

## **MATERNITY LEAVE : A WOMEN'S HUMAN RIGHTS AND HEALTH ISSUE.**

### **Response to *Valuing Parenthood: Options for Paid Maternity Leave: Interim Paper 2002* by the Women's Studies Research Unit, School of Social Work, University of Melbourne (18<sup>th</sup> June 2002)**

Congratulations to the Sex Discrimination Commissioner, the Sex Discrimination Unit and The Human Rights and Equal Opportunity Commission for developing this long-awaited discussion paper on the issue of paid maternity leave.

The Women's Studies Research Unit, School of Social Work, University of Melbourne has been active in research for and by women over the past ten years. More than 20 post-graduate research degrees have been produced under its auspice, and at present ten pieces of research are in progress.

A major piece of research is being carried out in association with the Royal Women's Hospital on the income support, social support and safety needs of pregnant women. 400 women are being interviewed for this research. The income support questions include women's access to paid and unpaid maternity leave. While the research is still underway, it is clear that this is an issue for many of the women interviewed so far (350). Many women are concerned about how they will manage financially after their baby is born.

***We at the Women's Studies Research Unit at the University of Melbourne are extremely pleased that a national scheme is being seriously considered, and encourage the Government to adopt and implement such a scheme in the near future.***

We have organized our response around the consultation questions in the Discussion Paper.

## QUESTIONS AND RESPONSES

### 1. Do you support a national scheme of paid maternity leave?

The Women's Studies Research Unit is strongly in support of a national scheme of paid maternity leave. In addition, we keenly encourage Australia's ratification of the International Labour Organisation's Maternity Protection Convention (ILO 183) and Recommendation (Recommendation 191).

## OBJECTIVES

### 2. What do you see as the primary objectives for introducing paid maternity leave in Australia?

In our opinion, there are several reasons for introducing paid maternity leave in Australia. The *provision of paid maternity leave* :

- i. Has been acknowledged by international instruments such as CEDAW and the ILO Maternity Protection Convention as a human right.
- ii. Is a basic family and workplace policy in the great majority of developed nations, with the USA and Australia being the two exceptions.
- iii. Will go some way towards addressing systemic discrimination on the basis of gender.
- iv. Will provide some income security for women.
- v. Acknowledges the social and economic worth of parenting.

vi. Is supportive of families in their choice to have children.

vii. Is responsive to women's health needs pre- and post-partum, and during the establishment of breastfeeding.

viii. Values the work that women do carrying, delivering and caring for their infants **as** work

### **3. What would the costs and benefits of paid maternity leave be for business and the community?**

We consider that the benefits of a scheme of paid maternity leave far outweigh the costs. There will be benefits for business, individuals, communities, and Australian society as a whole with the introduction of such a scheme.

Already Australian Governments have demonstrated their support for the importance of maternity leave by the schemes they offer their own employees. All Australian women in paid work need similar arrangements.

Businesses would maintain experienced and trained staff, as women are more likely to return to work after having a baby if they receive paid maternity leave. This reduces staff turnover, avoiding the costs of recruitment.

Society in general would benefit by reducing the chances of families falling into poverty with the loss of one income that typically follows the birth of a child. Children benefit if mothers are not forced to return to work earlier than they are ready, through increased time for early bonding and establishment of breastfeeding.

It is preferable to have a system of paid maternity leave than payments such as the Baby Bonus, which actively discourages women from returning to work and participating in the public arena.

One cost of introducing paid maternity leave is the probability that it could not be afforded by small businesses. It does have to be paid for, and how it is paid for is of particular importance, as there is the potential for discrimination against women of childbearing age, in the paid labour force, if it were to be paid for solely by business.

**4. To what extent do you think paid maternity leave would act as an incentive to women to remain in work during pregnancy and return to work after the birth of a child?**

If it is a good system of paid maternity leave, it is likely to act as an incentive for women to remain in paid employment during pregnancy and return after their child is born. Workplaces need to be family-friendly in order for women to want to combine paid work with parenting. For example, women may not want to work full-time or long days, even after a period of maternity leave. They may also require breastfeeding/ breastmilk-expressing breaks.

It is important that women have choice, as is explicit in Government policy for women, and that they do not feel compelled to go back to paid employment after maternity leave if that is not the best option for themselves or their child, as for example, may be the case where a child is disabled. It is not reasonable to expect a woman to make an informed decision about what is best for her child, herself and her family until after the child is born.

