

SUBMISSION TO THE INQUIRY INTO MATERNITY, PATERNITY AND PARENTAL LEAVE

1. This submission outlines the current provisions for maternity, paternity and parental leave in the Australian Public Service (APS). The APS has provided paid maternity leave since 1973 and has progressively introduced a range of flexible working conditions to help all employees, including new parents, balance work and life responsibilities. There is strong evidence that these provisions are highly valued by employees and are helpful to retaining them in the APS.

Existing provisions to support parents of young children

2. The legal framework supporting parents with new born children in the APS is set out in a variety of different instruments, including:

- a) the *Public Service Act 1999*—section 10 of the Act outlines the APS Values which include a number of values relevant to promoting fairness, workplace flexibility, and diversity in the workplace.
- b) the *Public Service Commissioner's Directions*— the Directions require Agency Heads to assist employees to balance their work, family and other caring responsibilities effectively by encouraging the development of mutually beneficial work practices in the agency. These are usually included in collective agreements and individual workplace agreements and workplace diversity programmes.
- c) the *Maternity Leave (Commonwealth Employees) Act 1973*— under this Act eligible employees are entitled to up to 12 weeks paid leave. The Act also prohibits discrimination in employment and promotion decisions
- d) the *Workplace Relations Act 1996*— parental leave provisions under this Act provide for
 - i) up to 52 weeks of unpaid parental leave (including maternity, paternity and adoption leave) for parents to take on a shared basis to care for their newborn child or newly adopted child under the age of five years
 - ii) return to the position the employee held immediately before the start of parental leave or a position that has the same terms and conditions of employment as the former position
- e) *agreements made under the Workplace Relations Act*—APS agencies currently provide a range of flexible working provisions for their employees to help them balance work and life. These conditions generally include
 - i) paid paternity leave
 - ii) paid adoption leave
 - iii) working from home arrangements
 - iv) job share arrangements
 - v) flexible working hours

- vi) purchased leave, and
- vii) recreation leave available at half pay.

Effect on attraction and retention

3. The *State of the Service Report 2006–07* reported work-life balance provisions as the most commonly identified reason for employees choosing to stay in the APS.

4. As at 30 June 2007 women made up 57% of ongoing employees and were employed in a higher proportion of senior positions than in previous years. Over 60% of APS employees fell into the age bracket (20–44) where they are likely to start families and benefit from using maternity, paternity and parental leave provisions, and flexible working conditions. Women in this age group alone comprise 36% of the APS.

5. In 2006–07 approximately six percent of ongoing female employees in the age group 20–44 used maternity leave. Just over half (54%) of these were at the APS 5/6 level and above. That is, most employees who took maternity leave were employed in relatively senior positions in important feeder groups for higher level management positions.

6. Between 2000–01 and 2006–07, the percentage of women aged 20–44 taking maternity leave rose from 4.6 percent to 6.2 percent. Such an increase reinforces the importance of providing an environment that will encourage these women to return to the workforce.

7. The separation rate for women (that is, the proportion of women who left the APS because of resignation, retirement or death) within the first year after taking maternity leave is comparable to their age cohort. Approximately eight percent of women who commenced maternity leave in 2005–06 had separated from the APS by 30 June 2007. By comparison, the separation rate for all women employees aged 20–44 was approximately seven percent.

8. In addition to providing maternity and paternity leave, agencies provide a range of flexible work arrangements to assist balance work and life. The *State of the Service Report 2006–07* reported that women were more likely than men to indicate that they had caring responsibilities and that 26% of those with caring responsibilities were responsible for children aged less than 5 years old. Carers were more likely to access flexible working arrangements than other employees.

9. The Report found that work-life balance is a relative strength in the APS, noting that the majority of women return to work after maternity leave on a part-time basis. In 2006, 68% of women returned to work at less than 35 hours per week—the largest percentage (28%) worked between 20 and 25 hours per week. This pattern has changed significantly from 2001 when 53% of women returned to work for 35 hours per week or more and 19% for 20–25 hours per week.

