

Australian Education Union



Submission

to the

Productivity Commission

Inquiry into Paid Maternity, Paternity and Parental Leave

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1. Introduction

- 1.1. The Australian Education Union has a membership of almost 170,000 educators who work in public schools, colleges, early childhood and vocational settings in all states and territories of Australia. Members include teachers and allied educational staff, principals and administrators mainly in government school and TAFE systems.
- 1.2. The AEU represents its members industrially and professionally in diverse forums. This includes the maintenance of comprehensive industrial protection and representation through industrial awards and agreements in all industrial tribunals in Australia. This involves industrial research, negotiation and advocacy over a wide range of matters including salaries and teaching and learning conditions.
- 1.3. The AEU's submission to the Productivity Commission will argue in support of the multiple objectives of parental leave schemes as being all crucial and equally important:
 - income support which focuses on payment arrangements,
 - job continuity ensuring a focus on entitlements to obtain leave, and
 - the health outcomes for the mother and child, allowing a focus on the length of time away from work.
- 1.4 The AEU supports full income replacement to women and men upon the birth or adoption of a child, a guaranteed employment right to leave for appropriate periods and recognition of the importance of this time in terms of child and maternal health, as well as family bonding.
- 1.5 The AEU considers paid parental leave and other fundamental employment rights related to family care, as being well overdue in Australia and that the business case for the benefit to employers, employees and society in general as well established. At this point in time Australia should be adopting the most robust scheme possible to deliver stability for working parents and follow the advice of respected international agencies both in the design and funding of parental leave but also in its duration to ensure the best health outcomes for families. In doing so, Australia will also be promoting overdue progress in terms of gender equality and taking full advantage of women's workforce participation.

2. AEU Models

2.1. AEU policy supports paid maternity, paid paternity/parental and family/parental leave. This submission will outline the AEU's position in relation to the specific models of paid leave and throughout will also answer some of the Commission's specific questions raised by the Issues Paper released in April.

Paid Maternity Leave

2.2. The AEU supports as a minimum a universal paid maternity leave scheme (which extends to non-working mothers), funded by the Government. Where women are employed we believe they should have their income maintained for the leave period at their usual level, therefore employers should contribute to top up that payment to their replacement wage.

- The AEU argues that Australian women should have access to at least 26 weeks, full wage replacement paid maternity leave and that this could be made up with a combination of a Government payment at the Federal Minimum Wage and legislated employer 'top up' payments to a woman's replacement wage, through the National Employment Standards.
- This entitlement should also apply to adoption where an employee can demonstrate they are primary care giver of newborn or adopted child.
- There should be no service requirement for eligibility, for women who are employed, and the AEU believes any Federal paid maternity leave scheme must be additional to existing paid parental leave entitlements for educators (paid by the employer) and the total entitlement should be no less favourable following the advent of a federal scheme.
- Time away from the workplace for maternity should not be considered a 'break in service' and therefore employer superannuation contributions should continue during any period of paid leave.
- Lactation breaks should be available for employees to continue to breastfeed once back at work following the birth of a child. In addition appropriate Lactation Facilities should:
 - Provide a clean private, lockable area that is safe from hazardous waste and chemicals with comfortable seating and power points.
 - Include facilities for washing hands and equipment and storage of equipment.
 - Include a refrigerator for storage of breast milk.

Paternity Leave

2.3. While available to mothers, not all parents access unpaid or paid leave. With the changing nature of the workforce, a failure to provide bonding opportunities to both parents is outdated.

- While the Commission has termed it, ‘paternity leave’, the AEU believes employees should be entitled to 15 days paid partner/parental leave, for each child, with no service requirement for eligibility. This entitlement should be available for all employees assuming a parental role through birth, adoption or otherwise, including same sex partners.
- Employees whose partner is accessing maternity leave should be able to access 8 weeks concurrent parenting leave after the birth of a child. The physical recovery from childbirth takes longer than 1 week. Most of the physically disabling conditions associated with birth start to resolve around 8 weeks after the birth. The discomfort associated with breastfeeding and maternal anxieties are also reduced at around that time. Concurrent Parental Leave for the 8 weeks therefore also allows employees to provide support and care to their partner at this time.

Parenting/Family Leave

2.4. Further to paid paternity/parental leave, Parenting/Family Leave promotes better child and maternal health outcomes, and encourages parental/child bonding.

- The AEU supports employees’ access to at least 7 years family leave/parenting leave for the primary caregiver of each child. An extended period of unpaid leave for both women and men is useful to assist coping with child-rearing or other family responsibilities. In the education sector, employees in some states have access to up to 7 year unpaid family/parental leave, (i.e. until the child is well and truly school aged).
- One year of this leave should be counted as full service and there be no service requirement for eligibility. Employees should have a right of return from leave to their own worksite.
- In terms of foster parenting, or court awarded custody/guardianship the AEU believes persons acting as the primary care giver of a child should be granted:
 - (i) the full applicable paid maternity leave entitlement, if the child entering their care is younger than 12 months
 - OR
 - (ii) at least six weeks on full pay on the child entering their care if the child is younger than 5 years of age
 - OR
 - (iii) at least 3 weeks on full pay on the child entering their care if the child is over 5 years of age.

Right to Return and to Request Flexible Arrangements

- 2.5. In supporting a legislated right to paid parental leave, the AEU believes employees must also know their employment is stable and that upon return from paid leave they have the right to their previous job and the right to request flexibilities to accommodate their role as a carer. In some ways, the stability provided by a right to return to work is as important to both parents as the leave payment, in terms of supporting families.
- Employees should have the right to return to their previous job, and the right to return to part-time work until the child is at least school age.
 - The AEU believes employees should be entitled to return from a period of parental leave on a part-time basis until the child reaches school age, to assist the employee in reconciling work and parental responsibilities.
 - Employers should consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, the leave should be granted.
 - Reasons for any refusal should be provided in writing and an appeal mechanism must be available.
 - International models of a right to request part-time work on return from parental leave, particularly within countries like the United Kingdom and New Zealand which are similar to Australia, have proven successful in both facilitating re-entry into the workforce, retaining corporate knowledge and enhancing employee retention.

What type of eligibility tests should be established?

- 2.6. The ILO standard, (in Convention 183 Maternity Protection, 2000), advocates the provision of a minimum 14 weeks *paid* maternity leave parental leave, and recommends:

- the paid leave ensures a suitable standard of living (article 6, no.2);
- paid leave be “based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman’s previous earnings” or an average resulting from calculations based on the woman's previous earnings (article 6, no.3);
- conditions to qualify for paid leave can be satisfied by a large majority of the women (article 6, n.5); and
- paid leave be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice (which may allow, by agreement, employers directly contributing to the cost) (article 6, n.8).

- 2.6.1. Paid Maternity Leave should be viewed as reciprocal support for mothers at a time they need it the most and when undertaking a role which also has many community benefits. The AEU therefore supports a **universal paid maternity leave scheme** – this therefore extends to all working and non working mothers, including self employed, casual workers, employees in small businesses, contractors and shift workers.

- 2.6.2. In keeping with the ILO Convention above, whereby any conditions to qualify for paid leave should be satisfied by a large majority of women, we therefore believe an Australian universal paid maternity scheme should be without eligibility requirements altogether.
- 2.6.3. Within the workforce, paid maternity leave should be a fundamental employment right to all women regardless of their longevity of service.
- 2.6.4. Without a universal scheme, provision of paid maternity leave in Australia has been piecemeal, with only around one third of women having access to any paid leave. In the Government sector, and in particular for AEU members working in public education, rates of paid maternity leave have been reasonably high. However, in the private sector, as figures provided by the Equal Opportunity for Women in the Workplace Agency (EOWA) in 2007 show, paid maternity leave is not available for the majority of women.
- 2.6.5. 48.9% of EOWA reporting organizations provided paid maternity leave. Amongst the 51.1% of organizations who report to EOWA and who did not provide paid maternity leave, many are in sectors that largely employ women, (and are also highly casualised, particularly the Retail, Accommodation and Food Services sectors), which gives weight to the argument for a universal scheme.
- 2.6.6. Data collected by the federal Office for Women in 2007 (cited in EOWA, 2007, p3) revealed that for small and medium enterprises the percentage of organizations providing paid maternity leave is only 19% (EOWA, 2007).
- 2.6.7. In the public education sector, prior to achieving 14 weeks paid maternity leave for teachers in most of our states and territories, women experienced significant career difficulties and this in turn affected the profession.
- 2.6.8. In the past female teachers, upon pregnancy would often resign and leave the profession altogether, resulting in a loss of qualified and highly skilled employees to the education system and contributing to teacher supply concerns.
- 2.6.9. Other women later returned but their maternity was considered to be a 'break in service' which has now left many women of retirement age with the prospect of much reduced superannuation and bearing a significant (and discriminatory) cost for their time having children.
- 2.6.10. Further, this time out of the profession had (and still does have) an impact on women's career progression, where the numbers of women principals in both the primary and secondary sectors are not reflective of their proportions in the profession more broadly. Women account for about 70% of educators in the public system. In the primary sector women make up 82% of teachers yet only about 43% are in principal positions. In the secondary sector women make up about 57% of teachers yet only about 35% are in principal positions.

