Submission on Paid Maternity Leave

to

Sex Discrimination Unit

Human Rights and Equal Opportunity Commission

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Response to
Valuing Parenthood: Options for Paid Maternity Leave: Interim Paper 2002

In response to the Interim Paper and the current public debate around paid maternity leave, our submission takes up a number of key data issues and consequent assumptions about women’s employment status and choices, which we believe should be addressed in a considered analysis of the benefits and the policy objectives of a national scheme of paid maternity leave. We then briefly outline our view as to the key policy objectives and preferred structure of such a national scheme. We draw on and extend the analysis contained in our recent report Balancing Work and Family Responsibilities: Policy Implementation Options (Charlesworth, Campbell and Probert, 2002).

Some Data Issues

Data on eligibility and take-up of unpaid parental leave

ABS Career Experience data indicate that in 1998, around a quarter of female employees had less than one year’s service with their current employer (ABS 1998). These women would be ineligible for the current entitlement of 12 months unpaid maternity leave provided for under the Workplace Relations Act 1996 and other State and territory industrial relations legislation. An ACTU test case in 2001 extended unpaid parental leave to certain federal award-covered casual employees and similar provisions are now provided in industrial relations legislation in Queensland and NSW. How these provisions will impact on the numbers of women eligible for unpaid parental leave is not yet clear.

While 24 percent of the women who have one year or more service with their employer work on a casual basis (ABS 1998), it cannot be assumed that all these casual workers on being covered by a relevant award, being classified as having worked on a ‘regular and systematic basis’ or having a ‘reasonable expectation of on-going employment’, women being aware of their entitlements to unpaid parental leave and/or their employers being aware of and prepared to provide this entitlement. Further, many unions have not yet made application to the AIRC to insert the extension of unpaid parental leave to certain federal award casuals. In any event the qualified extension of unpaid parental leave to casual workers means that entitlement may need to be established on a case-by-case basis.

Given these limitations on access to unpaid maternity leave for casuals with one year or more service with their employer, we believe that it is reasonable to estimate that approximately a third of Australian women in employment may not meet the basic length of service requirement and employment status conditions for unpaid parental leave. Thus any paid maternity leave scheme that merely ‘piggy backed’ on the provision of unpaid parental leave and excluded these women would be inadequate. At the same time, as we argue below, paid

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1 A 1988 AIFS study found that a third of women eligible for unpaid maternity leave did not take it. Over half of these women had no information about maternity leave (AIFS 1988, 51).
maternity leave needs to be articulated with unpaid parental leave and the right to return to the same or comparable job.

These data limitations also impact on the estimation of take-up rates of unpaid parental leave. The Interim Paper asserts that take up rates of unpaid parental leave can be assumed to have increased since the 1980s as ‘women’s labour force participation increased, anti-discrimination provisions were implemented, the relative novelty of maternity leave subsided, and more recently since unpaid parental leave has been expended to casuals in certain circumstances’ (HREOC, 2002, 91). While women’s increased labour market participation may well have led to an increase in the uptake of maternity leave by individuals, the rate cannot be assumed to have increased to any large extent. There has been an increase in the proportion of women who have worked one year or more with their employer working on a casual basis from 21 percent in 1993 to 24 percent in 1998 (ABS 1993, 1998). Casualisation trends in Australia more generally suggest that the proportion of casual workers including among those with more than one year’s service will continue to increase (Campbell, 2000; Campbell & Burgess, 2001). As noted above, not all of these casual employees will have access to the 12 months unpaid parental leave. Take-up will also be limited by discrimination against women. Women continue to be dismissed on the grounds of pregnancy, and as noted in the Interim Paper, HREOC’s own research indicates that the on-set of maternity is a major cause of discrimination against women (HREOC, 1999).

