SUBMISSION

To the Sex Discrimination Unit
Human Rights and Equal Opportunity Commission

On

Valuing Parenthood
Options for Paid Maternity Leave: Interim Paper 2002

by the

CSIRO STAFF ASSOCIATION

11/575 Bourke Street
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Summary

This submission is directed towards providing evidence of the benefits of paid maternity leave, as reported by members of the CSIRO Staff Association. CSIRO staff have access to 12 weeks maternity leave on full pay under the Maternity Leave (Commonwealth Employees) Act 1973. Our submission is based on statistics of maternity leave usage since January 1998 provided by CSIRO and the collected verbal reports of our members who have taken paid maternity leave in CSIRO.

Before paid maternity leave was introduced, women in CSIRO usually had to resign when they were pregnant. Their opportunity to restart their careers and return to work was very much dependent on luck or individual work circumstances. Direct verbal criticism was common, that they shouldn’t be working while pregnant and, on return to work, that they should be at home.

 Paid maternity leave introduced the right of women in science to work while pregnant, take appropriate time off to have their babies and return to work without loss of status. Unpaid maternity leave did not have the same impact.

Between January 1998 and July 2002, 416 women went on maternity leave from CSIRO. All except two fixed term employees received the 12 weeks on full pay. Less than 23% of women are leaving CSIRO employment within 2 years of commencing paid maternity leave. 86% of the 416 women have used unpaid leave as well as their paid leave entitlements for maternity purposes. Reports have been consistent that the 12 weeks’ paid leave for maternity is not long enough.

The women are returning to work for financial reasons as well as the demands of their work. 26% of women on full-time changed to part-time on return to work. Senior women scientists are tending to return full-time. When women return to work has been largely dictated by available suitable childcare.

Members have reported that maternity leave combined with returning part-time has drawbacks in science, even though it has been important in helping them balance work and family. Part-time, they have found, increased the pressure on them at work and reduced their opportunities for advancement and professional development. Research scientists leading project work have found that part-time tends to be incompatible with the nature of their work.

Women in CSIRO are delaying having any children until at least their early 30’s and are tending to have only one or two children. This is due to time spent in higher education and additional time to get their careers started, often in contingent employment. Financial stability is an important consideration that may take up important childbearing years. A number of members have said they would have had more children if they had been able to start their families at an earlier age.
Of the 416 women who took maternity leave in the past 4.5 years, only 62 (14.9%) were on fixed term employment. This low incidence among fixed term employees reflects their relative financial instability and the difficulty of meeting the 12 month eligibility requirement under the *Maternity Leave Act* when on short term employment. Casuals and contractors do not have access to paid maternity leave under the *Act*.

We submit that:

- the Federal Government should continue to provide paid maternity leave on 100% pay and maternity protection for its employees through legislation. The paid entitlement should be increased to at least 14 weeks on full income.

- fixed term employees should receive the full paid entitlement even where their terms of employment lapse while on paid maternity leave.

- all working women in the Australian private sector should also have access to paid maternity leave, at least to the minimum standard set out by the *ILO Maternity Protection Convention No.183*.

- we support the ACTU proposal for a general government-funded scheme that would be topped up by a levy on private sector employers.

- any such scheme would benefit by inclusion of an employer component, to help maintain the employment relationship through the period of maternity leave and better encourage the return to work.

- paid paternity leave is an important part of maternity protection and should be provided for in industrial awards and enterprise agreements.

- we do not support an insurance/superannuation style general scheme or loans scheme for paid maternity leave. We consider that any self-funding requirement will work against women who have completed higher education and are relatively late starters in proper paid employment.

- that full maternity protection should extend to all working women in Australia. A first and important step would be for the Federal Government to ratify the *ILO Convention No 183 on Maternity Protection*. 
Introduction

This submission has been prepared by the CSIRO Staff Association in response to the invitation of the Sex Discrimination Commissioner for public contributions to the debate on a national scheme of paid maternity leave in Australia. The bulk of this submission is directed towards providing Australian evidence of the benefits of paid maternity leave, as experienced by a highly educated scientific workforce in one agency of the Commonwealth public sector. It seeks to inform on the objectives of paid maternity leave and some aspects of what would be desirable in a national scheme.

The Commonwealth Scientific and Industrial Research Organisation (CSIRO) is a statutory agency of the Federal Government. Its prime function is to carry out scientific research to assist Australian industry and further the interests of the Australian community. At June 2002 it had 6389 scientific, technical and support staff members working over a wide range of scientific disciplines. The vast majority have tertiary qualifications, including in support areas. 36.5% of these employees were women.

CSIRO staff have access to the provisions of the Maternity Leave (Commonwealth Employees) Act 1973. They have also had provision for five days’ paid paternity leave under the CSIRO Enterprise Agreement 2002-2005, since 24 June 2002.

