



AUSTRALIAN EDUCATION UNION

SUBMISSION TO THE SENATE

EMPLOYMENT, WORKPLACE RELATIONS

AND EDUCATION LEGISLATION

COMMITTEE

INQUIRY INTO THE

WORKPLACE RELATIONS AMENDMENT

(PAID MATERNITY LEAVE) BILL 2002

July 2002



# *Australian Education Union*

Ground Floor, 120 Clarendon Street, Southbank, Victoria, 3006  
PO Box 1158, South Melbourne, Victoria, 3205  
Phone: +61 3 9693 1800 Fax: +61 3 9693 1805  
Federal Secretary: Robert Durbridge Federal President: Denis Fitzgerald

Ref: 00831et/FM:SG

26 July, 2002

The Secretary  
Senate Employment, Workplace Relations and  
Education Legislation Committee  
Parliament House  
Canberra ACT 2600

Dear Secretary

**Re: Inquiry into the Workplace Relations Amendment (Paid Maternity Leave) Bill 2002**

Attached in electronic format please find the Australian Education Union (AEU) Submission to the Senate Employment, Workplace Relations and Education Legislation Committee Inquiry into the Workplace Relations Amendment (Paid Maternity Leave) Bill.

We would welcome the opportunity of furthering our response in person.

Should you have any inquiries regarding this submission, please contact Fiona McNamara, AEU Federal Women's Officer in the first instance

Yours sincerely

A handwritten signature in black ink that reads "D Fitzgerald". The signature is written in a cursive style.

DENIS FITZGERALD  
Federal President

# Contents

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Introduction.....	1
About the AEU .....	1
Current provisions of paid maternity leave for education workers .....	1
Support for the draft legislation .....	2
Key Issues in the proposed amendment .....	2
Support for 14 weeks .....	2
Funding.....	2
International conventions .....	3
Transferability of entitlement.....	3
Exclusion of employees of Commonwealth, State and Territory employees .....	3
Eligibility.....	4
Multiple births.....	4
Dual system.....	5
Adoptive/foster parents .....	5
Family friendly provisions .....	5
Additional Considerations .....	5
Specific Issues/ Concerns .....	6
Clause 3 (Interpretation) (1) ... CONTINUOUS SERVICE.....	6
Clause 3 (Interpretation) (2) ... MULTIPLE EMPLOYMENTS .....	6
Clause 10 (3) (a) – payment ceases at expiry of fixed term contract.....	7
Clause 11 (1)(a) – averaging of employee’s earnings over 12 months if below Federal Minimum Wage .....	7
Clause 11 (3) - payment treated as wage and salary income .....	8
Clause 4 (b) – the public sector exclusion.....	8
Conclusion.....	9
Appendix 1.....	10

## **Introduction**

The AEU welcomes the opportunity to provide a written submission to the Senate Employment, Workplace Education and Legislation Committee in regard to the Workplace Relations Amendment (Paid Maternity Leave) Bill 2002.

The AEU has recently made a submission to the Human Rights and Equal Opportunity Commission's Valuing Parenthood: Options for Paid Maternity Leave: Interim Paper 2002 which was completed after a wide consultation process.

This submission informs the comments made in relation to this proposed amendment to the Workplace Relations Act and is attached as a reference. **(See Appendix 1)**

The AEU position in regards to paid maternity leave is thus well developed through broad consultation.

## **About the AEU**

The Australian Education Union represents 155,000 educators employed in public pre-schools, schools and colleges throughout Australia. AEU members work as teachers, principals, administrators and allied educational staff in schools, preschools, kindergartens and TAFE.

The AEU believes that a national paid maternity system should be available in the first instance to all working women. While many of those working in the education field have access to this benefit this is not true for all women working in education. It is also extremely unjust that women who work in the majority of Australian workplaces do not share this entitlement. The AEU supports a universal system of paid maternity leave for all women although separate mechanisms for the administering of both schemes would be necessary.

