



**A•S•U**

**AUSTRALIAN SERVICES UNION**

Submission to

**Productivity Commission**

**Inquiry into**

**Paid Maternity, Paternity and  
Parental Leave**

June 2008

**Introduction**

The Australian Municipal, Administrative, Clerical and Services Union, trading as the Australian Services Union (ASU), was formed on July 1, 1993, following a vote by members of the Federated Clerks' Union (FCU), the Federated Municipal and Shire Council Employees Union (MEU), and the Australian Municipal, Transport, Energy, Water, Ports, Community & Information Services Union (ASU) to amalgamate.

The Australian Services Union represents the interests of approximately 120,000 members across the country making the union one of the largest trade unions in Australia. The ASU operates in areas as diverse as local government, energy, water, public transport, shipping, travel, ports, social and community services, information technology, call centres and the private sector clerical and administrative area.

### **ASU Submission**

The ASU submits to the Productivity Commission the need for a system of paid family or parental leave that supports a woman either working or at home to have and raise a family and for her partner and family to be able to support both Mother and child through the initial phases of child bearing and rearing. This support should come in the form of a paid scheme for parental leave, decent and firm commitments for return to work, provisions for breastfeeding and the encouragement of family care for small children. The ASU supports the submission to the Productivity Commission by the ACTU as the minimum standards required to ensure that women, their families and work are able to be sustained.

Australia has a long way to go before it catches up in equality stakes for women in policy and practice since colonisation 220 years ago. The original owners have survived colonisation and there is much to commend all Australians in relation to the growth and development of human rights, workers rights, and economic, social and environmental areas.

Fundamentally however, the place, role and function of child rearing in the Australian society remains significantly reduced. This lacking is due to the many factor and is still evident in gender stereotyping and sex-role segregation that is peculiar to Australia. Australia has not moved to the gender equality which is a feature of European and Asian societies. While the inequalities have been thoroughly identified and analysed constantly for at least the 1960's and 1970's, various institutions of Australian society have reinforced the continued inequality in many ways. Be it inadvertently or as part of a code of values, the conservatism inherent in maintaining gender inequality will continue to have an impact on the way in which children are cared for, nurtured or the individuals (primarily women) who carry out the caring roles, families, child care industry, workers education, the individual and economic environment.

The abolition of the restraints on married women in the workforce, the introduction of Supporting Parents Benefit, the increasing restriction in senior

education, introduction of early childhood education, the development of the child care industry, contraception, some abortion law reform to name a few have contributed to an equal value for women and men.

Equally doesn't mean 'same'.

One of the extreme manifestations of genders inequality and the failure to ensure that children are a priority, one is the failure to create a consistent, fair, systematic and woman oriented scheme or schemes to ensure that the early years when children are at their most dependant are not characterised by financial disadvantage that compounds over time.

The disadvantage, or gender segregation affects not just the individual mother, child and family members at the time, it aggregates, compounds and ensures that poverty continues to be feminised through many and most life stages.

### **ASU Industries and Women**

The ASU has for many years attempted to bargain collective agreements for our members in a number of our industries and sectors seeking a minimum of 14 weeks paid maternity leave, 2 weeks paternity leave and equal provision for adoption leave.

In the current climate of gender segregation, woman continue to be largely disadvantaged if they are not employed in local government, state and federal government, educations institutions and private sector health.

Local government, and some larger employers in the private sector have some paid schemes which have been in operation for at least twenty years, others have never got passed go. There is currently an unfair and uneven patchwork which means many women and children and their broader families are missing out now and into the future.

Social and community service workers are funded by one or both of state or federal governments and have their wages funded along with statutory leave and leave loadings. Despite the work being ostensibly the same throughout Australia, the funding levels vary. Primarily women are employed, they are often part time and at lower pay rates. Many Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women and women with disability are employed within the social and community services. By the very nature of the sector, its workers and its funding models, only the very basic employment conditions have been able to be met. For workers whose focus is on developing social inclusion and lifting the standards of life for those on the margins, their very own working conditions do not or are not funded to include those very basic of family development needs.

On occasions, employers have acted responsibly and ASU member have stood with strength to achieve outcomes in line with 14 weeks paid maternity leave. These outcomes are unfortunately not in the majority. Often members find themselves faced with employers who will offer paid maternity leave but only out of their sick leave.

The notion of a system which eliminates the patchwork, eliminates the disadvantage and eliminates the inequality for mothers, their children and their families is long over due.

### **Paid Parental Leave System**

The ASU supports the ACTU submission to the Productivity Commission. The ACTU submission addresses the modeling required and evidence presentation which underpins the reasoning for legislation to provide the following:

*Legislation for 14 weeks of Paid Maternity Leave for all mothers of new born babies or adoptive parents of a child under the age of 5.*

*For mothers earning less than the federal minimum wage (\$522.12 per week) legislation to provide for a minimum payment of the current (indexed over time) minimum wage for 14 weeks plus 9% superannuation.*

*For working women who earn more than the minimum wage the National Employment Standards to guarantee income of 14 weeks at ordinary time earnings:*

*The Government to provide 14 weeks income at minimum wage rates plus superannuation of 9% and employers to be required to provide the top up to ordinary time earnings plus 9% superannuation on this amount. The payment will be paid into a bank and superannuation account nominated by the mother, be available at her choice at half rates over 28 weeks and be available from the first day of leave or at the birth of the child.*

*The introduction of the paid maternity leave scheme will replace the current baby bonus entitlement and both the government component and the employer top up component will be subject to income tax.*

The ASU further supports all other elements of the ACTU submission to the Productivity Commission.

**Beyond the bare minimum - conclusion**

The ASU also supports the notion that 14 weeks of paid leave would be the very minimum. That in every circumstance our society should be driving towards at least matching the least standards to be found in our Asian and European neighbours.

Conditions for breast feeding, carer's leave and other family responsibilities must be recognised. Elder and disabled care in the context of this submission should also be considered.

A variety of creative working arrangements which include career maintenance, in-service training, inclusion in staff development and training, safe, affordable child care and working from home are just some of the provisions which should be considered.

Without question the single most valuable part of any paid parental leave system is the ability to reasonably request to return to work part time. This request must in its development be of such a construction that there is an obligation on an employer to understand the importance of retaining staff through this provision and that any refusal must not be on a whim.

Mothers, fathers, parents, partners, siblings all must be considered in the development of a paid parental leave scheme in Australia. The scheme for universal paid maternity leave must be available to all mothers irrespective of whether they are casual, full time, contractors or stay at home mums. The scheme should also be able to be accessed by parents who are assuming the primary carer role.