Data on spread of paid maternity leave

The Interim Paper makes reference to a number of data sources to estimate the provision of paid maternity leave (HREOC, 2002, 92-105). As noted in the review of these data sources, a significant limitation is that most only record whether workplaces or agreements made provision for paid leave. The AWIRS 95 figures are often quoted, 36 percent of employees (or 34 percent of workplaces) have provisions for paid maternity leave (eg OECD, 2001, 149). These figures are grossly inflated (though even these inflated figures confirm the basic point that only a minority of women are covered). The relevant AWIRS 95 question to managers (in workplaces with 20 or more employees) asks: “Is there any paid maternity leave here?” The figure of 36 percent is simply the proportion of employees (in workplaces with 20 or more employees) who work in firms where the manager has answered ‘yes’ to this question (Morehead et al, 1997, 451, 115-116). It is not a measure of the proportion that has access to paid maternity leave.

While the SEAS survey does provide some data on the proportion of employees who believe they are entitled to paid maternity leave, the optimism of this belief is belied by the fact that 24 percent of women who had worked less than a year still believed they were entitled to this leave (HREOC, 2002, TableA.10). Further none of these surveys provides data on the number of women who are practically able to access such leave. Apart from the data limitations noted by HREOC (2002, 105), management attitudes and organisational culture may need to be articulated with unpaid parental leave and the right to return to the same or comparable job.

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2 12 months service is the basic requirement for the provision of paid maternity leave in most agreements and workplace policies.
3 The last survey to do so is now almost 15 years old. See AIFS (1988).
restrict the take up of provisions of paid maternity leave for those who meet the eligibility criteria (see Probert, Whiting and Ewer, 2000; HREOC 1999, 178). A recent AIFS study also suggests that access to a benefit such as paid maternity leave, where it is present within an organisation, will be limited by conditions such as a permanent contract, membership of a specific occupational groups and a minimum level of continuous service (see Gray and Tudball, 2002). While the Interim Paper acknowledges the wide variety in the length of time available for paid maternity leave from one day to 36 weeks, it is also noteworthy that the total amount of maternity leave available may only be paid where the employee has returned to the workplace for a period of time. In some instances, she may have to refund maternity leave paid if she leaves her employment after her return before a certain time has elapsed.

Notwithstanding the limits of the available data on the spread of paid maternity leave in Australia, it is clear that in international comparison, it is woeful. While the SEAS data used in the Interim Paper does not provide a percentage breakdown of entitlement by public and private sector, ADAM Database data indicates that there are paid maternity leave provisions in only 3.4% of currently operating certified agreements (HREOC, 2002, 99, Table A.6). This significant shortfall is testament to the failure of the current federal government approach, which relies on the voluntary initiatives of the private sector to provide paid maternity leave and other ‘family-friendly’ benefits. The more extensive public sector provision of paid maternity leave in contrast is bolstered by minimum standards established in legislation and awards.

**The complexity and dynamism of women’s employment participation**

While the continued participation of women in the paid workforce after having children may now be generally acknowledged by policy makers, the limitations of the available statistical data lead to unwarranted generalisations about women’s employment over the life course and indeed the work preferences of mothers. While the gaps in data collection around women’s labour force participation need to be addressed as we note below, understanding the limitations of the available data is critical if the immediate development of policy around paid maternity leave and other work and family provisions is to be soundly based. In this section we focus on two data use issues which have been raised in the current debate around paid maternity leave:

- The use of available data to argue that there is a significant minority of permanent stay at home mothers.
- Women’s preferences for employment.

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4 At ANZ, for example, women returning to work must work continuously for 10 weeks before receiving the other half of the 6 weeks paid maternity leave payment.

5 At BankWest in Western Australia, women receive 6 weeks pay for maternity leave after they return to work, and must work a further 6 months to retain the payment.
Permanent stay at home mums?

The continued participation of women in the paid workforce after having children is not in dispute. However, data which indicates that, at one point in time, a sizable minority of women with children are not in the paid workforce is often used to ‘freeze frame’ the complexity of women’s employment participation and to make assumptions about mothers’ choices and preferences in respect to paid employment. This is turn is used to argue that the provision of paid maternity leave to working women somehow discriminates against a cohort of women who it is assumed remain in a traditional breadwinner/female homemaker type of family arrangement throughout their life course. However as we outline below, such assumptions are based on use of cross sectional data that make the new patterns of participation by women with dependent children difficult to measure.