## **Current provisions of paid maternity leave for education workers.**

The provision of paid maternity leave to education workers is part of recent history. Although New South Wales (9 weeks), the Australian Capital Territory (12 weeks) and Northern Territory (12 weeks) (the latter two through Commonwealth Public Service Agreements) and Victoria (12 weeks) have a long history of access to paid maternity leave this is not the case for all education workers in all states and territories.

More recently Queensland received six weeks paid maternity leave in 1986.

South Australia first received 2 weeks paid maternity leave through an arbitrated decision in 2001, subsequently extended to 4 weeks. Tasmanian (12 weeks) and Western Australian (4 weeks) educators gained their entitlements during 2001.

Access to unpaid leave of extended periods for maternity is also a relatively recent occurrence and many of our members will still bear the brunt of the inadequacies of these policies into their retirement.

This coupled with the past practices which saw women compelled to resign when they married were further compounded by the need to resign if women wanted to spend extended periods with their families.

Thus the AEU sees the provision of 14 weeks paid maternity leave as a vital starting point for working women and their families.

## **Support for the draft legislation**

The AEU welcomes the Workplace Relations Amendment (Paid Maternity Leave) Bill 2002 as it will deliver income for Australian women at the time of the birth of their child. The AEU endorses many aspects of the Bill. However, the AEU has also some key concerns in relation to the Bill.

## **Key Issues in the proposed amendment:**

### **Support for 14 weeks**

The AEU supports the provision of 14 weeks paid maternity leave on or around the birth of the child and the adoption of the ILO Maternity Convention 183 and Recommendation 191.

### **Funding**

The AEU believes:

- The level of payment for paid maternity leave should be at current salary or the minimum wage whichever is greater. The AEU accepts that this proposal is a safety net payment but believes women's income should not be reduced while on paid maternity leave. Paid leave should be funded at the very least, at current minimum wage or current salary whichever is greater.
- The minimum wage component should be Federal Government funded through the taxation system and the remainder funded by the employer.
- All employers should pay a levy which would supplement the Federal Government's payment to average weekly earnings. The levy should be paid by all employers for all employees based upon their payroll with exemptions for small business.
- Salary in excess of this would be achieved through bargaining and paid by the individual employer.

While the AEU acknowledges that during the unpaid component of maternity leave workers would forego salary, the AEU does not support a formula which results in any reduction in salary level during the paid part of the maternity leave. Such a proposition would further disadvantage women who are already significantly disadvantaged financially (in other ways) by periods of unpaid leave for family purposes.

The maternity leave payment should be the responsibility of government and employers through a levy system. The AEU does not believe employees should contribute in any way to the paid maternity leave scheme as individuals.

The AEU does not support “trade offs” of salary or other conditions as a means of securing 14 weeks paid maternity leave. Our belief is based upon the ILO Convention premise that paid maternity leave is a fundamental human right and not something that should be “traded off for”.

The AEU endorses the proposition that a national paid maternity leave scheme should not reduce any other entitlement that employees may have under the terms of state legislation, agreements or awards. Further the AEU believes that current conditions which have been achieved for women should be enhanced by the introduction of any National system not diminished.

### **International conventions**

The AEU supports the commitment this amendment makes to international conventions and recommendations.

### **Transferability of entitlement**

The AEU supports paid maternity leave being in the first instance for the mother and being transferable only in exceptional circumstances.

### **Exclusion of employees of Commonwealth, State and Territory employees**

The exclusion of employees of Commonwealth, State or Territory Governments from entitlement to a maternity leave payment under the proposed provision is rejected. The underlying assumption that these employees are generally provided for is in fact incorrect. Education workers represented by the AEU in all states and territories have varying access to paid maternity leave. This includes teachers in preschools, schools and TAFE, as well as other education workers such as teacher assistants/school support officers. The paid component of this leave varies from 4 weeks to 12 weeks at the teacher’s current salary. In a number of States in Australia teachers (and other public sector employees) do not receive 12 weeks paid maternity leave, and in no state or territory do they receive 14 weeks. **(See Attachment 3 of Appendix 1 - AEU HREOC Submission)**

In all states teachers can take up to 12 months unpaid maternity leave, and between 3 and 7 years parenting leave (leave without pay). However, anomalies still exist. In the Early Childhood sector in Victoria, for example, they have no universal access to paid maternity leave like their school and college colleagues.