The CSIRO Staff Association is a section of the Community and Public Sector Union that represents employees who work in all functions of CSIRO and the Anglo-Australian Observatory. While we do not keep statistics on our membership use of maternity leave, this submission presents the collective experience of our members with maternity at work in CSIRO, as reported informally, combined with some data on paid maternity leave usage in CSIRO. The numeric data we present here has been kindly supplied to us by CSIRO Corporate People Development.

Before paid maternity leave

Before the introduction of paid maternity leave in 1973, women usually resigned their positions in order to give birth. Many lost permanency and those who returned to work had to restart their careers. Their return to work was very much dependent on luck with opportunities for positions and the support they had from their Section Chief and line managers. We have no information on the women who did not return to work.
The women all have different stories about how they managed to have families and maintain their careers. One member reported starting her career properly at age 35, after having 5 children and a range of jobs following her graduation. Another reported that she resigned and then returned to work part-time after a break of only two weeks to have her baby. Another took 7 months off and returned as a casual, having previously held a permanent position. These are examples of the exceptional women who managed to continue as scientists as well as mothers. Many others didn’t.

The women reported having to endure criticism from people at work that they should not be working during pregnancy and, on return to duty, that they should be at home with the children.

Some are continuing to be disadvantaged in retirement, where their superannuation benefits are reduced compared to that of their male colleagues. The lower benefits they are receiving now from their superannuation appears to be at least in part a consequence of their periods of contingent employment and breaks in employment for maternity reasons.

The proportion of women in senior scientific leadership positions is very low. In 1999, only 5% of research managers in CSIRO were women and we understand that this has not improved in 2002. We consider that this low level can be attributable to the difficulties women had balancing childbearing with their careers in science before paid maternity leave was enacted. The current generation of women scientists have had very few role models to show them how having a family could be compatible with a leadership career in CSIRO.

**Paid maternity leave change of culture**

The attitude of science workers to women and maternity has changed dramatically since the introduction of the *Maternity Leave (Commonwealth Employees) Act* in 1973. The Act was significant in that it codified the right of women in the Commonwealth public sector to work while pregnant and the right to return to the same status in the workplace as they had before taking maternity leave – that it was right and proper for women to take time out with their babies to recover from childbirth. CSIRO staff recognised and generally accepted this when the Act was introduced.

The 12 weeks on full pay also changed an attitude in some workplaces that women in science should get straight back to work as soon as they possibly could after giving birth - the entitlement under law introduced what came to be seen as a reasonable timeframe for absence for maternity.

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1 The data supplied to us had been compiled manually from individual employment histories and may be subject to some error. For confirmation of figures, please contact Mr Ian Chalker at the CSIRO Corporate Centre, Limestone Avenue, Campbell ACT 2602, email: Ian.Chalker@csiro.au.
In an industry where time off work had been deemed to show lack of commitment to science, women on paid maternity leave came to be accepted as still serious about their work. That change of attitude has not carried over to the same extent to unpaid maternity leave beyond the 12 weeks’ paid entitlement.

The incidence of verbal statements to pregnant members that they shouldn’t be working has been low and very few new mothers have reported to us that workmates or line managers have made comments directly to them that they should not be returning to work. Most of our members who have taken maternity leave in recent years have said that their line managers and workmates have been very supportive of their working while pregnant and with their family demands on return to work.

**Use of maternity leave**

In the 4.5 years from January 1998 to July 2002, 416 women took paid maternity leave from CSIRO. All of them used the full 12 weeks’ leave on full pay, except for 2 employees on fixed term contracts. Few are taking the full 6 weeks’ leave before the date of confinement, as set out in the Act. Most are choosing to work as close to their due date as possible, in order to maximise the recognised time they have at home with their new babies.

Most women who take paid maternity leave in CSIRO return or wish to return to duty. The retention rate for the women who commenced maternity leave between January 1998 and present was 78%: only 96 (23%) had left CSIRO employment within 2 years of commencing paid maternity leave; 56 (13%) of those ceased from CSIRO within 12 months. Not all of the departures were resignations; a proportion were due to the termination of fixed term contracts. This high level of retention is very important to science, where specialist skills and knowledge are not easily replaced.

Only about 20 of the 416 (5%) CSIRO women on maternity leave between 1998 and the present returned to work directly from their paid maternity leave. Some of these may have used some additional paid recreation leave but not for any significant proportion of their time away from work. Some of our members chose not to use the recreation leave available to them in case they needed it if their children were ill.