The magnitude of the change away from the male breadwinner model for women tends to be masked in cross sectional labour force statistics because they miss the dynamics of participation in paid work over the life course. In particular, they fail to capture the new dynamics of women’s participation over the parenting phase. For women, parenting generally entails a major change in their participation in paid work. It is not the transformation associated with the male breadwinner/ female homemaker model, in which the woman exited permanently from the paid workforce. Instead, the transformation today is structured around temporary withdrawal(s) for a longer or shorter period of time at the point of childbirth and the early years of childrearing, followed by re-entry (or re-entries). In place of a single permanent event, there is now a complex set of social processes of withdrawal and re-entry, which can vary in their detail amongst individual women and amongst societies. And the form of re-entry can vary, depending on whether it leads to the same, a similar or an entirely different job (or occupation); the length of time out of the workforce; and hours worked.

The fact that most of these women have merely been captured at the point of temporary withdrawal (not permanent exit) from the paid workforce (see also Cass, 2002, 148) can be gauged by asking about intentions. For example, as Glezer and Wolcott (1997, 4) point out, in the 1996 Australian Family Life Course Study, “when women not in paid work were asked whether they intended to return to the workforce, 87 percent with a child aged 0-4 years said they planned to return, as did 71 percent with a child 5-12 years”. In short, the statistics simply identify women in different phases of the same dynamic pattern of participation in paid work. It is a pattern that is totally distinct from that associated with the old breadwinner model.

Women’s preferences for employment

In recent weeks there has been a renewed focus on women’s ‘preferences’ for balancing work and family responsibilities. One typology embraced by the Prime Minister is that outlined by Catherine Hakim (2000). Hakim’s assertion, that there are three categories of women - the minority (work-centred) or ‘careerist’ women who will mostly work full-time, with or without children; the minority (home-centred) women and the majority adaptive women - is used to predict women’s employment choices and to evaluate appropriate policy
responses around the provision of maternity leave. Hakim’s account is valuable in underlining the heterogeneity of women and mothers, but her characterisation is peculiarly static. It also takes no account of the constraints that operate in women’s lives and within families. For example, the very high rate of marriage breakdown may well have an impact on mothers’ behaviour and attitudes (Probert 2002) and attitudes to paid work amongst women with children may be shaped by perceptions of the extent and quality of childcare available (Fagan, 2001; see also Probert, 1997). In these rapidly changing times, many women alter and adjust their aspirations according to changing opportunities and experiences (Probert 2002).

A current preference to withdraw from the labour force while a child is very young does not mean that women want to adopt a male breadwinner model and exit permanently from the workforce. Women’s preferences may change when they have children, as their children become older, as their family and domestic circumstances change and in response to work opportunities and rates of pay. At a broader level, as Colette Fagan suggests, women’s work preferences also need to be interpreted within the societal context of the existing working-time regime, welfare state policies and the overall ‘gender order’ (Fagan 2001, 259). It is difficult to compare preferences for paid work across different groups of women without an attempt to capture the impact of these situational factors and constraints. As a consequence, current employment status cannot be used to predict women’s preferences and employment patterns over the life course. This underlines once again the importance of adopting a dynamic perspective based on the life course in policy discussions around the costs and benefits of paid maternity leave.