The AEU has approximately 70 percent membership of women and approximately 75% membership of all teachers. The fact that this highly unionized and feminised work force has not achieved universal paid maternity leave is cause for concern.

The AEU acknowledges that compared to most other female employees, teachers and other public sector workers are relatively well provided for. However, we wish to see this entitlement extended to all women workers.

## **Eligibility**

The AEU's in principle position is that there should be no eligibility threshold requirement for access to paid maternity leave. If it is appropriate to support women's participation in the workforce through a commonwealth subsidy for paid maternity leave, then that is appropriate for all women workers, regardless of their length of service or the relative security of their employment.

The AEU has dealt with many concerns which have arisen in relation to fixed term or contract employees who become pregnant. This has led to cases in various Anti-Discrimination Commissions claiming discrimination on the grounds of pregnancy. Most cases of this nature are conciliated confidentially.

There is an increasing number of women in casual or sessional positions in education without the benefit of paid maternity leave. This is reflective of a broader trend in employment and is experienced by women in many fields of employment.

The concept of a service requirement *could* be argued as relevant to the *employer's* ability to budget for the contingency of paid maternity leave, but this Bill provides for a direct government subsidy to the employer to cover the costs involved. Therefore there can be no justification for *any* service requirement before eligibility.

However, should a threshold for eligibility be maintained at 12 months service, the AEU believes the service should be portable, consisting of an aggregation of periods of employment with one or more employers. It could be a system which acknowledges the last 18 months of employment or longer. Thus the eligibility should be based upon the work history and not the employer/employee relationship.

Equally, the AEU supports the position that an obligation period, where the employee is required to return to work for a minimum period following paid maternity leave, should not apply.

The AEU believes eligibility should be broad to allow the maximum number of women in the work force regardless of their type of employment to be able to access paid maternity leave. Thus the AEU rejects the idea that seasonal workers should be excluded from any paid maternity leave scheme. Many women now find themselves in seasonal work outside those occupations traditionally considered seasonal, yet their employment pattern is regular and predictable. In any case, the arguments put forward in relation to a service requirement apply equally to seasonal workers.

## **Multiple births**

Consideration should be given to the provision of a longer period of paid leave in the case of multiple births. The physiological impact of a multiple birth can be significantly greater than that of a single birth. There is a much greater likelihood of requirement for pre and/or post natal medical intervention. However supportive partners, family and friends are, the fact is two or more newborn children increases the workload on the new mother, with a consequent impact on the rate of her recuperation from the physiological impact of childbirth. Therefore a clause

asserting that a multiple birth should be treated as a single birth is a simplistic legal approach which does not fit well with reality.

### **Dual system**

The AEU believes that in the first instance the system of paid maternity leave should apply to working women but the development of a dual system which would encompass a maternity support payment for women in unpaid work would be supported.

### **Adoptive/foster parents**

The AEU welcomes the entitlement to paid maternity leave to be equally available to adoptive parents and would recommend the consideration of provisions for foster parents as part of the scheme.

### **Family friendly provisions**

Paid maternity leave is one mechanism in a suite of family friendly conditions. It is our view that paid maternity leave alone is not the answer. Further parenting leave arrangements are crucial such as both paid and unpaid paternity leave and paid pre-natal leave.

The ability to return to work as a permanent part-time employee, the ability where possible to return to the same workplace following paid maternity leave and the ability to receive half pay in exchange for doubling the length of leave, are all considered integral to supporting working women and valuing parenthood. Such arrangements are already in place in some states and territories for some workers in the education sector.

