



NURSES AND
MIDWIVES

QUEENSLAND
NURSES'
UNION

In association with the
Australian Nursing and
Midwifery Federation
Queensland Branch

A.B.N. 84 382 908 052
www.qnu.org.au

All correspondence must be
sent to secretary@qnu.org.au

28 February 2017

The Chair
Senate Standing Committee on Community Affairs
Legislation Committee

Sent by email: community.affairs.sen@aph.gov.au

Dear Chair,

**Re: Invitation to submit to the Senate Community Affairs Legislation Committee inquiry
into the *Social Services Legislation Amendment (Omnibus Savings and Child Care
Reform) Bill 2017***

The Queensland Nurses' Union (QNU) thanks the Senate Community Affairs Legislation Committee (the Committee) for inviting us to make a submission to the *Social Services Legislation Amendment (Omnibus Savings and Child Care Reform) Bill 2017* (the Omnibus Bill). In respect to matters in the Bill concerning paid parental leave, the Committee will be aware the QNU made a submission to the *Fairer Paid Parental Leave Bill 2016* and our peak body the Australian Nursing and Midwifery Federation (ANMF) made a written submission and appeared at the public hearing on 1 February, 2017.

Amongst other changes, the Omnibus Bill amends the *Paid Parental Leave Act 2010* to:

- provide that parental leave pay under the Paid Parental Leave (PPL) scheme will only be provided to parents who have no employer-provided paid primary carer leave, or whose employer-provided paid primary carer leave is for a period less than 20 weeks or is paid at a rate below the full-time national minimum wage;
- remove the requirement for employers to provide paid parental leave to eligible employees, unless an employer chooses to manage the payment to employees and the employees agree for the employer to pay them.

We note the Committee has indicated it proposes to consider the concerns raised and the evidence received in the inquiry into the *Fairer Paid Parental Leave Bill 2016* in conjunction with its consideration of the provisions of the Omnibus Bill.

To that end, we have attached a copy of our original submission and reiterate the following concerns:

- Although the Omnibus Bill raises the maximum of PPL from 18 to 20 weeks, it is still well short of the 26 weeks recommended by the World Health Organisation for infant and maternal wellbeing;

For more information please contact the QNU office indicated:

□ **BRISBANE**
GPO Box 1289
Brisbane Q 4001
P: (07) 3840 1444
F: (07) 3844 9387
E: qnu@qnu.org.au

□ **BUNDABERG**
PO Box 2949
Bundaberg Q 4670
P: (07) 4199 6101
F: (07) 4151 6066
E: qnu@qnu.org.au

□ **CAIRNS**
PO Box 846N
Cairns North Q 4870
P: (07) 4031 4466
F: (07) 4051 6222
E: qnu@qnu.org.au

□ **ROCKHAMPTON**
PO Box 49
Rockhampton Q 4700
P: (07) 4922 5390
F: (07) 4922 3406
E: qnu@qnu.org.au

□ **TOOWOOMBA**
PO Box 3598
Village Fair Q 4350
P: (07) 4659 7200
F: (07) 4639 5052
E: qnu@qnu.org.au

□ **TOWNSVILLE**
PO Box 3389
Hermit Park Q 4812
P: (07) 4772 5411
F: (07) 4721 1820
E: qnu@qnu.org.au

- Low income earners who rely on employer contributions will be particularly disadvantaged;
- Workers have already traded off wage increases and other entitlements to secure PPL during enterprise bargaining and are now forced to forgo their government entitlement paid for by their taxes;
- Employers and workers should be entitled to negotiate additional paid parental leave above the government provided minimum.

As our membership is overwhelmingly female PPL is an important workplace right that we will continue to pursue at every opportunity.

Please contact the QNU Research and Policy Officer, Dr Liz Todhunter on
if you require any further information.

Yours sincerely,

BETH MOHLE
Secretary



Submission to

The Senate Standing Community Affairs Legislation Committee

Fairer paid Parental Leave Bill 2016

December, 2016

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If you live long enough, you'll see that every victory turns into a defeat.

Simone de Beauvoir

Introduction

The Queensland Nurses' Union (QNU) thanks the Senate Standing Community Affairs Committee (the Committee) for the opportunity to make a submission to the inquiry into the *Fairer Paid Parental Leave Bill 2016* (the Bill).

Nursing and midwifery is the largest occupational group in Queensland Health (QH) and one of the largest across the Queensland government. The QNU is the principal health union in Queensland covering all categories of workers that make up the nursing workforce including registered nurses (RN), registered midwives, enrolled nurses (EN) and assistants in nursing (AIN) who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 54,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses in Queensland are members of the QNU.

We ask the Committee to read our submission in conjunction with that of our peak body, the Australian Nursing and Midwifery Federation (ANMF).

Recommendation

We note the following provisions of the bill may be of benefit to some women:

- Amending the paid parental leave work test to take into account the circumstances of pregnant employees who are unable to continue in their job because the hazardous nature of their employment presents a risk to their pregnancy and there is no safe job alternative available;
- Extending the permissible break in the paid parental leave work test to allow parents to have a gap of up to 12 weeks between two working days and still meet the paid parental leave work test.

However, these are minor amendments that distract from the bill's primary purpose of limiting parents' access to government-funded parental leave pay. If these changes progress, Queensland's nurses and midwives stand to lose a substantial amount in paid leave entitlements. Given the excessive disadvantage this will bring to our members and the express purpose of this bill is to reduce an existing entitlement to a 'safety net', we cannot support the bill as it now stands.

The QNU recommends the parliament does not pass this bill.