Cross-national research provides one means of better understanding preferences and attitudes about paid work across a variety of family structures and dependent care responsibilities over the life course. Extensive survey work on preferences and attitudes about paid work is carried out in most OECD countries. A particularly rich and recent cross-national survey is the Employment Options of the Future (EOF) survey, conducted in the 15 EU nations (plus Norway) in 1998 (discussed in OECD, 2001, 135-137; Latta and O’Conghaile, 2000; see also Buchanan and Thornthwaite, 2001, 36-37). Very little support could be found for a male breadwinner model, even amongst those households that seemed to fit the model. Thus, amongst couple families with a child under six, where a large minority of women were not in the paid workforce, only ten percent stated a preference for a structure based on the man full-time and the woman not employed (OECD, 2001, 136). The stronger preferences were for the man full-time and the woman full-time (a ‘dual breadwinner’ model) or for the man full-time and the woman part-time (a ‘one-and-a-half breadwinner’ model). In most OECD countries women’s preference to retain a life-long attachment to employment seems strong, though preferences for the specific type of employment can vary, for example with reduced or full-time hours becoming more important in particular phases of the life course. At the same time, many women want to spend time at home with their children, especially in the first years of life.

Research on preferences and attitudes regarding work and family is relatively primitive in Australia. Standard surveys, such as from the ABS, offer little on preferences. They may incorporate single questions on preferences, but the
results are of little use because the questions are untheorised and fail to accommodate the situational factors and constraints that shape responses. In a recent article, for example, Evans and Kelley (2001) use a single question from the International Social Science Surveys/Australia on normative attitudes towards the ideal pattern for mothers while children are under six years of age. They contend that the results undermine the widely-held belief that mothers of young children have a ‘strong attachment to employment’. This bold conclusion flies in the face of other survey evidence (Glezer and Wolcott, 1997; Pusey, 1999; McDonald, 2001; Probert and Murphy, 2001). It is drawn from a single question that has little to do with behaviour or preferences and the responses include those of numerous persons other than mothers of children under six!

The best data to explore Australian preferences and attitudes regarding work and family come from the surveys conducted by the Australian Institute of Family Studies (VandenHeuvel, 1993; Wolcott and Glezer, 1995). The most recent is the 1996 Australian Family Life Course Study, a study of parents aged 25 to 50 with children living with them in the household. In summarising the results for mothers, Glezer and Wolcott point to the strong preference for a dual earner model, even amongst women not currently in the paid workforce. They note that ‘these results are consistent with similar industrialised countries, suggesting little popular support for the male-breadwinner/ wife-homemaker model’ (Glezer and Wolcott, 2000, 50). They draw attention to the relation between the actual and preferred hours of employed women whose youngest child was under five years. Most were satisfied with their hours. Only a tiny proportion expressed a preference to not be in paid work, but there was a stronger preference for fewer hours amongst those working full-time. On the other hand, amongst not-employed women whose youngest child was under five years almost half stated a preference to be in paid employment (primarily in the form of ‘half time jobs’ between 15-29 hours a week), and the vast majority declared an intention to return to the paid workforce at some stage (Glezer and Wolcott, 1997, 3-4).

This data provides evidence of a strong attachment to the paid workforce amongst mothers in Australia. Where there is a gap between behaviour and preferences, it is primarily found amongst not-employed mothers who would prefer to be in the paid workforce (with a smaller gap amongst full-time mothers who would prefer fewer hours of paid work). This spills beyond a simple commitment to the money that can be drawn from paid work. Glezer and Wolcott (1997, 4) point to the results of a question that asked: “if you had a reasonable income without having to work, would you still prefer to have a paid job?” Seventy-two percent of fathers and 64 percent of mothers answered that they would still prefer to have a paid job. They suggest that the dual earner model is the ideal household structure for couples with dependent children in Australia. However, this is a somewhat modified dual earner model, in which the strong preference of many women with dependent children is for reduced hours of paid work (Glezer and Wolcott, 2000, 50; Buchanan and Thornthwaite, 2001, 23).
Objectives of a Paid Maternity Leave Scheme

The Interim Paper calls for a response on what should be the primary objectives of a paid maternity leave scheme. We believe it of fundamental importance that a national paid maternity leave scheme be based on clear coherent policy principles. Despite major social and economic changes, which have seen an increasing participation of women in the paid workforce, new patterns of participation in employment and major changes in family types with increased number of sole parents and lower rates of child bearing, policy responses in Australia have been piecemeal and inconsistent. Some federal initiatives introduced to support families have contradicted other social and industrial policies. There has been some support for retaining women’s work skills through unpaid parental leave and encouraging ‘family friendly’ workplaces, but many income support policies, such as Family Tax Benefit Part B and the recent ‘Baby Bonus’, are incentives for women with partners to stay out of the labour force. At the same time, welfare reforms insist that single mothers should return to work. However, labour force and workplace policies continue to be based on the presumption of the ‘ideal worker’ with few domestic responsibilities (Williams 2000).