### **Additional Considerations**

Under the model developed, the provision of the following would also be important:

- the option to take the 14 weeks paid maternity leave for 28 weeks at half the paid amount;
- the right of women to return to the workforce in the same job and at the same level of classification, including the right to return to work for a period as permanent part-time if they choose;
- the right to access up to 10 years leave for family responsibilities;
- the right to access accrued long service leave in conjunction with any paid maternity leave;
- prenatal leave of 5 days paid for women to attend medical appointments related to pregnancy;
- paternity leave of 15 days for spouse, de facto spouse or same sex spouse.



## Specific Issues/ Concerns

Schedule 15

### Clause 3 (Interpretation) (1) ... CONTINUOUS SERVICE

The current definition of continuous service requires “service under an unbroken contract of employment”, including authorised leave of absence.

#### ISSUES:

- some people are employed continuously, but on more than one contract of employment (eg rolling annual contracts);
- some people have long term regular employment but for short (even artificial) breaks between contracts, in areas not generally thought of as “seasonal work” (eg. TAFE Teaching, where a contract might finish at the end of a semester and the next contract start at the beginning of the next semester).

A provision in these terms could encourage employers to introduce breaks between contracts in order to avoid giving rise to a maternity leave entitlement.

#### Preferred wording:

“*continuous service* means service under:

- (a) an unbroken contract of employment; or
- (b) an unbroken series of contiguous contracts of employment with the same employer; or
- (c) a series of contracts of employment with the same employer broken by periods of no more than six (6) weeks between contracts, and includes a period of leave, or a period of absence, authorised: [remainder of clause as per existing wording]”

### Clause 3 (Interpretation) (2) ... MULTIPLE EMPLOYMENTS

#### ISSUE:

If this is intended to refer to employment with more than one employer, then this does not achieve this aim. However the term “each of the employees employments” is ambiguous and could be taken to exclude employees who hold concurrent appointments with the same employer (eg three consecutive annual contracts with a company, but working in different jobs or at different sites; or two overlapping part-time appointments with the same employer in two different positions).

Where there is a single employer, and a continuity of employment, then an employee should not be excluded from access to paid parental leave on the basis that it suits the employer to treat their employment history as “several different employments”.

#### Preferred wording:

“(2) An employee’s entitlement to rights and benefits in respect of parental leave must be determined by treating each of the employee’s employment relationships with different employers separately, if the employee has more than one employment.”

Further the AEU believes that if there is a system of eligibility it should be based upon the work history of the employee and not upon the employer/employee relationship. Thus if a person works continuously for 12 months for a number of employers we believe that this should constitute eligibility.

### **Clause 10 (3) (a) – payment ceases at expiry of fixed term contract**

#### **ISSUE**

There are now many industries in which the practice of using fixed term contracts, even though the work is ongoing, is widespread. In these circumstances, although the *form* of the employment is a fixed term, the *reality* is ongoing. A pregnancy resulting in childbirth at or near the end of a fixed term contract will often result in a subsequent contract not being offered, even though it would have been offered in other circumstances. As a result of the exclusion of fixed term contract employees from the unfair dismissal jurisdiction in the federal Workplace Relations Act, it is difficult for the non-renewal of a contract in these circumstances to be challenged. Where the work is genuinely ongoing, and the employee, but for the pregnancy, would have had a reasonable expectation of a further contract, it is unfair that she should be denied a full entitlement to paid leave simply because of the accident of the date of nominal expiry of a contract.

#### **Preferred wording:**

“(a) if the employee takes parental leave only from fixed term employment, in which case the payment stops on the date on which fixed term employment ends, unless:

- (i) the employee would, but for the pregnancy and birth, have had a reasonable expectation of a further contract of employment with the same employer, and;
- (ii) no further contract of employment is offered to the employee;

in which case the termination payment of the employee shall include an amount for the remainder of the maternity payment which would have been payable under subclause (1) had the employment continued indefinitely.”

