently have access to paid leave entitlements.

Some employing authorities have told the IEU that the provision of a government funded component would enable them to consider enhancing their current provisions at a time when teacher shortages are making the attraction and retention of staff a key priority. For example, Sydney Catholic Education Office, Australia's largest non-government education employer, has told the IEU that while it has concerns about its capacity to pay 14 weeks on full salary, it would consider increasing its current nine weeks if there were a national scheme which included a government funded component. (See **Attachment 3** Sydney CEO Newsletter, May 2002).

- The Union believes there should be a contribution by all employers to a system of paid maternity leave, including those which might be defined as "small business". A very substantial number of non government education staff are currently employed by small organisations such as child care centres, ELICOS centres or small independent schools, most of which currently have little or no access to paid maternity leave.

Phase-in arrangements over a period of time would allow all business to factor the costs of their contribution to the national scheme into the operation of their enterprise. The Union is strongly of the view that there are economic and social benefits for business and the community in supporting women's equal participation in the workforce through higher levels of female employment and the retention of their skills in the workforce.

- The IEU opposes the concept of an employee contribution to a paid maternity leave scheme, believing that women and their families already contribute a significant amount in terms of actual expenditure and foregone earnings.

In figures compiled by the National Pay Equity Coalition, foregone earnings for having a child are shown as \$239,000 for a woman with high levels of education, \$201,000 for a woman with average education and \$157,000 for a woman with a lower level of education. Such figures perhaps help explain why the average number of children per woman in Australia is now below 1.7.

4.3 Practical Payment Arrangements

- The method and timing of the payment should replicate as far as possible the employee's pay arrangements at the time of commencing leave. The current practice in most awards and agreements covered by the IEU is for the leave to be paid as fortnightly salary. In some instances, provision is made for payment as a single lump sum or for payments to be extended over a longer period on half pay.
- The union supports flexible options which recognise women's needs at the commencement of leave and rejects any proposal that full or part payment of the leave be dependent upon return to work.
- The IEU considers it essential that the payment for maternity leave be linked to the workplace without onerous requirements by either the woman or the employer in relation to dealing with other agencies such as Centrelink. The practical operation of the scheme

needs to be administratively simple.

- As some paid maternity provisions (for example in NSW) are “allowances” which do not attract leave entitlements or count for incremental salary progression, paid maternity leave should be seen as genuine paid leave for the purpose of accrual of annual, sick and long service leave entitlements and superannuation. The issue of superannuation is especially important given the recent ABS Social Trends 2002 data which showed that the average super account balance is \$7,000 for Australian women as compared with \$14,800 for men. This has significant implications for women’s retirement income and is consistent with social policy measures to foster and maintain women’s participation in paid employment.
- As in the recently introduced New Zealand model, there should be provision for women to transfer part of the maternity leave payment to a partner but the mother should be the primary recipient, for example, for at least six weeks of the payment.

4.4 Other Related Issues

- As the IEU noted in its submission to the previous HREOC Pregnancy and Work Inquiry, there are also significant issues associated with women’s return to work after maternity leave. These include access to flexible arrangements such as part-time work and job share or other options which enable women and their partners to balance work and parenting commitments. All too often, the IEU has had to protect its members in situations where they have been told to return to work full time after maternity leave or resign or that part-time work was incompatible with holding a promotions position.
- The IEU therefore supports enhanced provisions in awards and agreements, carer’s responsibilities legislation and judicial decisions (such as the Schou case in Victoria and the Bogle case in Western Australia) which recognise the importance of flexible arrangements to enable women to return to work after maternity leave and continue their careers with appropriate recognition of their parenting role.
- The IEU also urges the Inquiry to recommend the right for women to have greater access to periods of unpaid maternity leave and for either parent to be entitled to access unpaid family leave in blocks of time up to the time their child is 6 years of age.

5. Conclusion

- 5.1 The pattern of employment in non-government education institutions reflects that which is evident across the Australian labour market - that is, a growth in the number of women employed in part time, casual and short term contract positions. Under current legislation and industrial awards, most are not eligible to access unpaid and paid maternity leave. The IEU urges the Commission to recommend legislative mechanisms which redress this situation and which provide the right for all women workers to access unpaid and paid maternity leave entitlements.
- 5.2 The IEU believes that more needs to be done to educate and shift community attitudes to be supportive of pregnant women in the workplace, and to the legitimacy, in the national interest, of a national system of paid maternity leave. The IEU urges the Inquiry to recommend the development and resourcing of a comprehensive information and education strategy directed to the broad community, employers and

employees which sets out and advocates the benefits to the social and economic interests of the community, for such a system of paid maternity leave.