*Should the eligibility test be designed to encourage ongoing workforce attachment?
How should this be done?*

2.7. AEU argues later in this submission that paid maternity leave and parental leave in themselves produce greater workforce loyalty and attachment than unpaid leave and indeed many employers have found that the retention of women following maternity leave dramatically alters upon the introduction of, or increases in, *paid* maternity leave. The AEU does not support eligibility requirements as this produces inequitable outcomes for parents at a time of financial stress. Nevertheless, we believe the business case shows that it is not the design of eligibility criteria that produces greater retention, but in the provision of paid leave, the employer sends the important message of valuing employees.

- ANZ offers 12 weeks paid parental leave (to the primary care giver) for permanent full-time and part-time employees, **irrespective of length of service**. For casual employees, they are entitled to one year unpaid parental leave and the right to request an extension up to a total of 2 years. (FSU, 2002)
- There are many other examples within the finance sector, reported later, which highlight increased retention rates and also the change in workplace culture and employee satisfaction.

Should other prime carers, such as grandparents, foster and adoptive parental also be covered?

2.8. AEU policy supports paid leave for the primary care-giver, whether they are biological parents, adoptive parents, foster parents or those with court awarded custody of a child and indeed for grandparents.

Should other prime carers, such as grandparents, foster and adoptive parental also be covered?

2.9. AEU policy supports paid leave for the primary care-giver, whether they are biological parents, adoptive parents, foster parents or those with court awarded custody of a child and indeed for grandparents.

Should the rate of payment be linked to the employee's wage (either current or an average wage over a recent period)? If not, what basis should be used for the parental leave payment?

2.10. The AEU, in line with the ILO, supports paid parental leave as a replacement wage. If this is to be facilitated via a government payment at the minimum wage, plus the mechanism for employers to 'top up' the leave payment to replacement wages this would be sufficient.

Should each parent have a separate entitlement for leave, or should there be an amount of leave to be shared between parents? If the leave were to be shared, should there be an amount that is reserved for the exclusive use by either parent?

2.11. The AEU supports separate periods of leave for each parent, with the ability for concurrent leave of at least 8 weeks. We believe the birth mother must be entitled to 26 weeks exclusively in order to recover from the birth, for child health and to establish breast feeding.

Should government contribute to the funding of the paid parental leave scheme? Should employers and/or employees contribute?

2.12. The AEU supports a universal paid maternity leave scheme (which extends to non-working mothers) therefore we support a Government funded scheme. Where women are employed we believe they should have their income maintained for the leave period at their usual level, therefore employers should contribute to top up that payment to their replacement wage. We do not believe employees should contribute, as they have already done so via the taxation system.

2.12.1. The national scheme should be calculated at the Federal Minimum Wage, however privately (employer) funded entitlements should interact with any national scheme as the 'top up' and as such be legislated preferably within the National Employment Standards (NES).

2.12.2. Within the education and training sector, the Equal Opportunity for Women in the Workplace Agency (EOWA) reports access to paid maternity leave by 82.2% of employees. EOWA's data however does not include public education employees.

2.12.3. Most AEU teacher members have access to 14 weeks paid maternity leave; however our policy is to achieve 26 weeks paid maternity leave. (See Appendix 5)

2.12.4. As an example of current access and cost of paid maternity leave involved within public education, the ACT Education Department has indicated that 72 women in total have accessed paid maternity leave in the last 12 months. The Annual Report (DET, 2007) shows that with 4 149 female employees (both teaching and assistants) just 1.7% of the female workforce access paid maternity leave per year.

2.12.5. Similarly, in Queensland as at 23/3/08, there were 86 women on full pay maternity leave, 648 on half-pay maternity leave, and 493 on unpaid maternity leave. Of a total workforce of around 40,000, a total of 1227 employees were on leave for maternity purposes. This represents only 0.03% of the workforce.

2.12.6. The AEU does not support any reduction in current entitlements. Employers who already provide paid parental leave should not be allowed to "pocket" the government funded component of a national universal maternity leave provision.

- 2.12.7. Any national paid maternity leave scheme should be in addition to any pre-existing schemes that already exist in the workforce. Women who have access to these schemes should be able to take the maternity leave provision they are already entitled to and then access the 26 week national scheme.
- 2.12.8. The Australian Government has an opportunity and an obligation in finally moving toward introducing a universal paid maternity leave scheme, to assess international design and funding for paid maternity leave and to ensure ours is as robust and progressive as possible, to deliver much needed stability for working parents.
- 2.12.9. International Labour Organization data provided to the United Nations (2005) shows that the vast majority of paid maternity leave schemes internationally involve a Government funded (social security) payment, over half do so at 100% wage replacement and over a third provide more than 14 weeks leave.
- 2.12.10. 14% do so via joint employer/Government provision
- 2.12.11. Of the Government/Social Security provided schemes, 6 countries provide 26 weeks leave or more. They are:
- | | |
|-----------------------|--|
| Norway | 42 or 52 weeks parental leave
(9 weeks reserved for the mother) |
| Czech Republic | 28 weeks |
| Serbia and Montenegro | 365 days |
| Slovakia | 28 weeks |
| Albania | 365 calendar days |
| Viet Nam | 4 to 6 months
(depending on the working conditions and
nature of the work) |
- 2.12.12. Of the Government/Social Security provided schemes, 62 countries provided around 100days/14 weeks or over – (30/37 European; 13/50 African; 12/38 Asian; 3/23 North American; 3/11 South American)

**Maternity Leave Funding Across 166 Countries reporting to the
United Nations' Statistics and indicators on women and men (22/4/2005)**

Table 5c - Maternity leave benefits

Government Funded (Social Security)	Employer Funded	Unemployment/ Health Insurance	Joint Employer/Government	Unpaid	No Info.
83	43	5	29	5	1

**REGIONAL Information - Maternity Leave Funding Across 166 Countries
reporting to the United Nations' Statistics and indicators on women and men
(22/4/2005)**

Table 5c - Maternity leave benefits

	Africa	Europe	Asia	North America	South America	Oceania	<u>TOTAL</u>
Government Funded (Social Security)	16	31	14	11	10	1	83
Employer Funded	19	1	18	2	0	3	43
Unemployment/ Health Insurance	1	2	1	1	0	0	5
Joint Employer/Gover nment	12	3	5	8	1	0	29
Unpaid	2	0	0	1 (US)	0	2 (Aus; PNG)	5
No Information	0	2	0	0	0	1 (Van)	1
<u>TOTAL</u>	50	37	38	23	11	7	<u>166</u>

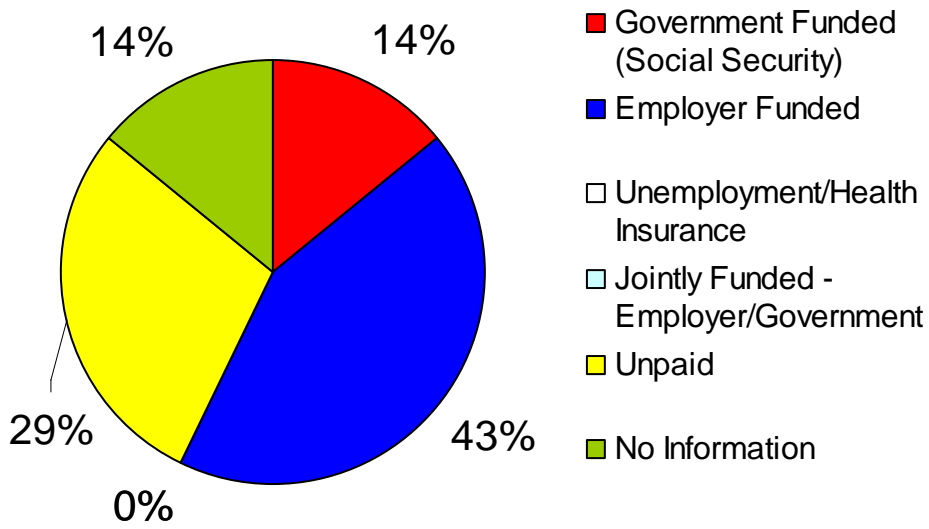
**Percentage of Women's Replacement Wage - United Nations' Statistics and
indicators on women and men (22/4/2005)**