### **Clause 11 (1)(a) – averaging of employee’s earnings over 12 months if below Federal Minimum Wage**

#### **ISSUE:**

Presumably this is intended to cover circumstances where an employee’s wages vary from week to week, such as irregular part time hours. However, it is not restricted to such circumstances, and would also pick up anyone on regular part time hours, or on a supported wage rate. The rationale for their rate of pay not being *increased* to the federal minimum wage for a period of maternity payment is understandable. However there is no clear rationale for it being *decreased*. Nevertheless, this would be the effect of the clause. Consider the following examples:

- A part time worker with regular hours that have stayed the same over the previous 12 months, who’s total hours do not bring her weekly income up to the federal minimum wage. As a result of the Living Wage Case, her rate of pay is increased only once in the

year – a fortnight before she becomes entitled to a maternity payment. Despite the fact that her wage has at last been increased, and that her hours are entirely predictable and steady, her maternity payment would be calculated on an average of those two weeks on the higher rate, and 50 weeks on a lesser rate.

- A part-time worker who wins a promotion or reclassification to a higher wage rate. There is no prospect that she would not remain at that higher classification level after her return from maternity leave. Yet her maternity payment would be calculated on an average of that classification and the classification she held prior to promotion.
- An employee with many years continuous service took eight months approved, unpaid leave to care for her dying mother. This did not break the continuity of her service, and therefore she is eligible for paid maternity leave. However her average weekly earnings over the past 12 months will be calculated on the basis that she earned nothing for eight of those 12 months, thus resulting in an “average” rate of one third of her real rate of pay.

The clause is too general in its application, and catches many more circumstances than it ought.

**Preferred wording:**

“(b) 100% of the employee’s average weekly earnings (calculated by applying the employee’s current rate of pay to the average number of hours worked per week in the 12 months preceding the commencement of parental leave, but excluding from the calculation any period of approved leave during those 12 months).”

**Clause 11 (3) - payment treated as wage and salary income**

**ISSUE:**

As federal legislation, this might constrain the power of state governments to waive payroll tax for maternity leave payments, as recently proposed by the Victorian Government.

**Preferred wording:**

Add the following words: “Provided that state governments shall have the power to waive state taxes with respect to this payment.”

**Clause 4 (b) – the public sector exclusion**

**ISSUE:**

The exclusion of state and territory employees is explained on the basis that such employers either do or should fund these (or better) entitlements for their employees already. It is clearly not the case. However, such federal legislation would place pressure on state and territory governments to meet the benchmark.

However the inclusion in clause 4 (b) – the public sector exclusion clause – of “non-market non-profit institutions that are controlled and mainly financed by government, and corporations and quasi-corporations that are controlled by government” introduces a murky area. For example, where do private corporations which tender for closely regulated government services (such as employment networks) stand? How independent of government control are universities or Victorian TAFE colleges?

The intention is clearly to avoid cost-shifting between government spheres. However the tendered-out quasi-government services are among the most competitive employers (allegedly in order to maintain the capacity to win competitive tenders). As there is no mechanism provided to ensure that employers excluded under clause 4(b) introduce their own paid maternity leave schemes, this will result in many employees being arbitrarily excluded from the scheme simply because their employer is “controlled” by government regulation in other areas of its work.

## **Conclusion**

The AEU welcomes the broad approach to parenting responsibilities reflected in the draft legislation.

The emphasis on the rights and responsibilities of working fathers to take leave to care for their young children, and the broad and inclusive definition of ‘spouse’, which would encompass both de facto and same sex relationships are pleasing.

However, an even broader vision of family needs to be advanced if the real diversity of the Australian community is to be recognised. There are many people who take direct parenting responsibility for young children who do not fit neatly into the “nuclear” family model, and there are few if any supports in the workplace for them to do so. For example, aunts and uncles, grandparents, and others with cultural or social responsibilities in our diverse community can take on direct parenting responsibilities. Some families will have more than two parents. Others will have only one.

The AEU recognises that the draft legislation proposes to expand and extend existing legislation in line with international conventions. It is clearly a major step in the right direction. However, it is only one step, and there is more work needed before we can say that we have genuinely family friendly workplace regulation. We must continue to work to make Australian workplaces friendly to the rich diversity of families of which Australian workers belong.