UNPAID MATERNITY LEAVE

	NSW	VIC		QLD	SA	
	Cath/Ind	Cath	Ind	Cath/Ind	Cath	Ind
Entitlement	1 year	2 years	Schools covered by the Award which covers Teachers and School Assistants – 1 year. Clerical, admin and maintenance (not covered by award) – 1 year Award free schools – 1 year	1 year	1 year for all categories of staff	1 year for all categories of staff
Qualifying Period	12 months service	12 months service	12 months service	12 months service	12 months service	12 months service
Conditions	There is a general requirement under the NSW IR Act for 10 weeks written notice prior to commencing the leave			6 weeks compulsory leave following confinement	6 weeks notice prior to confinement. Can be required to commence mat leave 6 weeks prior to confinement.	10 weeks notice prior to confinement

	WA	TAS		NT	
	Cath/Ind	Cath	Ind	Cath award	Ind award
Entitlement	1 year	1 year	1 year	1 year	1 year Essington has 104 weeks unpaid parental leave
Qualifying Period	12 months service	12 months service	12 months service	40 consecutive school weeks continuous service	40 consecutive school weeks continuous service
Conditions	Leave starts 6 wks prior to birth			10 weeks notice prior to confinement. Compulsory 6 weeks leave immediately following confinement	10 weeks notice prior to confinement. Compulsory 6 weeks leave immediately following confinement

PAID MATERNITY LEAVE

	NSW		VIC		QLD		SA	
	Cath/	Ind	Cath	Ind	Cath	Ind	Cath	Ind
Entitlement	9 weeks paid mat leave paid as salary during the leave to all teachers and support staff	9 weeks paid mat leave paid as salary during the leave to all teachers and support staff Early Childhood Sector Staff in Early Childhood Centres employed by Kindergarten Union, Sydney Day Nursery and Catholic Centres have or are phasing in paid maternity leave of 9 weeks. Private and community based long day centres and pre-schools do not have access to paid maternity leave. ELICOS 1 College has access to paid mat leave.	6 weeks paid mat leave at the time of taking the leave	According to the employer body, AISV survey <ul style="list-style-type: none"> 21% of schools offer paid mat leave from 2-12 weeks and of the 21%, half provide for 6 weeks 62% schools have no paid mat leave School Assistants and clerical admin, 70% have no paid mat leave, 18% have 6 weeks, 4% have 12 weeks and 8% have other ELICOS 16 in total – no paid mat leave Business Colleges 62 in total – no paid mat leave	6 weeks paid leave with entitlement paid as salary at the time of taking leave	Anglican 6 weeks paid leave with payment as a lump sum at the time of taking leave PMSA Up to 6 weeks paid leave Anglicans/ Lutherans 6 weeks paid leave with 4 weeks paid on taking the leave and 2 weeks on return to work.	4 weeks paid mat leave paid prior to taking leave for all employees	Lutherans – 4 weeks for all employees with 2 weeks paid before taking leave and 2 weeks on return to work Other Ind schools A - 4 schools which provide 4 weeks paid leave, paid prior to taking leave B – 5 schools which provide 4 weeks paid leave, paid prior to taking leave C – 3 schools which provide 4 weeks paid prior to taking leave D - 3 schools which provide 4 weeks prior to taking leave E – 1 school which provides 4 weeks with 2 wks paid prior to taking leave & 2 wks on return to work F – 1 school which provides 3 weeks paid maternity leave G – 2 schools which provides 2 weeks paid on taking leave H – 1 school which provides 2 weeks paid on taking leave I – 1 school which provides 2 weeks paid prior to taking leave J – 1 school which provides 6 weeks paid on taking leave K – 26 schools no paid maternity leave ELICOS There is no paid mat leave for employees in ELICOS Colleges and Business Colleges.
Qualifying Period	12 months service	12 months service	12 months service	12 months service	12 months continuous service (casual employment does not count as service) or in some diocese will be paid as a lump sum	12 months continuous service Lutherans 2 years service, paid mat leave does not count	12 months service	Lutherans –3 years continuous service Other Ind schools 12 months service A – 1 years B – 2 years C – 3 years

	NSW		VIC		QLD		SA	
	Cath/	Ind	Cath	Ind	Cath	Ind	Cath	Ind
						<p>as service for incremental purposes or the accrual of leave</p> <p>2 schools provide 2 weeks paid leave (1 of which provides 4 weeks at half pay) 1 school provides 6 weeks paid leave or 12 weeks at half pay</p> <p>76 schools provide no paid leave</p> <p>83.6% have an entitlement to paid maternity in QLD</p>		<p>D – 4 years E – 3 years F – 3 years G – 1 year H – 2 years I – 3 years J – 1 year K – no paid maternity leave</p>
Conditions	Paid leave does not count as service for salary progress or accrual of entitlements or superannuation Available to temp employees during the appointment	Paid leave does not count as service for salary progress or accrual of entitlements or superannuation Available to temp employees during the appointment	With employer agreement employee is entitled to work part time until the child's 4 th birthday on return to work				Paid mat leave does not count for calculation of holiday pay/annual leave/loading/ls/ sick leave	Lutherans – 2 weeks paid before taking leave and 2 weeks on return to employment paid at the pay rate applying at the time that the employee took leave.