Table 5c - Maternity leave benefits

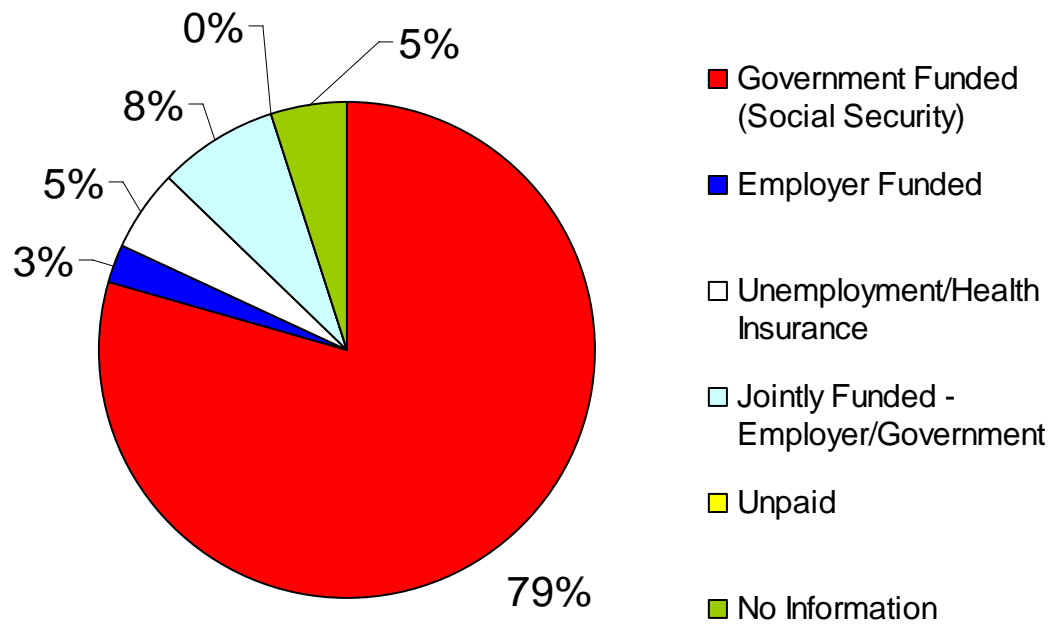
	Africa	Europe	Asia	North America	South America	Oceania	<u>TOTAL</u>
100% replacement wage	30	18	24	8	8	0	88 (53%)
100% up to a ceiling	0	1	1	0	0	1	3
50%-99%	15	18	11	14	2	0	60 (36%)
Minimum Wage	1	0	0	0	1	1	3
<u>TOTAL</u>	50	37	38	23	11	7	<u>166</u>

* note those not included in table provide less than 50% wages or unpaid leave.

