

## SENATE SELECT COMMITTEE ON WORK AND CARE

### Submission

Alannah Batho | 5 September 2022

#### Executive summary

- 1 This submission is focussed on parents as carers. I am an employment lawyer, a parent of a small child, and I have a strong interest in these issues. I have undertaken research and considered deeply the problems I see parents face as they try to navigate childcare and work responsibilities.
- 2 The current legislative and policy structure is underpinned by the historic arrangement in which a male partner worked outside the home full-time and his female partner worked in the home full-time, including caring for their children. This model has changed significantly over recent decades. The typical arrangement in most cases now is that both parents work outside the home (albeit one person often does so part-time). The systems we have in place supporting parents have not kept pace with this significant change to the way parents work outside the home.
- 3 The current legislative structures, underpinning policies and cultural expectations surrounding work and care are not fit for purpose and do not support wellbeing in parents and families. Parents, particularly parents of young children, are overstretched and stressed as they attempt to navigate and balance the demands of modern parenting and modern ways of work.
- 4 It is well-recognised that having and raising children is absolutely critical to the healthy functioning of our economy and our society. As such, we need greater recognition that family support and the task of child-rearing is a collective responsibility, not just a private issue for individuals to manage. We need a dual earner-carer model underpinning our government's policy decisions.
- 5 More accessible childcare might be part of the solution but it is by no means the whole solution. Government's approach needs to be far more wide-reaching and nuanced in order to achieve the desired aims. It needs to be underpinned by a true respect and recognition of the role of carers in our economy. Regard should be had to overseas jurisdictions where parents are better supported to perform their roles as both parents and workers (in particular, in Sweden).
- 6 Greater productivity, workforce engagement and individual wellbeing would likely be achieved through recognition of the changed work care model and greater support of parents, particular in the early years of their children's lives.
- 7 Additional supports that would help to achieve greater productivity, workforce engagement and individual wellbeing include:
  - a. *at least* 12 months' paid parental leave, with a 3 month 'use it or lose it' component for both partners;
  - b. a clear entitlement to work part-time after having a child, up until the child is a certain age (eg eight years old) (rather than a right to request to work part-time, which can be refused on reasonable business grounds: s 65 of the *Fair Work Act 2009* (Cth));
  - c. eligibility for a tax deduction for particular household services such as cleaners, nannies and gardeners;

- d. the option to access a parental payment, instead of a childcare subsidy, to assist parents to stay at home to care for their children up to the age of three, if they choose to do so; and
- e. an increased entitlement to paid carer's leave for parents to look after an ill or injured child (for example, up to 30 days' paid carer's leave per year for parents to a child up to a certain age (eg eight years old)).

## Background

- 1 I have worked as an employment lawyer in a commercial law firm for the entirety of my career, around 10 years. I became a parent around two years ago and it was at this time that the effective impossibility of managing parenting and working became apparent to me.
- 2 Since that time, I have become interested in looking at how we combine work and care in Australia, and how we might improve wellbeing for parents and children and developmental outcomes for children (and therefore positively impact the economy and society more generally). I have undertaken personal research into these issues, considered the approach in overseas jurisdictions and I have spoken to a number of parents about the challenges they face in combining work and care. My consideration of these issues is supplemented by my knowledge of our employment entitlements and employment law system.

## Changes to working patterns over time

- 3 According to the Australian Institute of Family Studies, "One of the most significant social trends of the 20th century has been the move of mothers into paid work, with widespread repercussions for family life, workplaces and community supports for families."<sup>1</sup>
- 4 According to the latest ABS statistics, in 2021 the vast majority (69.9%) of couple families with children have both parents working.<sup>2</sup> In 1974, in contrast, the ABS statistic reveal that only 23% of couple families with children had both parents working.<sup>3</sup>
- 5 Along with the increase of women in the workforce, the relative costs of housing and living have risen significantly, such that in most cases it has become economically imperative for both parents to participate in paid work, simply to cover their basic costs. My husband and I are both high income earners with relatively little debt and lifestyle expenses. Even still, we are both still required to work in order to afford to cover our mortgage and living expenses; it is not possible for one of us to care for our child full-time.

## Our current system

- 6 Our system has not kept pace with these significant social changes in parental employment. It is fundamentally inadequate with respect to how it supports and enables the combination of caring and working.
- 7 A simple example is kindergarten and school hours. Kindergarten hours vary considerably between services, but might run from 9:00 am – 2:00 pm, 3 days a week. School hours are 9:00 am – 3:00 pm. Working hours are typically 9:00 am – 5:30 pm (although many workers, myself and my husband included, work hours far in excess of this). Children are also on holiday for around 10 to 12 weeks per year. Workers have access to four weeks of annual leave. Kindergarten and school hours and holidays were previously not problematic, in the model where the mother worked at home full-time and was able to pick up and drop off the children and care for them during school holidays. However, it is clear these hours are fundamentally inconsistent with a household in which both parents work.