We are aware that some women have used Long Service Leave to extend their paid maternity leave, even though specific data on this has not been supplied. Many other women in CSIRO had not accrued enough service to take Long Service Leave by the time they took paid maternity leave.
356 (86%) of the 416 have used unpaid maternity leave in conjunction with their paid leave. This proportion may actually be greater than 86%, as a number of the 416 are still on maternity leave at the time of writing this submission. With few exceptions, our members consistently reported that they needed more than the 12 weeks' leave of absence for maternity.

The reasons given to us by members who returned immediately were financial and/or the demands of their work in CSIRO. Reports to us have been consistent that most would have preferred to have had longer at home with their babies.

**Returning to work**

Many have chosen to return to work on a part-time basis, for periods varying from a few weeks to ongoing. In addition to those already employed on a part-time basis, 109 (26%) of the women returning to work changed their status from full-time to part-time to accommodate their new family responsibilities. Our members working in the research projects and in support functions have indicated that this has worked well for them in coping with work and family. Senior women scientists are more likely to have returned to full-time work.

We have had no reports of problems with breastfeeding that are directly attributable to the return to work. We have had comments that the baby’s acceptance of bottle-feeding influenced when the member returned to work.

Many reported that the availability of suitable childcare had a major impact on when they returned to work.

**Consequences of returning part-time**

Members who have returned to work part-time appear to have done so at some personal cost to their careers. While they have managed to meet their work requirements, they cite increased pressures in keeping up with what is happening at work (a significant matter in CSIRO where teamwork is critical to the success of projects), slower advancement in classification, reduced opportunity for promotion, reduced opportunities for work-related training and professional development. A number of them have reported that people working part-time in science are not deemed to be serious about their work. However, they have found that the drawbacks of being part-time have been outweighed by the benefits of having more time for family.
Research scientists with responsibility for projects have reported that they found part-time incompatible with the nature of their work. Our members in this group reported staying in contact with work even while they were on paid maternity leave. They did things like research reports, publications, further project proposals and kept up with movements in their research discipline. On return to work, the demands of project commitments, sponsorship pressures and management/supervisory responsibilities meant that part-time was not really an option for them.

**Age of childbearing and number of children**

Decisions about when to start a family and how many children a woman will have are very personal and not usually made by CSIRO employees primarily on the basis of availability or length of paid maternity leave. However, the availability of paid maternity leave has influenced these choices and made it easier to proceed with a family when the decision is made.

All the members we questioned about their experience of maternity leave did not have their first babies until they were aged in their thirties, mostly mid-thirties and some into their forties. They have given us a number of reasons for delaying childbirth. These include the time they have spent in higher education gaining qualifications and then some time to establish themselves in CSIRO. The time to get their careers started is extended further for research scientists, who pursue postgraduate qualifications then have to be mobile to gain postdoctoral experience interstate or internationally. Financial stability for themselves and/or their partners is an important consideration, and this may take quite a few years in view of the limited term employment that most of them have to take up to start their careers. Some women are the primary income earners in their household.

All this has meant that women in CSIRO are now tending to have only one or two children. Some have mentioned that they may have had more if circumstances had been different and they had been able to start their families at an earlier age. Others in certain divisions of CSIRO have said that they will not have more than one child, or none at all, because of the demands of work in CSIRO. Paid maternity leave is not the critical issue here.

**Contingent employment**

CSIRO has made increasing use of fixed, short term employment in recent years. In June 2002, 24% of staff were employed on fixed term arrangements. The lengths of term appointments range between two weeks and five years. While 33% of indefinite (ongoing) staff are women, 43.8% of
fixed term employees and 52.8% of casuals in CSIRO are women. Of the 416 cases of paid maternity leave in CSIRO between January 1998 and July 2002, 62 (14.9%) were on fixed terms.

This low incidence of term employees taking paid maternity leave is in part a consequence of the eligibility requirement (12 months’ continuous service) set by the *Maternity Leave (Commonwealth Employees) Act 1973*. It is also impacted by the length of terms for individuals and the work requirements in those terms. CSIRO does not pay term employees for any maternity leave that falls outside the specified term of their employment. At least 2 of the 62 people on fixed terms who received paid maternity leave did not receive the full 12 weeks’ paid entitlement.

Casual employees are not eligible for paid maternity leave in CSIRO. Contractors do not receive the same entitlements as Commonwealth employees. Most contractors do not have access to paid maternity leave.

**Benefits for public sector science**

Our experience of paid maternity leave in CSIRO is that it has benefited both the employer and the employee. It has supported the commitment of women in science to their work during their period of maternity leave and produced a strong rate of return to work in a highly educated and specialised industry. It has brought about major improvement in the attitudes of a male-dominated workforce towards balancing scientific research work with having a family. We do not believe that the same benefits would have resulted if maternity leave was only unpaid.

