

REFUGEE ADVICE + CASEWORK SERVICE (AUST) INC.



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Dear Productivity Commission

Please accept this submission to your **Inquiry into Paid Maternity, Paternity and Parental Leave** from the Refugee Advice and Casework Service (RACS). RACS recently adopted a paid parental leave policy for the first time in its 21 year history.

RACS is a small, not-for-profit incorporated association in NSW which provides free immigration advice to asylum seekers in immigration detention in Australia (with a focus on Villawood) and to those in the community. RACS has five full-time staff, employed under the conditions of the Social and Community Services Employees Award (SACS) NSW. SACS provides for no paid maternity, paternity or parental leave.

In May 2008, the RACS Management Committee adopted a paid parental leave policy, providing 14 weeks' full pay to the primary care-giver, and two weeks' full pay to the partner or other significant care-giver, to recognise the importance of:

- providing paid maternity leave to prevent discrimination against women on the grounds of maternity and to ensure the right to work of women, consistent with article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, and in light of International Labour Organisation standards;
- financially assisting parents (including primary care-givers and other significant carers) to combine work and family responsibilities.

The Management Committee believes that it is important for employers to support their employees through a commitment to paid maternity leave, in accordance with international standards – despite RACS being a small organisation with an annual budget of approximately \$500,000, in an often difficult financial position (with no recurrent core funding), and even in the absence of any subsidy from government.

We attach a copy of our Parenting Leave Policy, which we hope may be of assistance.

Yours sincerely

Dr Ben Saul
President, RACS Management Committee

ATTACHMENT

RACS EMPLOYMENT POLICY: Parenting Leave

RACS recognises the importance of providing paid maternity leave to prevent discrimination against women on the grounds of maternity and to ensure the right to work of women, consistent with article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, and in light of International Labour Organisation standards. RACS also recognises the importance of financially assisting parents (including primary care-givers and other significant carers) to combine work and family responsibilities.

1. Parenting leave

- 1.1 An employee, other than a casual employee, shall be entitled to take up to 52 weeks parenting leave, provided the employee presents a certificate stating the expected date of the birth or adoption or taking on the care of their child.
- 1.2 An employee accrues the entitlement to parenting leave under 1.1 after a minimum qualifying period of 12 months' full-time service at RACS.
- 1.3 An employee entitled to parenting leave as a **primary caregiver** ordinarily shall be allowed 14 weeks leave on full pay with the balance of up to 38 weeks being unpaid.
- 1.4 An employee entitled to parenting leave as a **partner or significant caregiver** ordinarily shall be entitled to two weeks leave on full pay with the balance of up to 50 weeks being unpaid.
- 1.5 An employee may elect to convert a period of paid leave to half pay over double period.
- 1.6 RACS may only refuse a request for paid parenting leave where, due to exceptional financial circumstances, the Management Committee reasonably believes that agreeing to the request would prejudice the ongoing financial viability of RACS.
- 1.7 The employee may return to work before the scheduled end of the period of the leave with the prior consent of the Coordinator, such consent not to be unreasonably withheld.

2. Notice Requirementsⁱ

- 2.1 The employee should give at least 10 weeks' written notice to the RACS Coordinator of the intention to take the leave.
- 2.2 The employee must, at least 4 weeks' before proceeding on leave, give written notice of the dates on which he or she proposes to start and end the period of leave.
- 2.3 The employee must, before the start of leave, provide a certificate from a medical practitioner confirming the pregnancy and the expected date of birth.
- 2.4 The employee must, before the start of leave, provide a statutory declaration by the employee stating, if applicable, the period of any parental leave sought or taken by the spouse or partner.

3. Move to part time work

- 3.1 An employee entitled to leave under clause 1 may work part time during one continuous period after the birth of the child until its third birthday, or, in the case of adoption or taking on the full time care of a child, from the date of adoption or taking on the care until the third anniversary of that date.
- 3.2 An employee who wishes to change their hours of work under this clause shall give at least three months notice of the change.

4. Return to former position

- 4.1 An employee who has commenced part time employment under clause 2.1 has the right to return to their former position when they finish the period or first periods (if there is more than one) of part time employment.
- 4.2 If the employee's former position no longer exists but there are other positions available for which the employee is qualified and the duties of which the employee is capable of performing, the employee is entitled to be given a position as nearly comparable in status and pay to that of the former position.
- 4.3 The employer may permit the employee to return to their former position after a second or subsequent period of part time employment.

5. Communication during parenting leave

- 5.1 Where an employee is on parenting leave and a definite decision has been made to introduce significant change at the workplace, the employer shall take reasonable steps to:
- (a) make information available in relation to any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parenting leave; and
 - (b) provide an opportunity for the employee to discuss any significant effect the change will have on the status or responsibility level of the position the employee held before commencing parenting leave.
- 5.2 The employee shall take reasonable steps to inform the employer about any significant matter that will affect the employee's decision regarding the duration of parenting leave to be taken, whether the employee intends to return to work and whether the employee intends to request to return to work on a part-time basis.
- 5.3 The employee shall also notify the employer of changes of address or other contact details which might affect the employer's capacity to comply with clause 5.1.

6. Commencement

- 6.1 This policy was adopted by RACS Management Committee on 16 April 2008 and has prospective effect from 1 May 2008.

Note: This policy replaces s 45 of the SACS Award (NSW) and s 58 of the Industrial Relations Act 1996 (NSW) to the extent that this policy provides more favourable conditions of parenting leave.

ⁱ Industrial Relations Act 1996 (NSW), s 58.