PAID MATERNITY LEAVE

	WA		TAS		NT	
	Cath	Ind	Cath	Ind	Cath	Ind
Entitlement	4 weeks paid mat leave to increase to 6 weeks in 2003 paid at the time of taking leave	Of the 120 schools 3 provide some paid mat leave to teachers and 1 to non-teaching staff	6 weeks paid mat leave, as of the 1/7/02 paid as a fortnightly salary. 7 weeks from 1/2/03 on the understanding that it will increase by 1 week every 6 months up to 10 weeks	70% of all teaching staff in ind schools have some form of paid maternity leave. The majority have 6 weeks paid maternity leave with payment made as salary or as a lump sum prior to taking leave. A number of schools have a combination of less than 6 weeks paid mat leave but have access to sick leave to be used in conjunction with paid mat leave.	6 weeks paid mat leave paid either as a lump sum or fortnightly	Kormilda College 12 weeks paid leave full pay or 24 weeks half pay Yipirinya School 12 weeks paid leave Nyangatjatjara College 12 weeks paid leave Christian and Lutheran Schools have no access to paid leave
Qualifying Period	2 years service	For 1 of the 3 schools there is a qual period of 4 years service	12 months continuous service	12 months continuous service	12 months continuous service	12 months continuous service
Conditions					10 weeks notice prior to taking leave	

Valuing Parenthood

Options for Paid Maternity Leave

Victorian Independent Education Union - overview

The Victorian Independent Education Union (VIEU) represents 12,000 members across the Catholic and Independent Education sectors, from teachers to support staff, clerical and admin to grounds staff. Seventy-two percent of the VIEU membership is female.

Catholic Sector

VIEU has achieved award coverage for all employees in the sector: teachers, school officers, school services officers and Catholic Education Office employees. The current certified agreement (January 2001 - December 2003) for staff in the Catholic sector provides for 6 weeks paid maternity leave upon the birth of a child. Eligibility is restricted to employees with a minimum of twelve months continuous employment. A further 104 weeks unpaid leave is available.

With the agreement of the employer, an employee on maternity leave is able to return to work part-time until the child's fourth birthday. Following a finding (by the Western Australian Equal Opportunity Commission) against an employer who had not made available a job-share/part-time position to a woman returning from maternity leave, VIEU is unaware of any catholic employer denying a request to return part-time. The next challenge for VIEU is to achieve an equitable and reasonable spread of hours for part-time employees.

Independent Sector

The Independent Schools award does not provide for paid maternity leave. These conditions must be negotiated on an individual basis with each school. The Independent Schools award for teachers and school assistants provides 12 months unpaid parental leave for eligible staff. Some Independent schools allow for paid maternity leave through certified agreements. Clerical, administrative, maintenance and gardening staff are not covered by an award.

There are 196 independent schools in Victoria. Currently, thirty-two schools in the Independent sector have paid maternity leave arrangements (ranging from 4 to 12 weeks) included in certified agreements. Over 50% of these schools provide 6 weeks paid leave, in line with the Catholic sector. A mere seven schools provide twelve weeks paid maternity leave.

The Association of Independent Schools of Victoria, which is the main employer representative body survey on paid maternity leave found the following data:

	Teachers %	School Assistants/ Clerical Administration %
No paid maternity leave	62	70
6 weeks paid maternity leave	21	18
12 weeks paid maternity leave	5	4
Other (between 2-12 weeks)	12	8

It is reasonable to assume that the percentage of schools with no paid mat leave to be higher than the figures above, due to not all schools responding to survey.

VIEU also represents employees in 16 Elicos colleges and 62 Business Colleges (the later groups includes all private providers). To our knowledge none of these employers offer paid maternity leave.

VIEU believes paid maternity leave to be a right for all mothers. In an industrial environment where the welfare of children is paramount, VIEU finds the absence of a uniformly adopted paid maternity leave scheme incongruous.