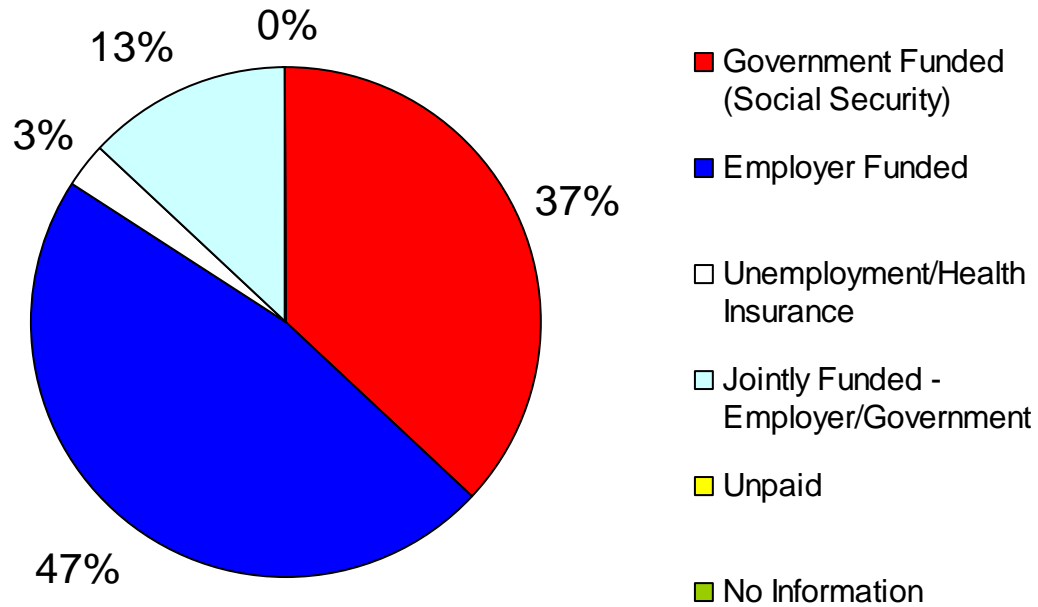
Maternity Leave Provisions - Oceania



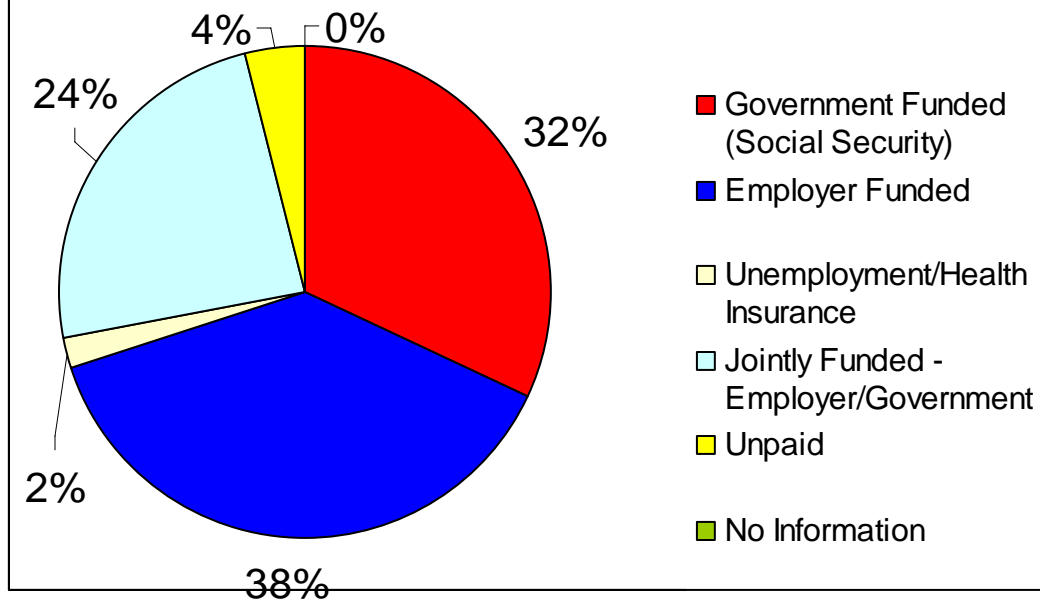
Maternity Leave Provisions - Europe

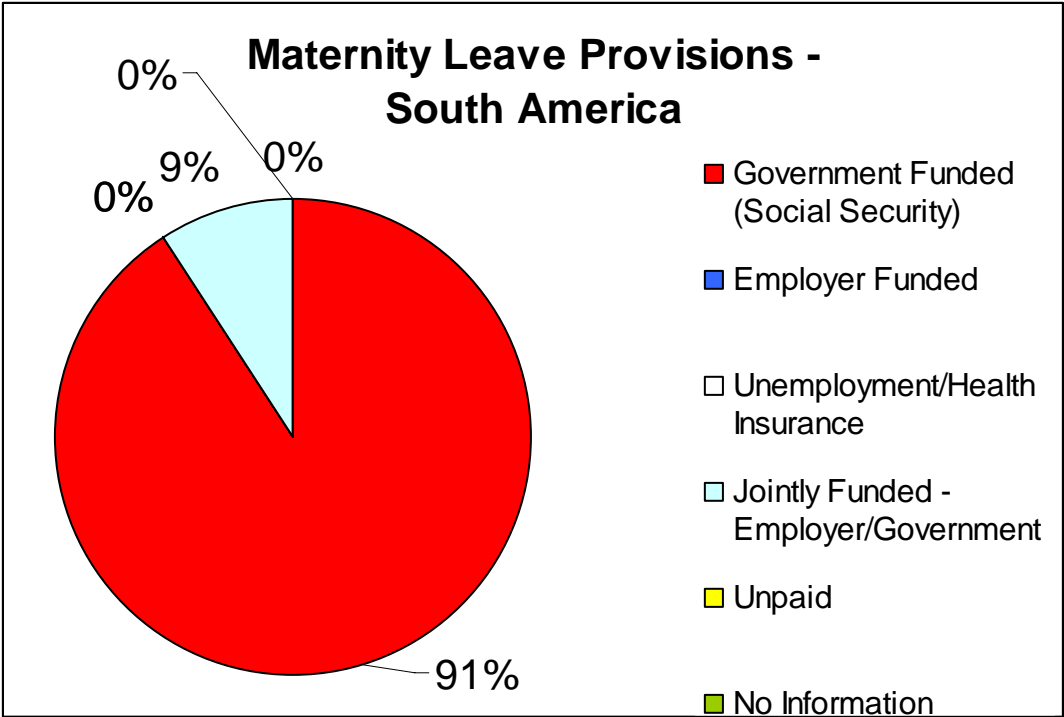
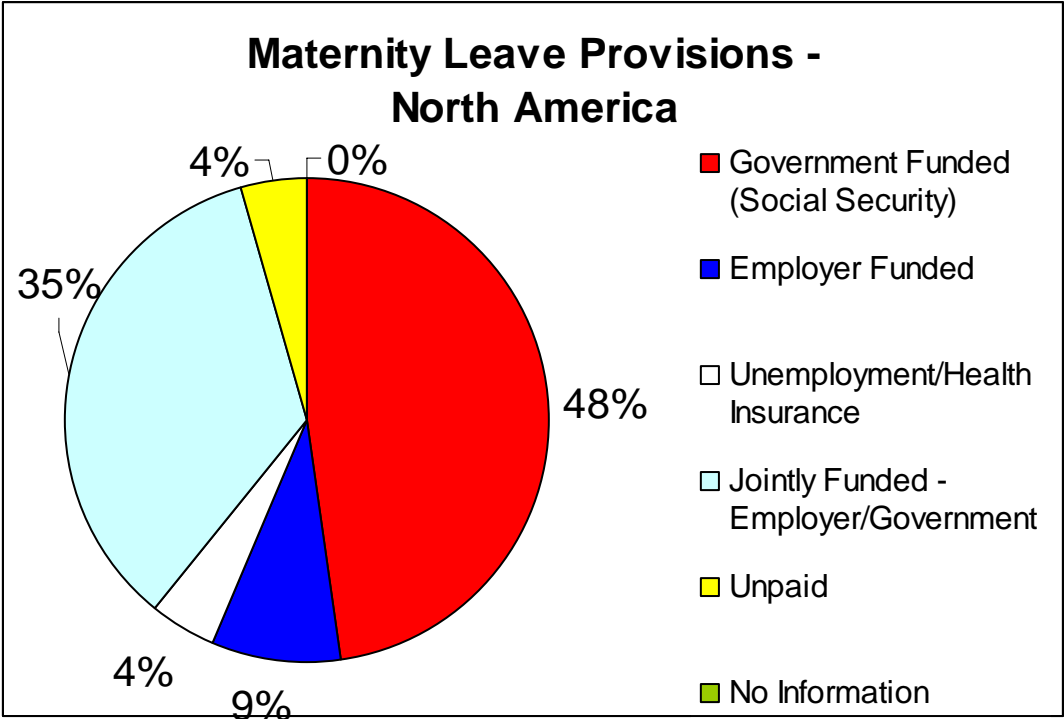


Maternity Leave Provisions - Asia



Maternity Leave Provisions - Africa





3. Benefits of AEU Model

- 3.1. The Commission is asking a number of questions regarding the implications of paid leave entitlements, particularly concerning:
- the duration of leave,
 - the impacts on child and parental welfare, and indeed
 - establishing and maintaining breastfeeding routines.

Health

- 3.1.1. These questions of maternal health, child health and family bonding are of central importance to our submission - and our reasoning for recommending a federal scheme for 26 weeks paid maternity leave – as it also relates to the health of society.
- 3.1.2. The World Health Organisation (WHO) states that of utmost importance to the health of the mother and the infant is a period of absence from work for at least 26 weeks. This is conducive to both the optimal growth of the infant and the bonding between mother and infant. Absence from work also allows the mother to recover.
- 3.1.3. The Australian Breastfeeding Association concurs, citing Australian Bureau of Statistics estimates that “118,000 Australian women return to paid work when their child is aged 6 months or younger. Therefore, workplace support is crucial if we are to reach National Health and Medical Research Council recommendations of exclusive breastfeeding for the first 6 months and World Health Organisation recommendations for ongoing breastfeeding to two years and beyond.” (ABA, 2007)
- 3.1.4. The World Health Organisation has identified this period from work as minimising maternal health problems such as infections, anaemia, depression, backache, anxiety and extreme tiredness.
- 3.1.5. In terms of infant health, the WHO says there are a range of benefits for the child including being able to be exclusively breastfeed. The ABA says breastfeeding is known to “promote cognitive development and higher IQ, central nervous system development and visual acuity, and speech and jaw development. Breastfeeding also helps protect mothers against breast and ovarian cancer and type 2 diabetes.” (ABA, 2007)
- 3.1.6. Anything less than 26 weeks is identified as being of multiple detriments to their health. The risks of premature weaning cited by the ABA are “increases in the risk of gastrointestinal illness, respiratory illness and infection, eczema, and necrotising enterocolitis, with increasing scientific evidence of its links with chronic or serious illnesses or conditions such as childhood diabetes, urinary tract infection, certain types of cancers, diseases of the digestive system such as coeliac disease and Crohn's disease, liver disease and cot death.” (ABA, 2007)
- 3.1.7. The long-term public health outcomes of breastfeeding mean a reduced burden of disease and resultant economic, environmental and social benefits to the community.

- 3.1.8. Despite the numerous evidence to support the benefits of breastfeeding, Australia has a poor record when it comes to exclusive breastfeeding and breastfeeding duration.
- 3.1.9. In November 2005, the Australian Bureau of Statistics estimated 181,000 Australian women participated in paid work after the birth of a baby. Of these, 118,000 mothers returned to work when their child was 6 months old or younger (75,000 returning when their child was aged 0-3 months, and 43,000 returning when their child was aged 4-6 months).
- 3.1.10. With women's workforce participation continuing to increase, workplace support for breastfeeding plays a vital role in improving breastfeeding rates. It also means that employers need to build their capacity to meet the needs of a changing labour market and part of this is creating family-friendly workplaces for breastfeeding employees.
- 3.1.11. Cooklin et al (2008) have found the "marked absence of workplace support for breastfeeding in Australian workplaces" is to blame for the low rates of breastfeeding among working mothers and believe more needs to be publicized about the effect of measures such as lactation breaks, employer education and paid maternity leave on rates of breastfeeding at six months.
- 3.1.12. Returning to work part-time (less than 30 hours a week) or as a casual with variable hours from three to six months after having a baby has a strong effect on reducing breastfeeding at six months, according to the study, with only 44% of babies receiving some breast milk, compared to 56% of mothers not in the workforce.
- 3.1.13. There is evidence that "once the infant has reached 3 months of age, both employers and employees feel that the provision of even minimal support for breastfeeding and breast milk expression is no longer sustainable, and that women need to promptly resume their pre-birth capacity". (Cooklin et al, 2008, p620)

Business Case

- 3.2. Further to the immediate health benefits of paid leave for working mothers, is the economic and social benefits of retaining mothers' attachment to the workforce, reducing the career and financial penalties to women and thus increasing gender equity in the workplace, encouraging a more equitable distribution of domestic labour and the necessary culture change required to normalize fathers taking paid leave to allow greater parental involvement. These elements of behavioural change may take longer to develop in Australia but have been proven successful internationally and in isolated cases in particular industries locally.
- 3.2.1. Within the finance sector, the introduction of paid parental leave has certainly proven beneficial in terms of skill retention, loyalty and employee satisfaction. For this sector, they would certainly agree that paid maternity leave makes good business sense.
- 3.2.2. The Finance Sector Union (FSU) reported to the 2002 Inquiry into the Workplace Relations Amendment (Paid Maternity Leave) Bill a number of case studies which are still useful. Like large government employers,

companies like banks allow for good comparisons in terms of the business case for paid maternity leave and the retention and recruitment benefits to a potentially transient workforce. Two examples highlighted here include the National Australia Bank and the Commonwealth Bank of Australia.