In 1999, an internal CSIRO study on gender equity found that women’s achievement in science is equal to and arguably greater than their male colleagues. The high proportion of women undertaking higher education at present points to an imperative to ensure that women can continue to contribute fully to Australian science into the future. Paid maternity leave is an essential part of any package that protects women’s full participation in the science workforce.

We submit that the Federal Government should continue to provide paid maternity leave on 100% pay and maternity protection for its employees through legislation. The paid entitlement should be increased to at least 14 weeks on full income, with a view to the 18 weeks’ standard and other provisions set in the *R191 Maternity Protection Recommendation, 2000*. The entitlements should remain as legislated provisions so that they cannot be traded or transformed for other purposes through enterprise agreements. Such trading is a risk in male-dominated employment.

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We submit that fixed term employees should receive the full paid entitlement even where their terms of employment lapse while on paid maternity leave, in the same way as temporary employees are provided for.

**Paid maternity leave and equity**

Paid maternity leave and protection of employment through the *Maternity Leave (Commonwealth Employees) Act 1973* has done much to improve equity between male and female science workers. It has not removed all the discrimination against women in scientific careers that is inherent to childbearing, but it has contributed to a cultural shift in science towards work and family. By protecting employment for women at their appropriate status and salary, the *Act* has reduced the financial disadvantage of childbirth on women scientists by more than just the 12 weeks' pay.

We submit that all working women in the Australian private sector should also have access to paid maternity leave, at least to the minimum standard set out by the *ILO Maternity Protection Convention No.183*. We consider that this will benefit working women to a greater degree than just the financial security it would provide.

We support the ACTU proposal for a general government-funded scheme that would be topped up by a levy on private sector employers. This scheme could be further enhanced by certified agreements and industry awards, although leaving such improvements to bargaining is likely to disadvantage parts of the workforce that are not well unionised.

We submit that any such scheme would benefit by inclusion of an employer component. We consider that this would help maintain the employment relationship through the period of maternity leave and better encourage the return to work. This effect would be enhanced where the paid leave is proportional or equivalent to normal income.

**Paid paternity leave**

CSIRO has had little experience of paid paternity leave, having introduced 5 days' leave in its most recent enterprise agreement in June 2002. We consider such provisions an important part of encouraging childbearing in a society where men and women have an equal contribution to make to the workforce. Even though the physical demands of childbirth rest with the mother, their partners also have much to cope with. Apart from bonding with the new family member, the
changes to habits, lifestyle and lack of sleep can be serious for knowledge workers or others doing risky or dangerous jobs.

The Anglo-Australian Observatory introduced 2 weeks’ paid paternity leave at the end of 1998 (Anglo-Australia Telescope Board Enterprise Agreement 1998). Following the introduction of the entitlement, the AAO appears to have experienced something of a mini baby boom compared to earlier years. We have been advised that 7 of the approximately 70 AAO employees have accessed the paid paternity leave and one person has taken it twice.

We submit that paid paternity leave is an important part of maternity protection and should be provided for in industrial awards and enterprise agreements.

**An insurance-style or loans scheme?**

We do not support an insurance/superannuation style general scheme for paid maternity leave. We consider that any self-funding requirement will work against women who have completed higher education and are relatively late starters in proper paid employment. These women now often carry HECS debts and are normally faced with years of contingent employment. Even though they tend to be middle- to high-income earners, it takes many years to compensate for the income foregone during their years in higher education.

Financial security was identified by our members as an important consideration in deciding when to have children and, as a group, they are already starting their families relatively late in life. To impose another burden of building up contributions in a fund would be a significant disincentive that would further reduce the number of children they produce. A loans scheme would be even worse.

Any scheme that involves individual contributions to cover paid maternity leave will disadvantage women in science who wish to raise a family.

**Concluding remarks**

Having children is as much a commitment to the Australian community as it is a personal choice. For women in science, this commitment must be balanced with demands of challenging work in an industry of high expectations and increasingly precarious employment. Government in the past and many universities at present have recognised the value of what their women employees have to offer at work and have provided paid maternity leave to maintain the employment of women
through childbirth. Scientific research is an industry that is pressured for funds and struggles at the research project level in ways similar to small businesses.

Paid maternity leave is an important consideration in keeping the talent of women in the workforce through their childbearing years. Yet it is only one aspect of the package that is needed to ensure that women are not discouraged from having children because of their work. A safe working environment during pregnancy, paternity leave, supports for breastfeeding on return to work are some of the things that encourage and protect maternity for the working woman. A critical part of the package is the provision of affordable quality childcare.

We feel strongly that full maternity protection should extend to all working women in Australia. A first and important step would be for the Federal Government to ratify the *ILO Convention No 183 on Maternity Protection*. It should seek to meet the standards of the *ILO R191 Maternity Protection Recommendation, 2000* in public sector employment, and set a new benchmark for all employers in Australia.