

## **Submission to the Parental Leave Inquiry**

### **Productivity Commission**

by Olivia Ball, May 2008

Paid maternity leave is a human right. It remains for the Australian Government to fulfil this right for all women within its jurisdiction.

One reason paid maternity leave is so important – a reason insufficient attention – is the tendency for Australian mothers to wean when they return to work. Given financial support, many women would want to stay home longer with their babies and would breastfeed longer too. Breastfeeding itself has a strong basis in human rights (e.g., rights to life, health and food) and its immense economic value to Australia<sup>1</sup> ought to be of great interest to the Commission.

ILO *Convention No. 183 (Maternity Protection – Revised)*<sup>2</sup> of 2000 recognises women's human right to a minimum of 14 weeks' paid maternity leave. I hope the Rudd Government will ratify this treaty and implement the rights therein, as a minimum.

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<sup>1</sup> Smith JP, Ingham LJ & Dunstone MD 1998, *The Economic Value of Breastfeeding in Australia* National Centre for Epidemiology and Population Health. Australian National University, Canberra.

<sup>2</sup> [www.ilo.org/ilolex/cgi-lex/convde.pl?C183](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C183)

International law provides merely a compulsory minimum standard that in some societies can and should be surpassed in order to fulfill the right to breastmilk. In Norway, for instance, all women are entitled by law to a year's maternity leave on 80% pay (or 10 months at 100%). And look at the results: 80% of Norwegian babies in are still breastfed at six months of age.<sup>3</sup> Australia lags woefully behind, as indicated in this table.

**Mandated length of paid parental or maternity leave (in weeks)<sup>4</sup>**

Sweden	78	Indonesia	13
Norway	52	Mauritius	12
Italy	47	Malaysia	9
UK	39	USA	0
Russia	20	Australia	0
Aotearoa/NZ	14	Lesotho	0
Cameroon	14	Swaziland	0
Angola	13	Papua New Guinea	0

The Commission will be familiar, no doubt, with the Human Rights and Equal Opportunity Commission's comprehensive rights- and feasibility analysis *A Time to Value* which cites numerous evidence-based benefits of paid maternity leave, including the establishment of breastfeeding.<sup>5</sup> HREOC recommends a minimum of 14 weeks' government-funded, paid maternity leave equivalent to the Federal Minimum Wage with a view, ultimately, to full income replacement as recommended in international law.<sup>6</sup>

<sup>3</sup> Monbiot G 2007, Not what it says on the tin. *Guardian* 19 Jun URL: [www.monbiot.com/archives/2007/06/19/not-what-it-says-on-the-tin/](http://www.monbiot.com/archives/2007/06/19/not-what-it-says-on-the-tin/)

<sup>4</sup> Dubecki L, What price parenthood? *The Age* 21 March 2008, p24; and Egan C & Gough D, Maternity leave's long, difficult labour. *The Age* 23 March 2008, p4.

<sup>5</sup> HREOC 2002, *A Time to Value: Proposal for a National Paid Maternity Leave Scheme* ([www.humanrights.gov.au/sex\\_discrimination/paid\\_maternity/pml2/index.html](http://www.humanrights.gov.au/sex_discrimination/paid_maternity/pml2/index.html))

<sup>6</sup> ILO 2000b, *Recommendation no. 191 (Maternity Protection)* ([www.ilo.org/ilolex/cgi-lex/convde.pl?R191](http://www.ilo.org/ilolex/cgi-lex/convde.pl?R191))

The World Health Organisation advises that optimum infant feeding consists of 6 months' exclusive breastfeeding, with breastfeeding continuing until the child is at least 2 years of age. Given this advice, I would argue that paid maternity leave should be set at a minimum of 32 weeks, allowing for 6 weeks before birth and 6 months post-partum for exclusive breastfeeding (with any delay in the birth beyond the expected due date added to the period of paid leave).

According to the Australian Bureau of Statistics the proportion of women without access to paid maternity leave is *increasing*.<sup>7</sup> Most likely to suffer this rights violation are women on lower incomes,<sup>8</sup> who are also significantly more likely to wean prematurely.<sup>9</sup>

The 'baby bonus', as hitherto distributed, costs tax-payers more than HREOC's proposed scheme.<sup>10</sup> Paid maternity leave would be a far better means of promoting and protecting breastfeeding since, unlike the baby bonus, it is paid only mothers who take leave from work.

Further, may I urge the Commission to recommend a scheme of government- rather than employer-funded leave, "in order to protect the situation of women in the labour market".<sup>11</sup>

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<sup>7</sup> ABC News, ABS stats show decline in maternity leave. 29 April 2008 ([www.abc.net.au/news/stories/2008/04/29/2229792.htm](http://www.abc.net.au/news/stories/2008/04/29/2229792.htm))

<sup>8</sup> Millar L, Commissioner on paid maternity 'listening tour'. ABC Radio National's *The World Today* 27 March 2008 ([www.abc.net.au/worldtoday/content/2008/s2200681.htm](http://www.abc.net.au/worldtoday/content/2008/s2200681.htm))

<sup>9</sup> Donath S & Amir LH 2000, Rates of breastfeeding in Australia by state and socio-economic status: Evidence from the 1995 National Health Survey. *J Pediatr Child Health* 36: 164.

<sup>10</sup> Goward P, Let's land this baby. *The Age* 23 March 2008, p17; and ABC News, Means testing baby bonus too expensive: Turnbull. 2 May 2008 ([www.abc.net.au/news/stories/2008/05/02/2233970.htm](http://www.abc.net.au/news/stories/2008/05/02/2233970.htm))

<sup>11</sup> ILO *Convention No. 183 (Maternity Protection – Revised)* Art. 6(8)

I conclude with anecdotal accounts of how the lack of mandated paid maternity leave has affected women of my acquaintance in recent times:

- One woman in full-time employment, but without any paid leave entitlement, lived off the family's savings intended for a house deposit rather than return to paid work prematurely. This family can no longer afford to buy a home and remains in insecure rental accommodation.
- Two other women, both trying to become pregnant, felt they had to stay in jobs they disliked because to resign and look for work elsewhere would have meant losing paid maternity leave entitlements accrued through duration of service. The reason one of these women wanted to leave her job was discrimination she faced at work.

These examples serve to show that a lack of guaranteed paid maternity leave can lead to women and their families suffering other rights violations such as discrimination and insecure housing and, as previously articulated, their right and their baby's right to breastfeed.

### **Olivia Ball**

Adjunct Lecturer  
Centre for Human Rights Education  
Curtin University of Technology