

2 June 2008

Inquiry into Paid Maternity, Paternity and Parental Leave
Productivity Commission
GPO Box 1428
Canberra City ACT 2601

Dear Sir/Madam,

Submission to the Inquiry into Paid Maternity, Paternity and Parental Leave

About Redfern Legal Centre

Redfern Legal Centre (RLC) is an independent non-profit community-based organisation with a prominent profile in the Redfern area of over 30 years' standing. We provide free legal advice and assistance, community education and advocacy on law and policy reform issues.

Redfern Legal Centre is a small employer with a high ratio of female staff. Despite being reliant on government funding the Centre has been able to offer a high standard of parental support to its staff including paid parental leave and return to work part-time.

Employees of RLC, other than casual employees, are entitled to the following parenting leave provisions:

- (1) up to 52 weeks parenting leave;
- (2) the primary care giver is entitled to 14 weeks leave on full pay or 28 weeks leave on half pay;
- (3) the partner or significant caregiver is entitled to 9 weeks leave on full pay or 18 weeks leave on half pay;
- (4) may return to work before the scheduled end of the period of leave with the prior consent of the Director which can not be unreasonably withheld;
- (5) may work part time in one or more periods at any time after the birth of the child until its second 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 full-time care of a child until the second anniversary of that date;

73 Pitt St	Phone (02) 9698 7277	General enquiries	Interviews by
Redfern	Fax (02) 9310 3586	Monday to Thursday	appointment
NSW	email info@rlc.org.au	9 am-9 pm	Monday to Thursday
2016	http://www.rlc.org.au	Friday 9 am-6 pm	6:30 pm-8:00 pm

- (6) the ability to work part-time may be extended for up to three years subject to the agreement of the employer, consent to the application not to be unreasonably withheld;
- (7) a female employee may work part-time in one or more periods while she is pregnant where part time is, because of the pregnancy, necessary or desirable;
- (8) a right to return to their position when the employee finishes the period of part-time employment.

Provision is also made for parents to bring children to the workplace, and to use sick and other leave entitlements to care for children.
(Redfern Legal Centre enterprise Agreement).

Our view in summary

The provision of paid parental leave and flexible return to work conditions has enabled Redfern Legal Centre to attract and retain highly skilled staff. Although the Centre is unable to pay competitive salaries, it recognises that supporting staff in this way has assisted the Centre to amass specialist knowledge in the provision of community legal services.

However it has been difficult to attract locum and short-term contract staff to fill maternity leave positions. It would be of assistance if a level of additional resourcing could be offered for those positions so that a 'loading' could be offered in recompense for the short and uncertain duration of the contracts on offer.

We have also sought to attract staff on secondment from other similar organisations such as the Legal Aid Commission to fill maternity leave positions. Unfortunately the significantly lower salary levels in community legal centres make this option unviable unless a subsidy could be offered.

Our funding sources do not take into account the additional cost of providing paid parenting leave. Therefore we do this at a cost to our other services. It would be desirable for the Productivity Commission to recommend the establishment of a government funded parental leave scheme.

Recommendations

The Redfern Legal Centre makes the following recommendations:

- 1. That a Government funded parental leave scheme be established – on the basis of full income replacement, or the average wage, whichever is lower.**

- 2. Employers with 50 or more employees are required to 'top up' where the employee's income is greater than the average wage.**
- 3. Employers with less than 50 employees negotiate the 'top up' with employees.**
- 4. The payment is at full pay for 26 weeks or at half pay for 52 weeks – for the primary carer.**
- 5. The minimum period for which an employee should be employed by the employer should be reduced to 6 months to qualify for access paid parental leave**
- 6. The 'baby bonus' remains available for those who are not entitled to Government funded parental leave.**
- 7. The right to return to work part-time and with flexible working conditions for all except casual employees.**

It is our view that the above recommendations provide a suitable framework to introduce paid parental leave in Australia. It allows parents an appropriate amount of time with their infant or adoptive child and takes into account the potential financial burden on small organisations.

Yours faithfully,
REDFERN LEGAL CENTRE

Helen Campbell
Executive Officer

Marianne Maguire
Policy Officer