

27<sup>th</sup> May, 2008

Ref: TG605:65

Commissioners Robert Fitzgerald and Angela MacRae  
Paid Maternity, Paternity and Parental Leave Inquiry  
Productivity Commission  
GPO Box 1428  
CANBERRA CITY ACT 2601

**By email: [parentalsupport@pc.gov.au](mailto:parentalsupport@pc.gov.au)**

Dear Commissioners,

The AMWU represents approximately 12,000 women in the manufacturing industry. Women's access to paid maternity leave in this sector is low with very few agreements providing for paid maternity leave.

The AMWU relies on and supports the submission of the ACTU to this inquiry.

The AMWU has members across the manufacturing sector in automotive, metals and related industries, printing and publishing industry, food manufacturing, laboratories and the public sector.

Manufacturing is primarily a male dominated industry with women forming approximately 20 per cent of employees within the manufacturing workforce.

AMWU women members work as production/process workers, trades workers and are also engaged in the technical fields of work. Generally women in manufacturing experience low levels of pay although this is dependant on their occupation and whether they are covered by an award, are under some form of individual arrangements or under a collective agreement.

It is our experience that the process of bargaining at the workplace levels has not provided adequate nor equitable levels of paid maternity leave when compared to the global standard.

Out of 2072 agreements that the AMWU was a party to prior to WorkChoices, that is agreements expiring 2006, 2007 and 2008 only 545 of those agreements made any reference to paid maternity leave. Out of those 545 agreements, 134 agreements provided for paid maternity leave of 14 weeks (that is 6% of the total number of agreements).

A further 35 agreements provided for 12 weeks with a further 121 providing for between 4 and 12 weeks. This is a total of 14% of agreements to which the AMWU is a party to providing for paid maternity leave of more than 4 weeks duration. Other agreements provide for lesser periods of paid leave, or contain clauses that are not specific as to whether any component of paid leave is available.

Australian Manufacturing  
Workers' Union  
Registered as AFMEPKIU  
**National Office**  
Level 4  
133 Parramatta Road  
Granville NSW 2142  
Telephone: 02 9897 9133  
Facsimile: 02 9897 9274  
[amwu@amwu.asn.au](mailto:amwu@amwu.asn.au)

Data on agreements made since the introduction of WorkChoices is more difficult to obtain, however, we would anticipate that the prevalence of paid maternity leave provisions would not have increased substantially during that period.

The current provision of paid maternity leave provides for periods of varying duration (as demonstrated above); varying level of entitlements - from ordinary to pay to ordinary pay including penalties; paid leave may be conditional on return to work; the method of payment varies and eligibility rules differ (such as having been in employment for 12 months or more), with casual employees being primarily excluded.

Some minimal provision for paid paternity leave is made in some agreements.

Access to paid maternity leave in the manufacturing industry is arbitrary, inequitable, being dependent on the bargaining strength at the workplace in predominantly a male dominated environment and clearly dependent on the individual employer.

The dominance of males in the industry sectors in which the AMWU represents works is a factor in the level of importance given to paid maternity leave in the process of enterprise negotiations.

Workplace bargaining has failed women in manufacturing in that it has inadequately addressed and delivered on this matter and on other matters associated with parenting and caring responsibilities.

The AMWU supports the substance of the ACTU submissions as a minimum position for the provision of paid maternity leave.

The AMWU submits that a universal scheme providing a minimum for all women by government is required for Australia.

We endorse the ACTU submission that the government institute a national scheme of paid maternity leave of no less than 14 weeks at pre-leave earnings plus superannuation. This scheme is to provide a basic payment by the government of not less than 14 weeks for all women at the minimum wage and 9% superannuation with an employer contribution required to increase the amount paid to working women to 100% of their income, including any more beneficial superannuation provided for at the workplace. The AMWU recognises that this remains less than the standard in many other countries and would meet the minimum standard articulated in the ILO convention 183.

We reiterate that bargaining at the workplace has not delivered a fair and equitable standard for paid maternity leave.

It is our view that employers bear some of the costs associated with paid maternity leave - as it is a work-related entitlement for those women in employment, and the employer gains the overall benefit by reducing retraining costs associated with a greater retention of their workforce.

We endorse the proposal that the requirement on the employer be located in the new National Employment standards and not be subject to bargaining at the individual workplace level. The inadequacy of that approach has been experienced by the AMWU as identified above.

The union had previously been hopeful that a universal scheme supplemented by workplace bargaining would provide beneficial outcomes for increasing numbers of women workers with access to paid maternity - our experience with bargaining has not fulfilled that hope.

The employer component to top up to fully replace the income of the employee should not be discretionary - a new standard must be mandatory.

The AMWU endorses the approach promoted by the ACTU with respect to the provision that where an employer already provides 14 or more weeks paid leave at ordinary time earnings, the new scheme would provide the government component of 14 weeks at the minimum wage plus superannuation of 9%. The employer would only be required to top up to 14 weeks paid maternity leave.

We endorse that the proposed new government scheme be over and above current arrangements and is not to replace or subsume these arrangements - but to add to them. The AMWU does recognise the practical steps involved in bringing into operation a universal scheme - and promotes the benefits of such a scheme.


However, we acknowledge that differentials will still remain.

The AMWU views paid maternity leave as one component (and a priority component), of a number of provisions necessary to support those with parenting and caring responsibilities. The AMWU was active in the Family Leave Test Case with the Metal, Engineering and Associated Industries award and the Graphic Arts award as two of the awards in that test case. The AMWU endorses the recommendations put by the ACTU in the submission for the consideration of the Productivity Commission.

This includes support for the provision of paid paternity leave, which the AMWU has also pursued in bargaining in addition to paid maternity leave.

The scheme for the provision of paid maternity leave of 14 weeks as contained in the ACTU model is acknowledged by the union as a minimum. The AMWU commends the model to the Productivity Commission towards the establishment of an appropriate standard for Australia.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Oliver', with a long horizontal flourish extending to the right.

DAVE OLIVER  
NATIONAL SECRETARY  
on behalf of the AMWU