Paid Parental Leave

With a predominantly female workforce (around 90%), changes to paid parental leave will have a significant effect on nurses and midwives. It is an entitlement for which the QNU has consistently lobbied over the last 20 years. Through the combined efforts of many parties, in 2011, the federal government agreed to introduce the first national Paid Parental Leave (PPL) scheme. This brought Australia into line with most OECD countries. Yet having finally achieved this milestone, in 2016, we now find ourselves defending the rights of workers to access this scheme. PPL is not welfare. Tax-paying Australians fund the scheme and tax-paying employees use it.

PPL provides benefits for employers, employees and the community. For employers, the scheme enables continuity in employment, staff retention and reduced training costs. It is also a sign to the community that the employer values its female workforce.

For employees, it enables the new parent and family to spend time with the infant and establish new routines. This is such a critical time for families. The World Health Organization (WHO) recommends a minimum of 26 weeks post-partum to establish breastfeeding and bonding. Enabling parents to support healthy families builds healthy communities. These are the value added effects of PPL that go beyond the immediate monetary benefit.

For nurses and midwives, this means supporting young colleagues. The nursing and midwifery workforce is ageing with almost 40% aged 50 or over (AIHW, 2015). It is therefore critical to retain the 25-44 year old nurse or midwife. This cohort is most likely to be absent from the nursing and midwifery workforce for significant periods of time due to child rearing responsibilities. Together with any employer funded scheme, the PPL is an important initiative to encourage these nurses and midwives to return to work following leave.

The following table indicates the number of employed nurses and midwives in Australia according to their age group for the period 2011 – 2015 with the critical cohorts highlighted (nurses and midwives aged 25-44 and those aged 50 or more).

Employed nurses and midwives: age group, 2011-2015

Age group	2011	2012	2013	2014	2015
16-24	14,938	14,380	14,771	15,049	15,573
25-29	27,041	28,612	30,611	31,850	33,269
30-34	24,645	25,460	27,167	29,106	31,830
35-39	31,400	30,804	30,245	29,737	29,787
40-44	37,422	37,810	38,281	38,203	37,863
45-49	41,359	39,767	38,698	38,591	39,014
50-54	46,729	46,547	45,512	43,873	42,160
55-59	35,928	37,367	38,935	40,750	41,665
60-64	19,902	21,041	22,658	23,821	25,337
65+	7,340	8,356	9,151	9,999	10,606
Total	286,706	290,144	296,029	300,979	307,104

Source: National Health and Welfare Data Set: nurses and midwives 2011–2015

The following table gives an indication of the number of Queensland nurses and midwives who could be affected by the bill.

**Female Employed Nurses Females up to age 44 affected
Private and Public Acute Hospitals and Residential Aged Care**

	Classification	Public/Private Acute Hospital	Residential Aged Care	Total
QLD	Registered and Enrolled Nurses	15,377	3,199	18,576
	Assistants in Nursing/Personal Care Assistants		5,841	5,841
	Total Nurses			24,417

Source: Australian Nursing and Midwifery Federation (2016) Analysis of the *Fairer Paid Parental Leave Amendment Bill 2015* based on AIHW 2015 Nursing and Midwifery Workforce Data 2014, AIN/PCA Aged Care Only – King D., Mavromaras K., Wei Z., et al. (2012) *The Aged Care Workforce, 2012*, Australian Government Department of Health and Ageing, Canberra.

Nurses and midwives are highly educated health professionals who have undertaken extensive and costly study in order to practice. They are a precious resource that needs to be respected and retained.

Enterprise Bargaining

While unpaid parental leave is a universal entitlement, until the introduction of the government funded PPL scheme, paid parental leave has been advanced mostly through enterprise bargaining agreements. The majority of nurses and midwives are covered by agreements that provide this entitlement.

Trade unions on behalf of their members have bargained for paid parental leave for more than 20 years. The QNU has included improved paid parental leave entitlements in members' logs of claims across the sectors since enterprise bargaining commenced in the 1990s.

Nurses and midwives in the public sector have had this entitlement for many years while some in the private and aged care sectors continue to lag well behind. In aged care there are still a number of employers who continue to resist such claims and provide either no leave entitlement or two weeks as a maximum. Within the bargaining context, nurses and midwives who have been able to gain paid parental leave have had to forego wages or other entitlements in exchange.

The government funded PPL scheme was designed to enable working parents to access up to 26 paid weeks parental leave by combining the workplace provision with the government funded PPL scheme. Now it seems the government scheme is no longer being made available to those with a paid entitlement because they are 'double-dipping'.¹

The government funded PPL scheme is therefore an incentive for employers not to bargain to include such provisions in agreements as the government funded scheme will operate in default.

¹ The former Treasurer Joe Hockey suggested workers who claimed both the PPL and employer-funded were 'double-dipping', later clarifying that this is not fraud. See Bourke, L. (2015) 'Joe Hockey concedes 'double-dipping' on paid parental leave is not fraud', *Sydney Morning Herald*, 18 May, retrieved from <http://www.smh.com.au/federal-politics/political-news/joe-hockey-concedes-doubledipping-on-paid-parental-leave-is-not-fraud-20150517-gh3ttg.html>

Conclusion

If the federal government's argument for discontinuing parental leave payments to those who access an employer funded scheme is viewed only in economic rather than social terms, then it needs to recognise that only women can give birth to the next generation of workers this country will need for future sustainability. In the long run it is not just an investment it is a necessity.

It is a sad indictment on this federal government that women's greatest collective contribution to society and the economy continues to be seen as a welfare cost rather than a cause for celebration.

References

Australian Institute of Health and Welfare (2016) *Nursing and Midwifery Workforce 2015*.