Current Government Support

Current government support provided to families with newborn children cannot be considered to approximate paid maternity leave. The means tested Maternity Allowance (a non-taxable lump sum of \$798.72) is designed to offset costs associated with the birth and care of a newborn baby. It does not assist a mother to take time off work or provide financial security during the period after birth while she recovers physically and psychologically, establishes feeding and care for the infant. The Maternity Allowance does not protect the mother's employment (thereby ensuring she has a position to return to), nor does it protect or preserve other workplace entitlements (long service leave, sick leave and the like).

Government payments to parents (as outlined in section 2.4 "Valuing Parenthood") are means tested and therefore target lower income families that are less capable of absorbing the additional costs associated with the care of children. In this aspect, the payments are appropriately targeted. These payments are also of benefit to mothers who are not in the workforce or who are not eligible for any maternity leave entitlements, since they provide some form of financial assistance. However, the payments are not designed as income replacement, and do not even equate to the Living Wage. The Baby Bonus scheme discriminates against women who return to the workforce and provides very little in the way of genuine financial relief for those who do not.

VIEU supports a model for a paid maternity leave scheme that contains the following elements:

- the ratification of ILO Convention 183 and Recommendation 191 (Maternity Protection Convention and Recommendation);
- a period of 14 weeks paid maternity leave following the birth or adoption of a child/ren;
- all employed women are eligible

- the Federal Government is to pay the minimum weekly wage of \$431 for 14 weeks;
- an employer levy to at least average weekly earnings
- pursue 14 weeks paid leave at current rate of pay through enterprise bargaining
- flexibility to allow transfer of payment/entitlement to spouse as primary carer.

Objectives of a Paid Maternity Leave Scheme

The primary objectives of a paid maternity leave scheme should be to:

- provide financial security for the mother;
- to recognise the mother's biological role and prevent it from resulting in career and financial detriment to the mother;
- recognise the contribution made by women to the workplace and to the economy;
- provide a sufficient period of time for a mother to recover physically (so that she is not "forced" to return to work before she is ready);
- provide sufficient funds to allow a mother to maintain the health of herself and her child;
- protect the mother's employment;
- eliminate discrimination against women due to pregnancy, whilst on maternity leave and nursing a child upon return to work; and
- enshrine the right for a woman to continue breastfeeding once she has returned to work.

Judgmental and moralistic elements of society unnecessarily burden women with guilt if they return to work, particularly while their children are young. Schemes such as the Baby Bonus reinforce "traditional" family values which place an expectation on women to remain at home until their children reach school age. Not all women have the luxury of choice, nor do all women wish to stay at home with children. A shift in cultural expectations, which suggest a mother has the right to return to work, has not been met by a change in workplace culture to facilitate this return.

A paid maternity leave scheme would be able to meet the objectives outlined above. It would recognise and reinforce:

- changing cultural expectations;
- a woman's need for recuperation following the birth of a child;
- the social responsibility of the state in providing a financially secure environment for mother and child;
- the value of women as skilled workers; and
- if women cannot work and have children, work will win out.

Achieving Equity

A paid maternity leave scheme would assist in providing greater workplace equity. It recognises a woman's right to return to work following the birth of a child, just as the father is.

To truly achieve equity, the leave provision would need to be open to either the mother or the father as primary caregiver. This should not lessen the significance of the recognition of the mother's biological role, but would serve to recognise the changing roles of mothers and fathers (greater input by fathers etc).

VIEU recognises a number of the primary objectives of a paid maternity leave scheme apply to women only. These include the objectives of addressing the detriment caused to career and earnings and the acknowledgement of the reproductive role of women. However, if women only are entitled to such leave their “traditional” role as primary caregiver is reinforced. It does not take into account the changing roles of men and women in parenthood. **Thus VIEU supports the New Zealand model in which provision for women to transfer part of the maternity leave payment to a partner after six weeks of payment, is an option.**

Supporting Women and Families

VIEU is committed to achieving for its members workplaces which are supportive and understanding of the needs of families. In an industry that strives to provide the best possible education for children, and in which the welfare of the child is paramount, it is incongruous that some employers do not provide a workplace which is sympathetic to the needs of employees and their families.

A paid maternity leave scheme would provide appropriate support for women and families with new families by:

- securing the financial status of the family;
- protecting the employment of the mother, thereby removing a source of stress regarding future financial security;
- allowing sufficient time for recovery of the mother before returning to work;
- allowing sufficient time for the establishment of feeding and care; and
- providing the opportunity for mothers to continue breastfeeding upon return to work, without prejudice or discrimination.