The AEU looks forward to the introduction of a national paid maternity leave scheme in Australia and the demonstration of the Federal Government’s commitment to women in the form of such a scheme. AEU members, both women and men from across Australia, will continue to direct our Union’s activities to improving the working conditions of not just our members but also all workers in relation to work and family. The AEU will continue to bargain and organise for improvements in paid maternity leave for women and the broader issues of family friendly working conditions for all our members.

**Appendix 1**

**AEU SUBMISSION TO THE HUMAN RIGHTS AND EQUAL  
OPPORTUNITIES COMMISSION INQUIRY INTO PAID  
MATERNITY LEAVE**



**A Submission by the  
Australian Education Union  
to the Human Rights and Equal  
Opportunities Commission  
Inquiry into Paid Maternity Leave**

**IF NOT NOW.....THEN WHEN?**

**Public Education and Paid Maternity Leave**

**July 2002**

# CONTENTS

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EXECUTIVE SUMMARY.....	1
RECOMMENDATIONS.....	2
BACKGROUND.....	4
Introduction.....	4
About the Australian Education Union (AEU).....	4
About the Education Industry.....	5
THE CHARACTERISTICS OF AUSTRALIAN TEACHERS AND THEIR CURRENT SITUATION.....	8
Women in Public Education.....	9
GENERAL PRINCIPLES.....	11
Why AEU members support paid maternity leave.....	12
Recent History of Paid Maternity Leave in the Education Industry.....	13
CURRENT SITUATION.....	15
Paid Maternity Leave.....	15
Family-friendly employment provisions.....	17
Job sharing and part-time employment.....	17
Family emergency leave/carers leave.....	18
Paid and unpaid family related leave.....	19
Theory and Practice.....	20
Discrepancies.....	21
THE AEU MODEL.....	22
Underlying Assumptions.....	22
The Model.....	23
Eligibility.....	25
CURRENT GOVERNMENT ENTITLEMENTS.....	26
ECONOMIC DISADVANTAGE EXPERIENCED BY WOMEN.....	27
Impact on Superannuation Retirement Outcomes for Women.....	27
ECONOMIC ADVANTAGES OF RETAINING WOMEN IN THE WORKFORCE.....	29
CONCLUSION.....	30
ATTACHMENTS.....	31

*Paid maternity leave is absolutely essential in today's society. The anxiety that women experience regarding balancing child rearing and income responsibilities is unjust.*

Gemma secondary sector NSW (42 years)



## EXECUTIVE SUMMARY

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The Australian Education Union (AEU) thanks the Human Rights and Equal Opportunity Commission for the opportunity to make a submission.

The AEU's submission to the Human Rights and Equal Opportunity Commission's Valuing Parenthood: Options for Paid Maternity Leave: Interim Paper 2002 has been completed after a wide consultation.

This has involved a process of consulting with our members in all States and Territories about their views and needs in relation to paid maternity leave and other forms of family friendly provisions. This has been facilitated through AEU State and Territory Women's Conferences held across Australia over the last few months as well as a thorough membership survey. Comments from this survey have been included to illustrate points made in the submission.

There has also been a thorough scan completed of provisions in relation to paid maternity leave and other leave for family purposes available to our members across Australia which also serves to inform our submission.

This process has been achieved through the collaboration of the Federal Office of the Australian Education Union with its Branches and Associated Bodies in each State and Territory.

The submission is also based upon extensive membership research conducted by the AEU during 1999 which resulted in the "Building the Foundations of Our Future" report.

Research undertaken by the AEU into the TAFE sector which resulted in the "TAFE Teachers: Facing the Challenge" report has also informed the content of this submission.

Further the model proposed by the AEU is based upon AEU policy in relation to paid maternity leave and other forms of parental leave which has been adopted by 2002 Annual Federal Conference.

Thus the position proposed by the AEU in this submission has had significant member input at all levels of the organisation and as such represents a broadly canvassed view.