3.2.3. NAB introduced 6 weeks paid maternity leave in 1997 when their staff retention rate was 54% but by August 1998 100% of employees taking maternity leave returned to work at NAB. The bank is quoted directly as saying “while (paid maternity leave) is a substantial investment in our people, we have done sufficient cost-analysis to know that we reap the dividends in terms of employee productivity, job satisfaction and retention.” (cited in FSU, 2002, p2)

3.2.4. CBA’s experiences with paid maternity leave serve to highlight that while the paid leave is important, so too is the security provided by an employee ‘right to return’, i.e. the distinction between not providing just a social security payment to new mothers. While CBA, as previously a government employer, had 12 weeks paid maternity leave since 1973, their return from maternity leave rate improved from 55% to 85% when in 1990 they coupled PML with career-break and job

What would be the behaviour of those employers that already offer paid parental leave? How would this affect wages, the leave they offer, and their employment practices generally?

3.3. Women make up around 70% of the public education sector. Most educators have four-year post-school qualifications and represent highly skilled professionals. At present, the education system is experiencing significant teacher shortages both due to the workforce having a high concentration of retirement age employees and due to relatively high attrition rates by new teachers to the profession. Reasons such as teacher salaries, workload and behaviour management are placing pressure on teacher supply.

3.3.1. Most AEU teacher members have access to 14 weeks paid maternity leave; however our policy is to achieve 26 weeks paid maternity leave. (See Appendix 5) Though most AEU members do access paid maternity leave, the actual numbers of women taking paid maternity leave at any given time are relatively low in terms of the proportion of the workforce (as seen in examples earlier in this submission).

3.3.2. The reasons why the AEU favours 26 weeks paid maternity leave, therefore have to do with reducing attrition and to maintaining the sectors’ reputation of being family friendly. Improving paid maternity leave, and associated flexibilities are also gender equity considerations particularly in terms of career progression. Again, women are not as well represented in leadership positions as they could be as time out of the workforce and absences due to caring responsibilities do play a part in restricting career.

3.3.3. The loss to the education profession of such highly trained employees to other professions, at a time of high demand is significant.

- 3.3.4. Further reason to increase the length of paid maternity leave provision within the education sector is the speed with which other sectors are matching the 14 weeks currently provided. EOWA reports data for the period 2006-2007 shows that nearly 90% of employers (who report to EOWA) now provide six weeks or more paid maternity leave and that this has increased more dramatically over the last 2 year period. EOWA says “today nearly 40% of organizations provide 12 weeks or more leave, compared to 27% just two years ago” and they note that there has been significant growth in the provision of 14 weeks paid maternity leave in line with both the International Labour Organisation Convention and the World Health Organisation standard. (EOWA, 2007, p5)
- 3.3.5. The resulting competition amongst employers to prove themselves attractive workplaces for employees wishing to start a family has increased at the same time many educators are reporting their dissatisfaction with workload and salaries. Women themselves are reporting that they do indeed place importance on working for an organization that provide flexible work conditions, promotes and supports women and provides paid maternity leave and this indicates that ‘Generation F’, (as EOWA terms women in paid employment) “seeks opportunities and workplaces that will enable them to participate in the workforce and advance in their careers alongside fulfilling their family responsibilities.” (EOWA, 2008, p8)
- 3.3.6. The education profession has in the past been at the forefront of the culture change amongst employers to support families (a role which the government sector often proudly performs) and should continue to do so.
- 3.3.7. The experience of paid parental leave in the UK, where the Government has moved considerably on enshrining flexible work entitlements, concurs with the finance sectors’ where its said that, “eight out of ten employers in the UK believe that family-friendly policies improve the recruitment and retention of staff” (Harker et al, 2006, p4).
- 3.4. If skill retention is a fundamental concern for Government, then paid parental leave should be regarded as a vital enabling factor to increase the under-utilised skills of women with children. *Catalyst Australia* (Schofield, 2008, p4) puts the urgency of the Australian context perfectly:
“Policy reform is not only vital for families, it is necessary to address our shrinking labour supply rates. This is set to get worse as our population ages.
- Increasing the pool of available workers is an important part of the policy solution. To date, the public policy debate about increasing workforce participation has focused on mature aged workers. This resulted in a number of incentives that have cost taxpayers millions and have mostly benefited highly superannuated older workers who were already in work.*
- The next step will need to focus on increasing the participation rate of women. Australia has a very weak participation rate of women with children and we are unique across OECD nations in our low levels of full time employment among mothers.”*

- 3.4.1. Currently, when around only one third of Australian women are accessing paid maternity leave and the overall workforce participation of women with children significantly lags behind most other OECD countries, it is clear that Government must play a leadership role to enable that culture change. Campbell (2004, p48) goes further in characterizing our failure in better sectors like education and finance, saying “in spite of the presence of and apparent array of family friendly provisions, these employees are experiencing ‘a deterioration in their ability to balance work and life on a daily basis.’”
- 3.4.2. Therefore culture change is crucial, particularly if we aim to involve both men and women in child rearing and workforce participation because as Harker (2006, p7) rightly observes, “even where flexible working options exist, informal pressure often prevents men from accessing them for fear that job security or prospects will be affected.”
- 3.4.3. Campbell et al (2004, p48) also finds these benefits, such as requesting a return to part-time work or other flexibilities, are not available automatically because eligible employees are often subject to conditions applied the supervisors and managers and if there is space for management discretion both in formal or informal processes, rejection rates are higher.
- 3.4.4. Therefore, informal factors such as these point to the need for rights to leave and flexibilities to be legislated, (particularly and preferably within National Employment Standards), and the current unfettered management discretion in granting or refusing claims should be removed. The AEU has argued within our submission to the NES exposure draft, that the “right” to request flexibilities is very weak as currently proposed and it is our view that Government leadership is crucial (as seen in the UK) toward employer attitudes and cultural change. Campbell et al (2004, p49) sees the limiting of the take up in family related entitlements as also being linked to outright employer discouragement, in which employees’ fears of rejection or the “more diffuse factors such as the fear of attracting the hostility of supervisors and fear of the consequences for promotion” which further highlights the need for leadership to change opinions.

Workplace Culture

What factors deter fathers from taking more parental leave?

- 3.5. Further to workplace factors above, there are many reasons why fathers are not taking more parental leave in Australia, but we can see clear examples internationally of policy changes which could easily alter this situation.
 - 3.5.1. Like *Catalyst Australia* argues, “full-time male workers are often working longer hours with little scope to participate in life outside the workplace. This has a lot to do with workplace culture which doesn’t acknowledge men’s roles as fathers, and does little to encourage men in their public lives to increase their share of the parenting load.” (Schofield, 2008, p2)
 - 3.5.2. Sharing the parenting load and domestic unpaid labor would enable greater gender equity and in turn help to encourage women to participate further in the workforce. At present, women are working the double shift, in

paid and unpaid work. The 2003 Household, Income and Labour Dynamics in Australia (HILDA) Survey revealed that “on average, women with partners spend close to thirty hours per week on household duties, while men with partners only spend slightly more than fifteen hours per week on the same activities. The same survey also found that even if both partners in the couple are working full-time, women are still spending around seven hours more per week on household activities than men.” (EOWA, 2008, p7-8)

3.5.3. The Equal Opportunity for Women in the Workplace Agency (EOWA, 2008, p8) asked working women their views on the ‘double shift’ and the fact that “nearly a third of women (31%) state that if their partners were to carry out a larger share of these responsibilities, they would be more likely to work greater hours in paid employment” shows why employers should be just as concerned about gender equality domestically as well as in the workplace.

3.5.4. EOWA has drawn the two spheres together well and concluded from women’s views that organisations “must communicate that flexible working conditions are not only permissible for women with caring responsibilities; they should be made as accessible to men as they are to women, at any age or stage of life. If men are not encouraged to benefit from flexible arrangements, these arrangements will become stigmatized as utilized only by women. Not only will this result in women being perceived as less committed, further blocking their access to promotions and other opportunities but it will also serve to prevent men from being equally involved in their family and personal life as they desire.” (2008, p24)

Social Change

3.6. The United Kingdom has viewed shared parenting as central to gender equity and balanced workplace relations policies for some time and have concentrated effort into engaging fathers. Harker, in “Twenty-first Century Dad” (2006, p1) advocates the benefits of greater father involvement:

- for children – improves well-being and adjustment, education and behaviour, and reduces the risk of involvement in crime;
- for women – enables women to play a more equal part in the labour market, boosting earnings and career potential;
- for men – contributes to men’s identity, integration and satisfaction;
- for business – can boost productivity and improve staff recruitment and retention; and
- for society – makes it easier for men and women to be successful parents and will encourage others to have children- essential for a sustainable society.

3.6.1. From this approach, the UK has seen success, where between 2002 and 2005 the proportion of dads taking more than two weeks paternity leave rose from 22% to 36%. (Harker et al, 2006, p3) In April 2003 the UK Government introduced two weeks paid paternity leave for the first time. 26 weeks Additional Paternity Leave (ADL) of which some can be paid if the mother returns to work, is also available and becoming popular.