This policy schizophrenia has failed to recognise the significance of paid employment throughout the life course for the vast majority of women, with the associated benefits for individual women, their families, the economy and the broader social good. It has also contributes to polarised public debates which divide into women ‘uncaring’ working mothers and ‘non-working’ caring mothers. Without clear policy principles underpinning the introduction of paid maternity leave, it will not fulfil its potential to increase the choices available to women about the extent, timing and the form of their labour market participation.

The International Labour Organisation Convention 183 standard is explicitly based on promoting the equality of all women in the workforce, the health and safety of mother and child and the equality of opportunity and treatment for men and women. We support these policy principles and believe in particular that gender equality should be a key objective of any national paid maternity leave scheme. We also believe that enhancing labour market efficiency, broadly conceived, is an important policy objective. These two objectives are briefly outlined below.

*Gender equality*

In Australia as elsewhere, women continue to undertake primary responsibility for unpaid family and caring work. This responsibility constrains their labour market participation and reduces their lifetime earnings and career opportunities, directly affecting the choices they and their partners make. In the absence of good work/family policy, choices for most women narrow dramatically. At the workplace level, failures to ease the tensions and pressures associated with the participation of women helps to reproduce severe gender inequalities, such as poor wages and conditions, a lack of pay equity, occupational segregation, discrimination and limitations in training and career development. For the majority of women in Australia, disruptions and withdrawals associated with caring responsibilities tend to become the platform
for an accumulation of disadvantage. Policy intervention, such as instituting a national scheme of paid maternity leave, is consistent with the principle of promoting gender equality and would assist men and women to better balance their family responsibilities (Fagan and Rubery, 1996, 349).

The suggested structure for a national paid maternity leave scheme outlined below is based on the principle that gender equality in both the workplace and the home is fundamental to redressing workplace disadvantage and systemic discrimination against women. Indeed we note that the fundamental rationale for paid parental leave in New Zealand has been ‘to reduce the structural disadvantage experienced by women in the labour market because they have babies, and usually play a dominant care-giving role’ (McDonald, H., 2002). The emphasis on paid maternity leave as a workplace entitlement and on removing as many barriers as possible to access to paid maternity leave scheme is consistent with a principle of promoting gender equality not just between men and women but also between different groups of women. As noted in the Interim Paper, supporting labour market attachment and non-discrimination against working women on the basis of their motherhood status, will benefit women whose employment is marginal. (HREOC 2002). Explicitly naming gender equality as an objective of the proposed paid maternity leave scheme may also help address the ‘motherhood’ discrimination that exists in the workforce (Charlesworth 1999).

**Labour Market Efficiency**

While the Interim Paper suggests that one policy objective for paid maternity leave may be benefits to employers, we suggest that such a policy principle should be more broadly conceived as *labour market efficiency*. Labour market efficiency, incorporates the medium and long-term interests of individual employers as well as a broader interest in sustaining a dynamic, prosperous economy. More broadly, labour market efficiency is about the sustainability of the economy. That is, the medium and long-term interests of the economy in sustaining family incomes, in lessening friction associated with labour market transitions, in eliminating the risk of waste of valuable education and skills, and in ensuring the smooth progression of generations.

The policy principle of labour market efficiency is also linked with that of gender equality and as well as the broader economic benefits to society. The difficulties women and families face in juggling work and family responsibilities in the Australian labour market are linked with inefficiencies in labour market supply. The capacity of organisations to respond to the challenges of work/family balance issues and more broadly, the capacity of the labour market to support women’s participation in paid employment on an equitable basis would be enhanced through a national paid maternity leave scheme, for which the vast majority of women in paid employment were eligible (See Buchanan and Thornthwaite, 2001, 54).

