



FECCA Submission to the Productivity Commission's Public Inquiry on Paid Maternity, Paternity and Parental Leave

Introduction

1. The Federation of Ethnic Communities' Councils of Australia (FECCA) is the Australian peak national body that supports multiculturalism, community harmony and social justice. FECCA plays an important national role in representing the needs, aspirations and achievements of people of culturally and linguistically diverse backgrounds.
2. In the field of employment, as in other fields, FECCA is an advocate for people from Culturally and Linguistically Diverse (CALD) backgrounds and is a catalyst in identifying issues for further research and development.
3. FECCA welcomes this opportunity to comment on the Federal Government's Productivity Commission inquiry into the introduction of a paid maternity, paternity and parental leave scheme.

FECCA's Position

4. FECCA advocates for human rights based on Australia's international obligations and standards, including international instruments which are relevant to the rights of working women during their childbearing years and the rights of workers with family responsibilities.
5. These international obligations include the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*; the *Convention on the Rights of the Child*; and *ILO Convention 183 Maternity Protection*.
6. FECCA believes that a paid maternity, paternity and parental leave scheme would contribute to more flexible working conditions that would

allow workers to balance their employment and family responsibilities and encourage women to return to paid employment, thus offering greater job security to struggling families. This is vital to ensure workers rights in gaining financial security.

7. FECCA supports as a minimum, a government-funded 14 week paid maternity leave scheme, with two weeks paid paternity leave, at the level of the Federal Minimum Wage, as proposed by HREOC, which provides for the incremental introduction of a paid leave scheme in two stages. This would provide flexibility, which would enable many CALD parents to share the care of their children, particularly in the case of individuals who have a background of fractured support systems

Particular Needs of CALD Workers

8. Workers from CALD tend to be concentrated in insecure, low paid work. Such workers are already under considerable financial pressure. For those who have come to Australia from other countries, often from situations of trauma and conflict, the establishment of a secure family life is a precious and sought after priority. While the birth of a child is a cause for celebration, it also brings with it a corresponding burden on a family or single parent whose resources are already stretched. Because many CALD workers have a history of dislocation, they will not have had the advantages which come from stability. Few will have been able to accumulate savings of a sufficient magnitude to tide them over the first few months following birth. Few will have other financial support systems. Postponement of child bearing, with the disadvantages thus entailed, may therefore seem the only option.
9. Even where a decision is made to have a child, the economic constraints generated by a period of unpaid leave will result in a tendency for mothers to return to work even though they are not physically and emotionally ready to do so. Their distress has a corresponding deleterious effect on the health of the child, the wellbeing of the mother and family and the broader capacity for the mother and family to cope with the challenges of

settling in a foreign country. The case for paid parental leave for such workers is therefore especially compelling.

10. Similarly, a guaranteed job on return from paid parental leave is vital, There is no reason why paid parental leave should be treated differently from any other paid leave. No one would suggest, for example, that workers returning from paid long service leave or paid sick leave might lose their entitlement to their substantive position. It would be a species of discrimination to treat workers with parental responsibilities any differently.
11. Further, without a guarantee of employment on return from leave, we consider that many workers from CALD will be disinclined to take the leave, for fear of losing their jobs. Provision of paid parental leave without a return to work guarantee would operate, in practical terms, as a penalty or punishment for any worker who took such leave. It would also generate the impression that paid parental leave was a favour and a burden to the community, rather than a right.
12. On the issue of funding, CALD workers would be unlikely to be able to make any contribution to a paid parental leave scheme, for the reasons outlined above.
13. FECCA notes that without provision for equity support the individual CALD employee often may not be sufficiently confident to raise and negotiate around the issue of entitlements in a paid maternity, paternity and parental leave scheme. The ability to negotiate with employers is often unrealistic for individuals in the CALD community. Many employees from CALD background lack the confidence to ask for entitlements. They will capitulate to their employer's wishes rather than run the risk of being regarded as potential troublemakers (and the ultimate risk of losing vital employment).
14. FECCA believes a paid maternity, paternity and parental leave scheme would contribute to a higher standard of health and well being for mothers

and their babies from birth, which has direct social and economic benefits at both macro- and micro-levels.

15. FECCA believes a paid maternity, paternity and parental leave scheme would directly contribute to increasing economic security for CALD families who are some of the most economically vulnerable within our society.

16. FECCA believes that the introduction of such a scheme is long overdue. Only 34 per cent - 101,000 - of employed mothers access paid maternity leave, while the rest - 198,000 - miss out, most of whom are on low incomes¹.

CALD Workers and the Workplace

17. In order to put our submission in context, it is important to understand that CALD workers are less likely to have meaningful negotiating power in the workplace, and are less likely to be aware of the concept or availability of paid maternity, paternity and parental leave.

18. People from CALD backgrounds tend to be concentrated in sectors of the job market which create a potential for exploitation. Typical workplace disadvantage stems from factors such as:

- geographic dislocation;
- a history of multiple displacement which has denied them normal benefits (such as educational opportunities) associated with continuity of life patterns;
- lack of English language proficiency;
- different levels of education and literacy;
- unfamiliarity with a new culture and customs;

¹ ABS *Pregnancy and Work Transitions Australia* Cat No 4913.0 Nov 2005. the ABS *Pregnancy and Work Transitions* survey data, which is collected from birth mothers aged 15 years and over with at least one child less than two years of age living with them at the time of interview.

- heavy responsibility to provide financial support for family in the country of origin;
- likely life-experience of trauma (such as torture, dispossession, abuse by those in authority) which makes it difficult for them to assert themselves in a situation of power imbalance;
- a greater likelihood of exploitation by unscrupulous employers;
- being the target of negative stereotypes and racist behaviour at work;
- a diminished idea of self-worth;
- difficulties with having their qualifications recognised;
- humanitarian entrants from small and emerging communities being unable to demonstrate their qualifications due to their inability to bring relevant documents from their country of origin;
- limited knowledge of services available;
- limited education opportunities;
- higher unemployment of young adults; and
- lack of childcare (including lack of access to an extended family who would normally have provided this).

19. Further to this, restrictions on access to social security entitlements on arrival in Australia have increased from two years to four years, placing even greater strain on workers to maintain employment, regardless of conditions. This translates into a willingness by CALD workers to accept whatever employment they can get and to refrain from complaining about working conditions even where they are being patently exploited or abused.

FECCA Recommendations

20. FECCA recommends a national scheme of paid parental, maternity, and paternity leave, as proposed by HREOC which provides for the incremental introduction of a paid leave scheme in two stages, with the resulting outcome consisting of:

- 14 weeks paid maternity leave;
- Two weeks paid supporting parent leave (to be taken concurrently with paid maternity leave);
- 38 weeks of paid parental leave to be shared between the parents, of which 4 weeks is reserved for the supporting parent on a “use it or lose it” basis.

21. FECCA further recommends that the Productivity Commission inquiry into the introduction of a paid maternity, paternity and parental leave scheme endorse the need for a comprehensive public education program aimed at informing CALD communities about the scheme, through avenues such as community radio, ethno-specific organisations and migrant resource centres.

FECCA is happy to discuss any of the issues raised in this submission.

Voula Messimeri

FECCA Chair