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<sup>1</sup> [https://aifs.gov.au/sites/default/files/publication-documents/fs2010conf\\_0.pdf](https://aifs.gov.au/sites/default/files/publication-documents/fs2010conf_0.pdf)

<sup>2</sup> <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-status-families/latest-release>

<sup>3</sup> [https://www.ausstats.abs.gov.au/ausstats/free.nsf/0/702184B2031B4056CA2585AB001B8E35/\\$File/62240\\_1974\\_11.pdf](https://www.ausstats.abs.gov.au/ausstats/free.nsf/0/702184B2031B4056CA2585AB001B8E35/$File/62240_1974_11.pdf)

- 8 This puts enormous strain on individual families to find care solutions, even though this affects all working parents (which make up a huge proportion of our workforce). The disparity between kindergarten/school and working norms demands that parents outsource the care of their children to others (which is typically ad hoc, and through a combination of nannies, long daycare, after-school care, grandparents, etc), or otherwise are under extreme pressure to leave work to pick up their children and perhaps work additional hours in the evenings after the children go to bed.
- 9 This is the typical pattern in my household. My husband and I work during the day, take turns to pick up our daughter from childcare at around 4:45 pm, after which we do the usual dinner, bath and bed routine common to all parents, and then log back on to our computers at around 9:00 pm for a further two or more hours of work. This is not a sustainable or enjoyable pattern of work. In fact it is an exhausting juggle and one that does not promote well-being for us or our children. Yet it seems that our current system allows no other option. We do not yet have children in kindergarten or school. It is not clear to me how we will find care for our children when they are in kindergarten or school and need to be picked up, or during school holidays.
- 10 Paid parental leave is another example of the inconsistency between work and care. Commonwealth paid parental leave provides for a maximum of 18 weeks for the primary carer, with 2 weeks 'partner pay', often taken at the same time as the primary carer's leave. The government parental entitlement is supplemented by some private sector employers with discretionary paid parental leave policies, but by no means all. This commonly leaves parents with the invidious choice of relying for a period of time on only one salary (which is increasingly impossible with the costs of housing and living) or outsourcing care for their child at a very young age.
- 11 A huge proportion of our workforce are parents. The fact that our working system is so incompatible with the realities of parenting, and that these are seen as individual rather than collective issues, is unacceptable.

### **Our working culture**

- 12 The working culture in Australia is also problematic. Despite the fact that a huge proportion of workers are parents and therefore subject to the demands that come along with parenting (such as picking up children from school), there is almost no recognition of this in our working culture. "Good" workers are expected to be singularly devoted to their jobs. Leaving work "early" to pick up children is grudgingly tolerated (for women, less so for men), and there is still stigma attached to needing to prioritise children's needs.
- 13 In my own circumstances, I generally have flexibility to work around the need to pick up my daughter from child care, but I am expected to work late into the night to make up for these lost hours.
- 14 The working culture in some other countries, underpinned and encouraged by legislation and family-friendly policies, is markedly different. In her book, 'Making Motherhood Work', researcher Caitlyn Collins highlights the contrast between Sweden, where it is typical and accepted for workers to leave the office by 4:30 pm in order to care for their children, with Australia, where the cultural schema means it is somewhat taboo to even discuss in the workplace the need to care for children.<sup>4</sup>

### **Recognition that caring for children is a collective responsibility**

- 15 In Australia, much like in the United States, caring for children is largely seen as an individual, rather than a societal issue.<sup>5</sup> Parents feel an immense burden to manage the work/life juggle on their own, through a combination of paid childcare, family support and

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<sup>4</sup> Caitlyn Collins, 'Making Motherhood Work' (Princeton University Press), 2019.

<sup>5</sup> Caitlyn Collins, 'Making Motherhood Work' (Princeton University Press), 2019.

working fewer hours. This is despite the fact that it is a basic truth that having and raising children is fundamentally critical to the continuing health of our economy and society more generally, and that these issues affect all working parents.

- 16 There are some policies (such as the Commonwealth parental leave scheme and Commonwealth child care subsidies) which distinguish Australia from the US and act as some limited recognition that caring for children is beneficial to society at large. However, it is important that these policies are underpinned by express recognition of this fact. It is also important that these policies, which are currently inadequate, are expanded and greater support is provided to parents.