## **STRUCTURE OF SCHEME**

**5. Should payment be provided to women or both men and women?**

It is our strong view that maternity leave should be paid specifically to women as birth mothers, as the need for leave is inextricably linked with

maternal health (recovery from childbirth, sleep deprivation) and child health (establishment of bonding and breastfeeding where possible).

We are sympathetic to the inclusion of the relatively small number of adoptive mothers who are in the paid labour force and are otherwise eligible.

Parental leave in itself is an important component in the support of families and one that we also wholly support. However, we stress that it should be an additional scheme rather than a replacement for maternity leave.

**6. Should payment be limited to women in paid work or be available to all women?**

We consider that paid maternity leave should be available only to women in paid employment, as a family-related workplace policy. There should be financial support also for women at home, perhaps in the form of a revised baby bonus with the objective of offsetting some of the costs of having a baby. However, this should be means tested and acquired through an alternative system. Limiting paid maternity leave only to those women in the paid workforce encourages women to take up their citizenship rights within the public sphere, and is an incentive towards women's autonomy. It is essential that women without partners and those escaping violent situations, who have no job history, should be able to support themselves independently once their child is born.

**7. Should eligibility be limited to women with a minimum length of employment?**

We suggest that women should have "portability" of accrued work time (full time, part time and casual) with a minimum of twelve months over a certain period (eg. 3 years) in order to be eligible for payment. Thus, a woman who has worked six months in one job, then six months in another within the last three years would be eligible. However, there must be a minimum of twelve

months accrued work between births to re-establish eligibility for the Government scheme, although we assume workplaces will vary their practice.

Special attention should be given to the needs of those women who have not had the opportunity to work for the full twelve months, such as very young women, those leaving violent relationships, and women who have become single whose partners were previously supporting them.

## **8. What weekly amount of paid maternity leave should be paid and for how long?**

It is our view that maternity leave should be paid at the minimum wage rate of \$431 per week, with the possibility of it being topped up by employers through enterprise bargaining. The Government scheme should cover a minimum of 14 weeks up to a preferred six months.

It is our opinion that 6 months is a better period of time to take leave after the birth of a baby before returning to paid employment, based on information about mother's and infants health. This also facilitates parent-child bonding and establishment of breastfeeding as recommended by the World Health Organisation.

Finding a replacement worker for a six-month period is easier, and more industrially sound for the replacement worker, than finding someone to work in the woman's position for only three months.

We suggest that after the universal paid maternity leave, the gap between this period (as decided in the legislation) and six or twelve months could be paid by employers as negotiated through enterprise bargaining . Alternatively, after the Government paid minimum, paid parental leave could begin, allowing either the mother or the father to take responsibility for child care.

## **FUNDING**

### **9. How should paid maternity leave be funded? Should government, business and/or employees contribute?**

The overall funding for paid maternity leave should be shared between government and business as a family related workplace measure. The minimum paid maternity leave should be funded by the Federal government.

We do not believe that employees should contribute further, as at present women and their families already bear the majority of the costs of having children. Even with a paid maternity leave scheme, women will continue to be financially disadvantaged by having a family.

### **10. Is there a particular model of funding that you prefer?**

In our opinion, government should be responsible for the minimum payment of \$431 per week for between fourteen weeks and six months (as legislated), with additional payment and longer time periods established through enterprise bargaining.

### **11. What are your views on the use of an employer levy to fully or partially fund paid maternity leave? If a levy were introduced, should certain businesses be exempt?**

We do not believe an employer levy ought to be introduced, for fear of a backlash against female employees who are of child-bearing age.

### **12. What are your views on the use of a superannuation/ insurance model to fully or partially fund paid maternity leave? If such a model were used, should employees be required to contribute to funding?**

We do not think a social insurance/ superannuation scheme would be effective nor feasible at this time. While contributory social insurance schemes work well in some countries overseas, Australians have persistently expressed their preference for benefits to be paid from General Revenue, as a recognition of their tax paying status.

Women cannot afford to make contributions, and required payments from spouses may operate as a disincentive to planning families. If all employees were obliged to contribute, there would be potential for resentment amongst people who do not intend to have children. Employers may not employ women of child-bearing age in order to avoid paying, increasing systemic discrimination in the workforce. In addition, the reorganisation of the tax system that this would require is prohibitive.

## **CONCLUSION**

We thank you for the opportunity to participate in this consultation, and again strongly urge the Government to introduce a serious paid maternity leave scheme in the near future.