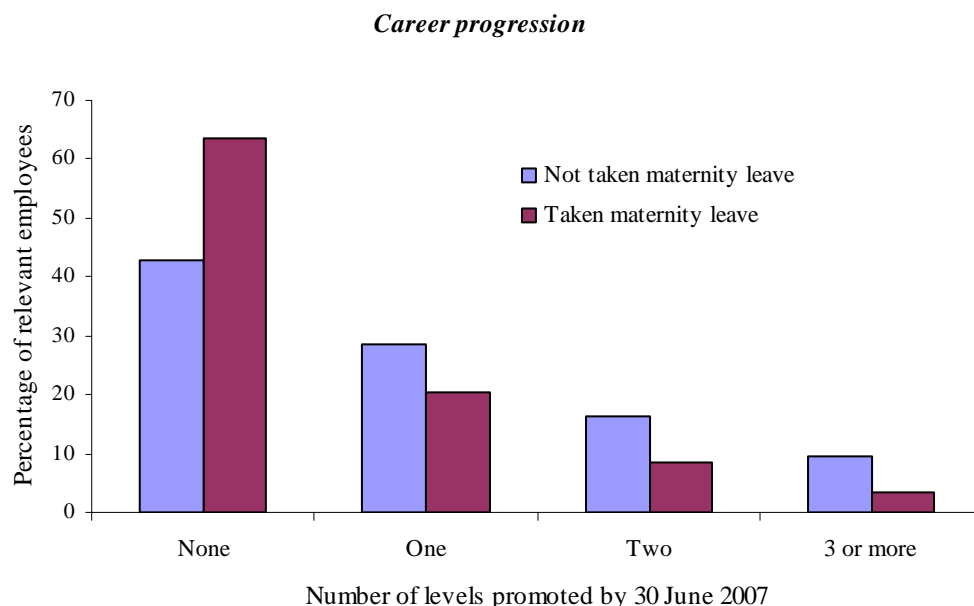
10. Flexible working arrangements was the second highest factor nominated by employees as contributing to their job satisfaction in the *State of the Service Report 2006–07*. Of those employees identifying this as a factor, the vast majority (91%) reported that they were satisfied with these arrangements.

11. Longitudinal data for a number of cohorts suggests that two years after returning from maternity leave a greater proportion of these women were still in the APS compared to their colleagues aged between 20 and 44 who had not taken maternity leave. In other words, women with small children appear more likely to stay in the APS than other women.

Effects on career progression

12. While the arrangements in place within the APS appear to provide strong support for women with young children remaining in APS employment, it is apparent that there is an effect on their career progression.

13. For example, as the graph below shows, the data reveals that when the employment outcomes for women who took maternity leave in 2000–01 are compared with those for women who had never (according to available data) taken maternity leave, the latter group is significantly more likely to have been promoted by 30 June 2007.



14. The causes for this disparity have not been examined in any detail and might be expected to be affected by a number of factors including

- personal choices made by employees about balancing family commitments with the increased demands of more senior positions
- subsequent additional periods of maternity leave. Forty percent of these employees had taken additional maternity leave by 30 June 2007
- a lack of access to part-time work at more senior levels
- that women having children are at relatively more senior classifications already and simply have less scope for promotion.

15. Similarly, whether the difference in career progression is likely to decrease over a longer period is unknown because the collection of data in this form about the use of maternity leave has been undertaken only in relatively recent years.

Conclusion

16. Taken overall, the maternity leave and flexible working provisions in the APS clearly help to retain women with young children. Our research shows that flexible working conditions play an integral role in retaining new parents both at the time of the birth of their children and in the years immediately following. In fact, these arrangements appear so attractive to new parents that they appear more likely to stay in the APS than their peers.

17. On the other hand, the data also indicates that there *may* be scope to improve career development opportunities for women in the years after they return from maternity leave.