## RECOMMENDATIONS

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The AEU makes the following recommendations:

1. That a system of paid maternity leave based upon the ILO Maternity Convention 183 and Recommendation 191 should be adopted.
2. That in the first instance the system should apply to working women but the development of a dual system which would encompass women in unpaid work would be supported.
3. That current conditions which have been achieved for women are enhanced by the introduction of any National system not diminished.
4. That eligibility is broad to allow the maximum number of women in the work force regardless of their type of employment to be able to access paid maternity leave.
5. That an obligation period, where the employee is required to return to work for a minimum period following paid maternity leave, should not apply
6. That the model developed should:
  - be funded as a minimum, at current minimum wage or current salary whichever is greater. The minimum wage component should be Federal Government funded through the taxation system and the remainder to be funded by the employer;
  - ensure all employers pay a levy which would supplement the Federal Government's payment to average weekly earnings. The levy should be paid by all employers for all employees based upon their payroll with exemptions for small business;
  - deliver salary in excess of this through bargaining paid by the individual employer;
  - allow the entitlement to paid maternity leave to be equally available to adoptive parents;
  - allow provision for foster parents as part of the scheme.
7. Under the model developed, the provision of the following would also be important:
  - the option to take the 14 weeks paid maternity leave for 28 weeks at half the paid amount;
  - the right of women to return to the workforce in the same job and at the same level of classification as permanent part-time if they choose;
  - the right to access up to 10 years leave for family responsibilities;

- the right to access accrued long service leave in conjunction with any paid maternity leave;
  - prenatal leave of 5 days paid for women to attend medical appointments related to pregnancy;
  - paternity leave of 15 days for spouse, de facto spouse or same sex spouse.
8. The recognition that paid maternity leave is one mechanism in a suite of family friendly conditions.
  9. That the development of other provisions which support family friendly conditions be part of ongoing work of the Human Rights and Equal Opportunity Commission.

# **BACKGROUND**

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## **Introduction**

**T**he AEU believe paid maternity leave is a fundamental human right and supports the ratification of ILO Maternity Convention 183 and Recommendation 191.

The AEU believe that women are entitled to both a decent job and a decent life.

44% of the Australian workforce are currently women and international evidence illustrates that paid maternity leave increases women's attachment to the workforce.

Job security and labour force connection for women are essential.

Paid maternity leave is a means to address systemic discrimination and it is about supporting income security for women throughout their lives.

Children are our future generation. Women should not be penalised economically because they are the ones who give birth.

Taxpayers invest heavily in the education and training of educators and attrition of a highly skilled workforce such as this is a major problem.

Paid leave gives women and their families income security during a time when the mother is recovering from birth and establishing a feeding regime with her baby.

Income security enables women to choose to return to work at a time when they feel emotionally and physically able.

Employers report that paid maternity leave assists in the retention of experienced, skilled and valued employees.

Women's earnings now contribute significantly to the economic growth of a country. A loss of income during pregnancy and following childbirth has a substantial negative effect not only on the household budget but also on the economy overall.

Australia is one of only two OECD countries who do not provide a universal system of paid maternity leave. The birth rate in Australia now stands at 1.7%. This is a question for our whole society. It will have a fundamental effect on Australian society.

For these reasons and others which will be elaborated in this submission the AEU supports a system of paid maternity leave for working women.

## **About the Australian Education Union (AEU)**

The Australian Education Union represents 155,000 educators employed in public pre-schools, schools and colleges throughout Australia. AEU members work as teachers, principals, administrators and allied educational staff in schools, preschools, kindergartens and TAFE.

The AEU campaigns for its members, and for those who rely on public education as students and parents, to achieve the highest standards of employment and educational outcomes. The AEU pursues these goals through workplace and community action as well as through courts and tribunals.

At the Federal level the AEU employs a full-time Women's Officer whose work, in summary, includes the development of strategies to promote the activism of women within the union; the examination of the position of women within the education and training workforce and the identification of the barriers to the achievement of equal employment opportunities for women within the workforce; and the promotion of gender equity initiatives for students.

Each of the AEU's Branches and Associated Bodies has a designated Officer with responsibility for the development and implementation of strategies to promote the achievement of gender equality and equal employment opportunity within public education systems.