The suggested structure for a national paid maternity leave scheme outlined below is based on the principle that such government intervention can help ensure labour markets provide the right mix of incentives to work, opportunities for skill development and flexibility, and support for employers who competently manage the challenges of work/family balance (DTI, 2000, 8). In
particular, allowing women to make real choices about their participation in the labour market also assists labour market efficiency.

**Proposed Scheme of National Paid Maternity Leave**

We support a national scheme of paid maternity leave, funded by the federal government from consolidated revenue. In our view, it is critical that paid maternity leave be articulated with unpaid parental leave and the right to return to the same or comparable job. While the focus in much of the current debate around proposals for maternity leave has been on the form, level and duration of the payment to be associated with it, the right to return to the same or comparable position held before going on leave is just as fundamental to supporting women maintain their attachment to the labour market. Paid maternity leave provides some financial support to women when they withdraw from employment to have a child and contributes to maternal and child health. At the same time its purpose should be to ease women’s transition back into employment when they decide to return, protecting them against discrimination because of their child-bearing responsibilities. On this basis we believe that the extension of paid maternity leave to the significant group of women in employment, who are not currently eligible for unpaid parental leave must be linked to the right to return to the same or comparable position held before going on leave. In practical terms, as we briefly outline below, this will mean differentiating the leave paid to those in a period of continuous employment before taking leave from the leave paid to those who are self-employed or in short-term or intermittent employment.

We support primarily the model for paid maternity leave proposed by the National Pay Equity Coalition, with some small modifications. Specifically we support a work related entitlement with the following features:

- 14 weeks paid maternity leave at replacement income up to average weekly earnings paid to the birthmother or either adoptive parent;
- 2 weeks paid parental leave for the partner of the birthmother or adoptive parent at replacement income up to average weekly earnings;
- the entitlement to be topped up by employers through enterprise negotiations with unions and employees;
- the entitlement to be paid to all employees in employment and those self employed in business for 52 of the last 104 weeks before going on leave;
- that a right to return to the same or comparable position, where the same position is not available, be extended to all employees, whether casual, full-time or part-time, with 12 months continuous service with their employer;

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6 Indeed a major criticism of HREOC’s Inquiry into pregnancy discrimination was that its terms of reference imposed an artificial distinction between pregnancy and post-pregnancy issues, such as return to work after maternity leave. See HREOC (1999, 225-226)
In brief, the rationale for this model of paid maternity leave is as follows. Maternity leave should be a government-funded entitlement rather than an employer-funded entitlement. Paid maternity leave is different to other employment related leave, such as sick leave, annual leave and long service leave as it provides a benefit not only to individual workers and workplaces in the continuing availability of that worker, and but also to the wider community and economy. Paid maternity leave should be a right of employment and as such, support choices for women to stay at home for at least 14 weeks as well as support women’s labour market attachment by guaranteeing a right to return to the same or comparable position for those with a period of continuous employment before taking leave.

The total 16 weeks leave, of which 14 weeks is maternity leave, both meets the ILO maternity leave minimum standard and also provides in the two weeks parental leave an opportunity for partners to become involved with their new babies. While we support the provision of 2 additional paid parental leave to either parent, it is our view that the 14 weeks maternity leave should be paid to women only, in recognition of the social and health impact of childbirth and the need to protect women against discrimination because of their child-bearing responsibilities. However in the case of adoptive parents, maternity leave should be extended to the primary carer.