- 3.6.2. Further, over a third (4.2 million) of all male employees have dependant children but while 93% of new dads are taking time off around the birth of their child, the low level of paternity *pay* means that lower income men can often not afford to take their full two weeks leave. (Smeaton et al, 2006)
- 3.6.3. In Australia, the Human Rights and Equal Opportunity Commission found, following their inquiry into women, men, work and family, how difficult culture change may be, given the position we are in currently. They said as “it has been argued that, although attitudes towards women in the workplace have changed, it remains women’s responsibility to the bulk of work in the home. The term, “stalled revolution” refers to this stagnation, and describes “the strain between the change in women and absence of change in much else”.” (HREOC, 2005, p116)

Gender Pay Equity

To what extent do income considerations, as opposed to the right to return to the same employers, play a part in the parental leave decisions of Australian families?

- 3.7. Change in “much else” can start with legislated, paid maternity, paternity and parental leave because the workforce attachment and financial stability provided by *paid* leave can make a real difference to the choices families make and resulting gender relations.
- 3.7.1. *Catalyst Australia* agrees, saying that “many parents want or need to participate meaningfully in work while raising a family. However many lack choice, and face barriers such as a lack of affordable good quality childcare, limited employment opportunities, inflexible work and gender bias in the framing of entitlements.” (Schofield, 2008, p3)
- 3.7.2. Income and domestic roles play a huge part in parental leave decisions. Men are socialized to put paid work ahead of family in terms of time and energy, even if they value their family life more. One consequence of men’s time in the paid workforce is that it limits their time at home, and put simply, “where the father earns more than the mother, it will always be economically rational for the women to be the one to take more time off work to look after the children” (Harker et al, 2006, p6)
- 3.7.3. And arguably one of the reasons that it is difficult to convince some men that it is worth reducing their paid work in order to participate more in the home is that they are being asked to give up work with economic value and status for work that remains low status and undervalued.
- 3.7.4. As HREOC discovered (2005, p120), in Norway, where parental leave policies encourage gender equality in the workplace as well as the home, fathers make a substantial contribution to caring and household work”, it is well worth Australia also considering these issues as linked, to end the stalled revolution.

4. Delivering Stability to Working Parents

Should all employees who would be eligible under a national paid parental leave scheme also be accorded the right to return to their previous job? What are the costs and benefits of mandating this requirement?

- 4.1. The AEU believes it is an essential component of paid maternity leave, that all employed mothers (including long and short term casuals) enjoy a legislated and robust right to return to work to their same (or equivalent job) and the right to request part-time work or time and other adjustments and for this return to work to be supported by the provision of lactation breaks and appropriate breastfeeding facilities should they be required.
- 4.2. The UK have in fact *extended* their ‘right to request’ to another 4.5 million parents (to those whose child is up to 16 years old, an increase up from parents with children up to 6 years). At present estimates are that 14 million employees (almost half the workforce) work flexibly, with official figures indicating that 91% of requests for flexibility are granted. (Lake, A., 2007)
- 4.3. The UK experience is specifically emphasized by the paper, though there are other countries with models worth supporting also. In the UK however, there is the right to apply for work flexibility (provided under the Employment Act 2002) where employers have ‘a duty to consider requests seriously’. The right, unlike the Australian NES proposed, begins to cover employees at 6 months (rather than 12 months) service. The UK legislation does exhaustively define the ‘valid business grounds’ on which a refusal can be made and the process does include an avenue to appeal the refusal (and does allow third party support) – initially to the employer internally, then either via the workplace grievance procedure or taking an external dispute to the Advisory, Conciliation and Arbitration Service (Acas) or the Employment Tribunal. Though the appeal can only dispute incorrect procedure or incorrect facts, not to contest the business case. Remedies of the appeals process can be compensation or reconsideration, and ensures no future discrimination by the employer, if an employee lodges and appeal. (Lake, A., 2003)
- 4.4. Further, and even better, both Germany and Netherlands do have the option to appeal in court if a request is refused and where internal grievance mechanisms are exhausted (Hegewisch 2005a; 2005b and Kornbluh 2005)
- 4.5. The AEU argues that both clearer grounds for refusal must be defined and at least some avenue for appeal be part of the standard because not only are we years behind fellow OECD countries in this regard but it would be economically foolish to not heed the wisdom being shown elsewhere, when drafting new and presumably long standing employment standards.
- 4.6. In summary, the AEU believes requesting flexible work entitlements should be as rigorous and prescriptive as possible to both provide clear options for employees as well as defined grounds to which employers can only refuse a request on, because by international standards we are behind in this regard and the AEU would like to see a rapid increase in flexible working in Australia, as the UK and others have proved the economic and social benefits of such.

5. Conclusion

- 5.1. The AEU considers paid parental leave to be a fundamental employment right and should be provided through clear and robust policy. The current situation which provides Australian mothers with numerous social security payments and relies on industrial bargaining and employer discretion, is no longer viable when we face an ageing population, declined fertility rates and skill shortages.
- 5.2. The business case for the benefit to employers, employees and society of paid parental leave and other flexible work options, whether provided by Government or employers must be recognized by the Australian Government.
- 5.3. Providing newborn babies the best possible start to a healthy life and supporting mothers' health and wellbeing during a most stressful but undeniably rewarding time should be a priority of Government and society.
- 5.4. Further, support for parents in the workplace will not take full advantage of women's workforce participation if it is not coupled with the genuine desire by all to facilitate shared domestic labour and gender equality (in particular of wages).
- 5.5. In developing a new industrial relations system, the Government must take the opportunity now to enshrine robust and internationally competitive (and ILO compliant) employment rights which deliver rights and stability for working parents.
- 5.6. It is time that Australia provides a fully funded legal right to paid maternity, paid paternity and parental leave to parents and to recognize that the future of the workplace and of society is of secure, flexible employment which values the dual responsibilities of paid work and of both parents' care for their children and family.

6. Recommendations

- 1. That the Federal Government provide all mothers with 26 weeks maternity leave paid at the Federal minimum wage, as well as legislating employer ‘top up’ payments to a woman’s replacement wage through the National Employment Standards (NES). Employer superannuation contributions should continue during any period of paid leave.**
- 2. The paid maternity leave entitlement should also apply to adoption where an employee can demonstrate they are primary care giver of a newborn or adopted child.**
- 3. Paid maternity leave and paid paternity leave should require no service requirement for eligibility, for employees.**
- 4. Any Federal paid maternity leave scheme must be additional to existing entitlements (paid by the employer) and the total entitlement should be no less favourable following the advent of a federal scheme.**
- 5. That the Federal Government provide employees (assuming a parental role through birth, adoption or otherwise, including same sex partners) with at least 15 days paid partner/parental leave, for each child, with no service requirement for eligibility.**
- 6. Employees, whose partner is accessing maternity leave, should be entitled to 8 weeks concurrent parenting leave after the birth of a child. This should be included in the NES.**
- 7. The Federal Government should alter the current draft NES parental leave standard to allow employees’ access to at least 7 years family leave/parenting leave for the primary caregiver of each child. One year of this leave should be counted as full service and there be no service requirement for eligibility. Employees should have a right of return from leave to their own worksite.**
- 8. The Federal Government should ensure that for foster parents, or employees with court awarded custody/guardianship should be granted:**
 - 8.1. the full applicable paid maternity leave entitlement, if the child entering their care is younger than 12 months**
 - OR**
 - 8.2. at least six weeks on full pay on the child entering their care if the child is younger than 5 years of age**
 - OR**
 - 8.3. at least 3 weeks on full pay on the child entering their care if the child is over 5 years of age.**
- 9. A right to return to the same position at the workplace (of equivalent salary, status and career progression) should be guaranteed within the NES and this should include the right to request a return to work part-time as well as appropriate lactation breaks and breast-feeding facilities. Lactation Facilities should:**
 - Provide a clean private, lockable area that is safe from hazardous waste and chemicals with comfortable seating and power points.**
 - Facilities for washing hands and equipment and storage of equipment.**
 - A refrigerator for storage of breast milk.**

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APPENDIX 1

United Nations' Statistics and indicators on women and men (22/4/2005)