Benefits to Employers

Analysts predict a decline in the number of entrants into the workforce over the next ten years. There is already a teacher shortage. Teacher shortages are not likely to improve in such a climate. Seventy percent of teachers are women. The combination of these factors means that schools must encourage good teachers and support staff to stay.

Forty-five percent of teachers are over the age of forty. It is imperative that schools not only hold onto valuable staff, but also attract young teachers into schools. Women who are thinking of starting a family will be attracted to schools with generous paid maternity leave. Staff who are already parents will be more likely to remain in a school that is family friendly.

The costs of replacing and retraining staff are considerable. Some business estimates put this cost at one years’ salary. Attracting and holding skilled staff is essential for any business and applies to the highly competitive education sector. If schools do not consider the challenges of working and raising a family, they will not retain good staff.

Benefits to Society

Australia's fertility rate is at an all time low. How can we, as a society, support parents and the decisions they make regarding their choice to work (if indeed they have a choice) and the care of a child? How can society support families so they may choose to have more children?

Australia's aging population requires the maximum level of workplace participation by those of workforce age, or the tax burden on those working becomes too great.

A paid maternity leave scheme reminds society people live for their families, not just for their jobs, and healthy combination of family and work lead to a well-balanced society.

The family unit is the cornerstone of our society. A paid maternity leave scheme would reinforce this ideal by making it possible for women to combine work and family life with less discrimination. A paid maternity leave scheme is a vote for families rather than a vote for the individual and a disintegration of our society as we know it.

Conclusion

VIEU believes in a paid maternity leave scheme, to be available to all working women, and without arbitrary qualifying periods. It should be a minimum of fourteen weeks.

The model outlined in this submission is a fair option which provides payment for all parents, and gives those in employment the opportunity to negotiate top-up payments with their employer. It removes the likelihood of discrimination against women of child-bearing age by shifting the cost of the scheme to the government. This model also recognises society's responsibilities with regard to supporting parents in the choices they make regarding the care of their children.

Paid maternity leave recognises the importance of the reproductive role of women and their value not only as parents, but also as skilled members of the Australian workforce. VIEU is committed to achieving family friendly workplaces for members and will continue to campaign for paid maternity leave arrangements for all members.



NEWSLETTER 71

3 MAY 2002

Paid Maternity Leave – Who Pays?

The issue of paid maternity leave for women in the Australian workforce has been the subject of much recent attention in the media.

You may recall that in August last year Australian Catholic University (ACU) attracted considerable comment by increasing maternity leave provisions for its administrative staff. While confined to a relatively small group of employees, the provision of 12 weeks on full pay and 40 weeks at 60% of salary attracted much attention – both positive and negative – and was for a time the number one topic on Sydney talkback radio.

The issue received further media interest last month when Pru Goward, the Federal Sex Discrimination Commissioner, released a paper entitled, 'Valuing Parenthood: Options for Paid Maternity Leave: Interim Paper 2002.' In her address, Ms Goward noted that in the Western industrialised world, only three countries (including Australia) do not have a universally available scheme for paid maternity leave.

She went on to point out that: *Australia was facing a 'fertility strike' with fertility levels currently at 1.75 children per woman. This is well below the replacement level of 2.1 children and a world away from the high of 3.6 children per woman in 1961.*

The Paper presents five options for funding maternity leave. They are available for further discernment in the Paper published on the Human Rights and Equal Opportunity Commission website (www.hreoc.gov.au).

One thing is clear. Paid maternity leave needs to be supported. As you know, the current standard for employees in Sydney systemic schools is 9 weeks' pay. At the current rate of applications for leave (approx 225 per year) and at current salary rates the 2001 budget impact was about \$1.54 million.

To move to 14 weeks paid maternity leave (the International Labour Organisation/Australian Council of Trade Unions 'standard') would equate to an additional \$0.85 million in round figures; to increase to the ACU standard would cost an additional \$4.60 million per year. This, of course, presumes current salary levels and existing rates of application for paid maternity leave.

Questions for employers such as the CEO, Sydney – which are currently dependent on State and Commonwealth governments for 85% of annual recurrent income – include:

- What is an appropriate response to increasing the amount of paid maternity leave?
- Is paid maternity leave a responsibility of the community at large (ie all taxpayers) and not just employers?
- What educational programs or staffing allocations, if any, would be affected by an increase in paid maternity leave, if the additional cost were borne solely by the Archdiocesan school system?

I thought it important at this time that all staff of the Archdiocesan system of schools reflect on this issue of significance to the broader Australian Community. Consequently, I would encourage you to discuss the related issues and provide some feedback to your Principal.

Yours sincerely,

Br Kelvin Canavan, fms
EXECUTIVE DIRECTOR OF SCHOOLS

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