The payment cap of average weekly earnings would provide full income replacement for around 75% of women of women (NPEC 2002, 25) and real financial support for other women who earn above the minimum wage. This level of payment is financially feasible within current budget restraints, particularly in lieu of the expensive and misdirected ‘baby bonus’. Where payments capped at average weekly earnings do not provides full income replacement, employers, unions and employees should be encouraged to negotiate a ‘top up’ to entitlement available through the government funded maternity scheme. Unlike the current patchy and inadequate spread of paid maternity leave, particularly in the private sector, such voluntary enterprise initiatives would build on the platform of the minimum standard of the AWE payment and the right to return to work.

Ensuring paid maternity leave is available to all employees in employment and those self employed in business for 52 of the last 104 weeks before going on leave recognises that this work-related entitlement should be extended to as many women as possible. Eligibility criteria should not place artificial barriers to uptake by women. There should be no discrimination on grounds of employment status and women who are employed on a casual basis, those on contracts and the self employed, should all be eligible for this work related entitlement. Nor should seasonal workers and those who have not been in on-going employment with the one employer be excluded. After initial implementation and evaluation of the scheme, consideration could be given to reducing qualifying service to 26 weeks as will be implemented in the UK in 2003.

Because maternity leave is a work-related entitlement, we agree with proposals put forward by the NPEC that entitlement for employees should be administered through the employer in the same way as regular wage or salary payments, for the duration of the leave and that entitlement for those who are self employed, or who do not have continuity with a single employer should be paid through a central government agency in a lump sum in advance (NPEC, 2002, 4). On option for
government reimbursement for paid maternity leave for employees could use elements of the UK model, whereby small business is refunded 105 percent of maternity leave paid to employees, to compensate for the administration of the payment or to use the existing workers compensation system as proposed by NPEC (2002, 28).

It is our view that payments to compensate women not in the paid workforce for the additional costs of having children should continue to be part of the social welfare provision for mothers, parents and families. However we believe that the existing entitlements, particularly the maternity allowance, parenting allowance and Tax Benefit Part B, could be restructured to better provide for women who have no recent labour force attachment before they give birth to their child/children.

Other issues

There are a number of other issues, which we briefly raise in relation to the introduction of a national scheme of paid maternity leave.

Need for review

Whatever the structure of the scheme that is introduced, there will be inevitable anomalies and issues that arise in implementation. Thus in the legislation that introduces the paid maternity leave scheme, there should be provision for a review of the effects and implementation of the operation of the scheme after 12 months as provided for in the New Zealand legislation for Paid Parental Leave.

Inadequate data and research and consultation

Research into work and family balance is burgeoning, but it remains hamstrung by problems of patchy, overly aggregated and sometimes inconsistent data. This not only makes for ill-informed public and political debates but also makes it difficult to measure the impact of policies such as the provision of paid maternity leave. We endorse the call for HREOC for further research in this area (HREOC, 2002, 23) We need for example to undertake the collection of data and research into the impact of both paid and unpaid maternity leave on choices to return to work, on what women do in the absence of paid maternity leave and also on the consequences for pay inequality over the life course.

Paid Maternity Leave is only one element

Finally, we believe that the provision of paid maternity and parental leave is only one element of a comprehensive work and family strategy that needs to be developed by government. While reconciling work and family responsibilities has to be worked out at the workplace, OECD experience shows that the enterprise approach is only effective when used in tandem with a framework of minimum standards and entitlements and public provision of services (OECD, 2001). That is, a clear regulatory framework, establishing and generalising working time and parental and other leave arrangements, is a crucial basis for effective government intervention to assist work/family balance.

The policy response to work/family balance in Australia, particularly at the federal level, is stalled and now lags behind developments in the OECD. It is increasingly clear that leaving these issues to individual negotiation in the
workplace is inadequate. There is now a wealth of research on the dilemmas of work/family balance in Australia and evidence of strong community interest and pressure for change. As in the UK, we need to embark on a comprehensive investigation of how best to improve support and enhance the choices available to men and women, families and the community in respect to balancing work and family responsibilities. (See DTI, 2001).

Outside the workplace, adequate and affordable childcare provision, including out of school hours care, and social welfare provision that supports and extends women’s choices around work and family also need to be fully integrated into federal and State government work/family policy and action.
References