Table 5c - Maternity leave benefits

<http://unstats.un.org/unsd/demographic/products/indwm/ww2005/tab5c.htm>

Country	Length of maternity leave	Percentage of wages paid in covered period	Provider of maternity coverage
2004			
Africa			
Algeria	14 weeks	100 %	Social security
Angola	3 months	100 %	Social security (If necessary the employer adds up to the full wage.)
Benin	14 weeks	100 %	50% social security, 50% employer
Botswana	12 weeks	25 %	Employer
Burkina Faso	14 weeks	100 %	Social security (if necessary employer tops up).
Burundi	12 weeks	100 %	50% Social security, 50% employer
Cameroon	14 weeks	100 %	Social security
Central African Republic	14 weeks	50 %	Social security
Chad	14 weeks	50 %	Social security
Comoros	14 weeks	100 %	Employer
Congo	15 weeks	100 %	50% social security, 50% employer
Cote d'Ivoire	14 weeks	100 %	Social security
Democratic Republic of the Congo	14 weeks	67 %	Employer
Djibouti	14 weeks	50 % (100 % for public servants)	Employer
Egypt	90 days	100 %	Employer
Equatorial Guinea	12 weeks	75 %	Social security
Eritrea	60 days	Paid but no information on how much	Employer
Ethiopia	90 days	100 %	Employer
Gabon	14 weeks	100 %	Social security
Gambia	12 weeks	100 %	Employer
Ghana	12 weeks	100 %	Employer
Guinea	14 weeks	100 %	50% Social security, 50% employer
Guinea-Bissau	60 days	100 %	Employer or social security subsidy and employer pays difference
Kenya	2 months	100 %	Employer
Lesotho	12 weeks	0 %	No information
Libyan Arab Jamahiriya	50 days	50 % (100 % for self-employed women)	Employer (social security for self-employed women)
Madagascar	14 weeks	100 %	50% Social security, 50% employer
Malawi	8 weeks (every three years)	100 %	Employer
Mali	14 weeks	100 %	Social security
Mauritania	14 weeks	100 %	Social security
Mauritius	12 weeks	100 %	Employer
Morocco	14 weeks	100 %	Social security
Mozambique	60 days	100 %	Employer
Namibia	12 weeks	80 %	Social security
Niger	14 weeks	50 %	Social security

Nigeria	12 weeks	50 %	Employer
Rwanda	12 weeks	67 %	Employer
Sao Tome and Principe	70 days	100 % for 60 days	Social security (Employer must pay for women not covered by social security)
Senegal	14 weeks	100 %	Social security
Seychelles	14 weeks	Flat monthly allowance for 10 weeks	Social security
Somalia	14 weeks	50 %	Employer
South Africa	4 months	Up to 60 % depending on the level of income	Unemployment insurance fund
Sudan	8 weeks	100 %	Employer
Swaziland	12 weeks	0 %	No information.
Togo	14 weeks	100 %	50% Employer, 50% social security
Tunisia	30 days	67 %	Social security
Uganda	8 weeks	100 % for 1 month	Employer
United Republic of Tanzania	12 weeks	100 %	Social security/Employer
Zambia	12 weeks	100 %	Employer
Zimbabwe	90 days	100 %	Employer
America, North			
Antigua and Barbuda	13 weeks	60 %	Social security
Bahamas	13 weeks	60 %	Social security/Employer
Barbados	12 weeks	100 %	Social security
Belize	14 weeks	80 %	Social security
Canada	17-18 weeks depending on the province	55 % up to a ceiling	Employment Insurance
Costa Rica	4 months	100 %	Social security/Employer
Cuba	18 weeks	100 %	Social security
Dominica	12 weeks	60 %	Social security/Employer
Dominican Republic	12 weeks	100 %	Social security/Employer
El Salvador	12 weeks	75 %	Social security
Grenada	3 months	100 % for 2 months and 60 % for the last month	60% for 12 weeks (social security) 40% for 2 months (employer)
Guatemala	84 days	100 %	Social security/Employer
Haiti	12 weeks	100 % for 6 weeks	Employer
Honduras	84 days	100 %	Social security/Employer
Jamaica	12 weeks	100 % for 8 weeks	Employer
Mexico	12 weeks	100 %	Social security
Nicaragua	12 weeks	60 %	Social security
Panama	14 weeks	100 %	Social security
Saint Kitts and Nevis	13 weeks	60 %	Social security
Saint Lucia	3 months	65 %	Social security
Saint Vincent and the Grenadines	13 weeks	65 %	Social security
Trinidad and Tobago	13 weeks	100 % for 1 month, 50 % for 2 months (employer) and a sum depending on the earnings (social security)	Employer and social security
United States of America	12 weeks	0 %	No information

America, South			
Argentina	90 days	100 %	Social security
Bolivia	12 weeks	100 % of national minimum wage and 70 % of wages above minimum	Social security
Brazil	120 days	100 %	Social security
Chile	18 weeks	100 %	Social security
Colombia	12 weeks	100 %	Social security
Ecuador	12 weeks	100 %	Social security/Employer
Guyana	13 weeks	70 %	Social security
Paraguay	12 weeks	50 % for 9 weeks	Social security
Peru	90 days	100 %	Social security
Uruguay	12 weeks	100 %	Social security
Venezuela	18 weeks	100 %	Social security
Asia			
Afghanistan	90 days	100 %	Employer
Azerbaijan	126 calendar days	100 %	Social security
Bahrain	45 days	100 %	Employer
Bangladesh	12 weeks	100 %	Employer
Cambodia	90 days	50 %	Employer
China	90 days	100 %	Employer
Cyprus	16 weeks	75 %	Social security
India	12 weeks	100 %	Social security or employer (for non-covered women)
Indonesia	3 months	100 %	Employer
Iran (Islamic Republic of)	90 days	67 %	Social security
Iraq	62 days	100 %	Social security
Israel	12 weeks	100 % up to a ceiling	Social security
Japan	14 weeks	60 %	Health insurance or social security
Jordan	10 weeks	100 %	Employer
Kazakhstan	126 calendar days	No information	Employer
Kuwait	70 days	100 %	Employer
Kyrgyzstan	126 days	100 %	Social security
Lao People's Democratic Republic	3 months	70 %	Social security
Lebanon	7 weeks	100 %	Employer/Social security
Malaysia	60 days	100 %	Employer
Mongolia	120 days	70 %	Social security
Myanmar	12 weeks	67 %	Social security
Nepal	52 days	100 %	Employer
Pakistan	12 weeks	100 %	Employer
Philippines	60 days	100 %	Social security
Qatar	50 days	100 %	Employer
Republic of Korea	90 days	100 %	Employer 60 days, social security 30 days
Saudi Arabia	10 weeks	50 % or 100 % (depending on the duration of employment)	Employer
Singapore	8 weeks	100 %	Employer for first two children, Government for third
Sri Lanka	12 weeks	100 %	Employer
Syrian Arab Republic	50 days	70 %	Employer
Tajikistan	140 days	No information	Social security

Thailand	90 days	100 % for first 45 days then 50 % for 45 days	Employer for first 45 days then social security
Turkey	16 weeks	67 % for 12 weeks	Social security
United Arab Emirates	3 months	100 %	Employer
Uzbekistan	126 days	100 %	Social security
Viet Nam	4 to 6 months depending on the working conditions and nature of the work	100 %	Social security
Yemen	60 days	100 %	Employer
Europe			
Albania	365 calendar days	80 % prior to birth and for 150 days and 50 % for the rest of the period	Social security
Austria	16 weeks	100 %	Social security
Belarus	126 days	100 %	Social security
Belgium	15 weeks	82 % for the first 30 days and 75 % for the rest (up to a ceiling)	Social security
Bulgaria	135 days	90	Social security
Croatia	45 days before delivery and 1 year after	100 % from 28 days before to 6 months after birth. The remainder flat rate	Croatian Health Insurance Fund (%) / State budget (flat rate)
Czech Republic	28 weeks	69 %	Social security
Denmark	18 weeks	90 % up to a ceiling	State
Estonia	140 calendar days	100 %	Social security
Finland	105 working days	70 %	Social security
France	16 weeks	100 % up to a ceiling	Social security
Germany	14 weeks	100 %	Social security (up to a ceiling) / Employer (pays difference)
Greece	119 days	100 %	Social security / Employer
Hungary	24 weeks	Pre-natal (min. 4 weeks): 70 %. The rest of the period is flat rate	Social security
Iceland	3 months	80 %	Social security
Ireland	18 weeks	70 %	Social security
Italy	5 months	80 %	Social security
Latvia	112 calendar days	100 %	Social security
Lithuania	126 calendar days	100 %	Social security
Luxembourg	16 weeks	100 %	Social security
Malta	14 weeks	100 % for 13 weeks	Employer
Netherlands	16 weeks	100 %	Unemployment fund
Norway	42 or 52 weeks parental leave (9 weeks reserved for the mother)	80 % or 100 %	Social security
Poland	16 weeks	100 %	Social security
Portugal	120 days	100 %	Social security
Republic of Moldova	126 days	100 %	Social security
Romania	126 days	85 %	Social security
Russian Federation	140 calendar days	100 %	Social security
San Marino	5 months	100 %	Social security
Serbia and Montenegro	365 days	100 %	Social security