### **More childcare as a solution?**

- 17 One of the key policy announcements of the Albanese government was cheaper childcare, with the express purpose of increasing the participation of women in the workforce. This has been hailed by some organisations as an important reform to support working families.
- 18 However, while it is clear that more childcare might be a part of the solution, in my view it is certainly not the whole solution. In fact, I am of the strong view that encouraging parents to work even more hours, with the side effect that children are in paid care arrangements for additional hours, will negatively impact on parent and children's wellbeing, and potentially on children's developmental outcomes.
- 19 There is increasing research that it is beneficial to children's development and wellbeing to remain in the care of one primary carer (ideally, the mother or the father) up until the age of three.<sup>6</sup> Parenting experts such as Steve Biddulph advocate for delaying introducing children to paid care until they are three,<sup>7</sup> on the basis that the research establishes that children are better attached, better developed and more secure if they are cared for by a parent in their early years rather than spending significant amounts of time in externally provided childcare.
- 20 Ironically, the ability for parents to care for their children themselves, without outsourcing, has become one of privilege. As an employee of a large firm, I earn a high salary and I am entitled to a generous parental leave entitlement in addition to the statutory parental payments. My husband also earns a high salary and is similarly entitled to a generous parental leave entitlement. As such, we were able to care for our first baby for 16 months at home before sending her to childcare, through a combination of our parental leave entitlements and relying on one income for a period of time. We can also afford for me to work part-time, while my husband works full-time (and is intending to transition to part-time work in the near future).
- 21 My sister, in contrast, is a child care educator. She is a low income earner and received only the statutory parental payments. Her partner is also a low income earner. She didn't have the means to stay home from work without an income, and was forced to send her twin babies to childcare at four months, and return to paid work herself, full-time.

### **Greater productivity, wellbeing and developmental outcomes**

- 22 The solution to these significant issues, in my view, is not for women to work more hours and to increase the already considerable pressure placed on parents to juggle work and parenting in a system in which these ideas are fundamentally incompatible. Rather, I believe we should be working towards a system where each couple is, between them, able to afford to care for their children at home for as long as possible before their children turn three (if they choose to do so). Thereafter, ideally, both parents would continue to work

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<sup>6</sup> <https://ifstudies.org/blog/measuring-the-long-term-effects-of-early-extensive-day-care>

<sup>7</sup> file:///C:/Users/36808/Downloads/http\_\_\_www.aphref.aph.gov.au\_house\_committee\_fhs\_workandfamily\_subs\_sub217.pdf

part-time to some extent, so they can manage the significant burdens of caring for their children and working productively, without the extreme pressure that currently exists.

- 23 For the reasons discussed above, I believe this would increase productivity, wellbeing for both parents and children and likely improve developmental outcomes for children as well. In turn this would have a beneficial impact on our economy.

**Additional supports required**

- 24 Additional supports that would help to achieve greater productivity, workforce engagement and individual wellbeing include:
- a. *at least* 12 months' paid parental leave, with a 3 month 'use it or lose it' component for both partners: this would both allow parents to care for their children at home for the first critical year of their children's lives and also encourage greater father involvement, which research shows has many flow on benefits. This would also start to shift the working culture and mean there is greater recognition that many people in the workforce have childcare responsibilities.
  - b. a clear entitlement to work part-time after having a child, up until the child is a certain age (eg eight years old) (rather than a right to request to work part-time, which can be refused on reasonable business grounds: s 65 of the *Fair Work Act 2009* (Cth)): a clear entitlement to work part-time would also start to shift the working culture and would take some pressure off parents, which could improve mental health outcomes and general well-being.
  - c. eligibility for tax deductions for particular household services such as cleaners, nannies and gardeners: this would mean some of the load is taken off parents while trying to juggle care and work, while also injecting money into the economy for these services and strengthening those industries.
  - d. the option to access a parental payment, instead of a childcare subsidy, to assist parents to stay at home to care for their children up to the age of three, if they choose to do so: this gives parents the choice as to whether they want to outsource their childcare or care for their children themselves. If parents choose the parental payment this may have flow on impacts including less pressure on families and therefore less mental health issues, better development outcomes for children and therefore better long term impacts on society and the economy.
  - e. an increased entitlement to paid carer's leave for parents to look after an ill or injured child (for example, up to 30 days' paid carer's leave per year for parents to a child up to a certain age (eg eight years old)): this would also assist with taking some pressure off parents and assist to change the working culture, with acknowledgment of the reality of having children in childcare and school where illness occurs frequently.

**Next steps**

- 25 I would be pleased to discuss this submission in more detail if that would be of assistance.

**Alannah Batho**

5 September 2022