Slovakia	28 weeks	55 %	Social security
Slovenia	105 days	100 %	Social security
Spain	16 weeks	100 %	Social security
Sweden	14 weeks	480 days paid parental leave: 80 %, 390 days; 90 days, flat rate	Social security
Switzerland	98 days	80 %	Social security
Ukraine	126 days	100 %	Social security
United Kingdom	26 weeks	90 for the first 6 weeks and flat rate after	Employer (refunded for 92% by public funds)
Oceania			
Australia	52 weeks	0 %	
Fiji	84 days	Flat rate	Employer
Kiribati	12 weeks	25 %	Employer
New Zealand	14 weeks	100 % up to a ceiling	State
Papua New Guinea	As necessary for hospitalization before confinement and 6 weeks after	0 %	No information
Solomon Islands	12 weeks	25 %	Employer
Vanuatu	3 months	50 %	No information

APPENDIX 2

United Nations' Statistics and indicators on women and men (22/4/2005) Table 5c - Maternity leave benefits - Government Funded Maternity Leave

Government Funded

○ 26 weeks or over

Norway	42 or 52 weeks parental leave (9 weeks reserved for the mother)
Czech Republic	28 weeks
Serbia and Montenegro	365 days
Slovakia	28 weeks
Albania	365 calendar days
Viet Nam	4 to 6 months (depending on the working conditions and nature of the work)

○ 14 weeks or over

OCEANIA (1)

New Zealand	14 weeks
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EUROPE (30)

Norway	42 or 52 weeks parental leave (9 weeks reserved for the mother)
Poland	16 weeks
Portugal	120 days
Republic of Moldova	126 days
Romania	126 days
Russian Federation	140 calendar days
San Marino	5 months
Serbia and Montenegro	365 days
Slovakia	28 weeks
Slovenia	105 days
Spain	16 weeks
Sweden	14 weeks
Switzerland	98 days
Ukraine	126 days
Denmark	18 weeks
Estonia	140 calendar days
Finland	105 working days
France	16 weeks
Hungary	24 weeks
Iceland	3 months
Ireland	18 weeks
Italy	5 months
Latvia	112 calendar days
Lithuania	126 calendar days
Luxembourg	16 weeks
Albania	365 calendar days
Austria	16 weeks
Belarus	126 days

Belgium	15 weeks
Bulgaria	135 days
ASIA (12)	
Kyrgyzstan	126 days
Lao People's Democratic Republic	3 months
Mongolia	120 days
Myanmar	12 weeks
Tajikistan	140 days
Turkey	16 weeks
Uzbekistan	126 days
Viet Nam	4 to 6 months (depending on the working conditions and nature of the work)
Azerbaijan	126 calendar days
Cyprus	16 weeks
Iran (Islamic Republic of)	90 days
Iraq	62 days
SOUTH AMERICA (3)	
Brazil	120 days
Chile	18 weeks
Venezuela	18 weeks
NORTH AMERICA (3)	
Cuba	18 weeks
Panama	14 weeks
Belize	14 weeks
AFRICA (13)	
Algeria	14 weeks
Cameroon	14 weeks
Central African Republic	14 weeks
Chad	14 weeks
Cote d'Ivoire	14 weeks
Gabon	14 weeks
Mali	14 weeks
Mauritania	14 weeks
Morocco	14 weeks
Niger	14 weeks
Senegal	14 weeks
Seychelles	14 weeks
Somalia	14 weeks

APPENDIX 3

United Nations' Statistics and indicators on women and men (22/4/2005)

Table 5c - Maternity leave benefits - Employer Funded Maternity Leave

Employer Funded

Solomon Islands

Fiji

Kiribati

Malta

Yemen

United Arab Emirates

Sri Lanka

Syrian Arab Republic

Saudi Arabia

Qatar

Nepal

Pakistan

Malaysia

Jordan

Kazakhstan

Kuwait

Indonesia

Bahrain

Bangladesh

Cambodia

China

Afghanistan

Jamaica

Haiti

Zambia

Zimbabwe

Uganda

Sudan

Nigeria

Rwanda

Mozambique

Mauritius

Malawi

Kenya

Gambia

Ghana

Eritrea

Ethiopia

Democratic Republic of the Congo

Djibouti

Egypt

Comoros

Botswana

APPENDIX 4

United Nations' Statistics and indicators on women and men (22/4/2005)

Table 5c - Maternity leave benefits – Other forms of Funded Maternity Leave

Unemployment/Health Insurance

Netherlands

Croatia

Japan

Canada

South Africa

Joint Employer/Government

United Kingdom

Germany

Greece

Thailand

Republic of Korea

Singapore

Lebanon

India

Ecuador

Trinidad and Tobago

Grenada

Guatemala

Honduras

Dominica

Dominican Republic

Costa Rica

Bahamas

United Republic of Tanzania

Togo

Sao Tome and Principe

Libyan Arab Jamahiriya

Madagascar

Guinea

Guinea-Bissau

Congo

Angola

Benin

Burkina Faso

Burundi

Unpaid

Papua New Guinea

Australia

USA

Lesotho

Swaziland

Appendix 5 - Teacher Leave Entitlements (as at 2 June 2008)

Maternity Leave

	NT	SA (currently in EB processes)	QLD (currently in EB processes)	NSW	VIC	WA	TAS	ACT
Entitlement	52 weeks	52 weeks – with top up leave to the end of next school vacation or end of school year	52 weeks	52 weeks full time or up to 24 months part-time. Maternity leave as long as effective full time does not exceed 12 months	14 weeks paid maternity leave 7 years unpaid family leave	52 weeks	52 weeks. Beginning no earlier than 20 weeks before expected birth. Begin/end no later than 6 weeks before/after birth unless medical cert. stating ‘unfit for work’.	52 weeks
Paid	14 weeks full pay or 28 weeks at half pay	12 weeks	12 weeks full pay (no pay lost if overlap with holidays) * public sector soon to receive 14 weeks	14 weeks full pay. Can take 28 weeks half pay	14 weeks full pay	14 weeks	12 weeks if employed 12 months. 24 weeks at half pay as of 2008	14 weeks full pay or 28 weeks half pay
Pre-Natal			5 days paid leave (for both full and part-time) Additional to sick leave		35 hours	N/A		Not specific to maternity, under personal leave
Take in conjunction	LSL	LSL	LSL (can be taken after 7 years for parenting purposes)		LSL	LSL (relief teaching allowed)	LSL & recreation leave entitlement	LSL and recreation leave on full or half pay
Eligibility	F/T	Permanent female and contract within 12 months service	Permanent and temporary female teachers with 12 months service	Full-time – 40 weeks continuous service for paid leave. Casual teachers PML if completed 40 weeks full-time work abutting to anticipated birth	26 weeks teaching service in 12 months preceding	Perm. and temp. female (and TAFE) teachers within fixed term contract. Must complete 12 months good service	Perm. and temp. within period of appointment	Permanent and temporary female teachers after 12 months

Paternity Leave

	NT	SA (currently in EB processes)	QLD (currently in EB processes)	NSW	VIC	WA	TAS	ACT
Entitlement	<i>Schools sector:</i> unpaid leave up until child reaches 6 years of age. To be negotiated yearly. <i>Children's Services:</i> unpaid leave for 12 months	5 days paid spousal leave, or 10 days on half pay (in lieu of emergent leave)	12 month, can be extended up to 24 months on part time paternity leave as long as effective full time does not exceed 12 months reduced by any Maternity leave taken. Paternity leave at birth can be taken as LWOP or FACS leave.	See parenting leave.	1 week unpaid. If both parents work for DET there is the option to transfer entitlements	Access special leave and Carers leave (latter from sick leave and requires a medical certificate stating condition of partner or family member. Not specifically paternity.	5 days paid bonding leave at time of birth or adoption by domestic partner. Where partner is also an employee may be taken concurrently with their mat. or primary care giver leave. In addition, 5 days unpaid leave also available.	<i>Schools sector:</i> unpaid leave up until child reaches 6 years of age. To be negotiated yearly. <i>Children's Services:</i> unpaid leave for 12 months
Paid		5 days paid spousal	Nil	5 days	Remote Teaching Service 3 days.	3 days - special 5 days - carers	5 days paid	
Eligibility	None	Temporary and permanent teachers, with 12 months service.	Full time teachers. Male - Primary Care giver. Casual teachers cannot access this provision			Temporary and permanent employees	Permanent and temporary contract Officers	None