In each Branch and Associated Body there is a Women's Committee. Each Branch and Associated Body holds a Women's Conference to discuss issues of concern in each State and Territory and to inform the National Agenda.

The AEU has significant policy on matters related to this Inquiry including the following:

'Elimination of Sexism in Education and Employment'(1988) (**See Attachment 1**) and

'Gender Equity' (2001) (**See Attachment 2**).

The AEU has also previously made a significant submission to the HREOC Inquiry into Pregnancy and Work in 1999.<sup>1</sup>

The AEU's Annual Federal Women's Conference forms a significant part of the AEU's decision making processes. The Conference makes recommendations to the AEU's Federal Executive and Annual Federal Conference. These recommendations always hold significant weight. On a number of occasions the AEU's Federal Women's Conference has dealt with matter specifically related to pregnancy at work and paid maternity leave. As such the outcomes from various Annual Federal Women's Conferences also inform the content of this submission.

## **About the Education Industry**

Education is often referred to as a “feminised” industry. Whilst it is true that women make up the majority of employees within the industry the AEU has concerns about the way the term feminised/feminisation is used in the public arena. These concerns relate to:

- descriptions of feminisation as a negative phenomenon and that re-masculinisation will benefit the industry; and

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<sup>1</sup> AEU Submission to HREOC Inquiry into Pregnancy and Work, *A Nice Job for a Girl – But!, Women Educators' Experience of Pregnancy and Work in Public Education Systems, March 1999*

- labels of the industry as feminised disguising the gender segmented nature of the industry with women predominant in classroom teaching areas (particularly in early childhood and primary) and men dominating promotional positions. Further women are disproportionately represented in insecure forms of employment (mainly casual, contract and precarious) particularly within the TAFE sector.<sup>2</sup>

Figures gathered by the AEU for its submission to the Senate Inquiry into the Status of Teaching demonstrate that whilst women make up almost 70 percent of the primary and secondary teaching workforce they make up less than 30 percent of those in promotional positions (in some systems they are even less than 15 percent).<sup>3</sup> Women are more likely to have broken career paths due to family responsibilities and may experience difficulties accessing permanent part time work when returning to work.

This gender segmenting is even further compounded when account is taken of the gender stratification of administrative and support positions such as school services officers, library assistants and teacher aides in 1996.<sup>4</sup> 92 percent of these employees were female. These women are the most disadvantaged (in relation to terms and conditions of employment) group in schools.<sup>5</sup>

The average age of the teaching workforce in Australia is around 46 years taking into account State and Territory variances.<sup>6</sup> Projections suggest that this average age will continue to increase until on today's trends the average age in 2007 will be 50 years. Some may see this as a reason to ignore issues associated with pregnancy and paid maternity leave. The AEU suggests that the opposite is the case for four main reasons:

- that even given the above scenario projections to the year 2002 indicate that 44 percent of the workforce will be between the ages of 21 - 40 years, prime childbearing years;
- as a consequence of the above trend it is widely recognised that in the next decade Australia will experience a teacher supply shortage brought about by a range of factors including the retirement of a significant proportion of teachers. To counter this shortage a range of initiatives designed to bring 'new' graduates into teaching are being developed. Many of these new graduates will be young women who will during the course of their employment consider becoming, or become, pregnant;
- during a period of supply shortage it will make it even more important for systems to retain qualified and experience staff. For many systems this will require them to address female teachers' concerns about the balance between work and family responsibilities.

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<sup>2</sup>Note the Senate Employment, Education and Training References Committee Inquiry into the Status of the Teaching Profession (the Senate Inquiry), March 1998 found that over 40 % of TAFE workforce in Victoria was casualised, p.123.

<sup>3</sup>*ibid* p.119

<sup>4</sup>*ibid* p.120

<sup>5</sup>*ibid* p.120

<sup>6</sup>*ibid* p.239

- given the evidence that graduates are not remaining in teaching long term, paid maternity leave may be one incentive to encourage women to remain in the teaching profession.

The above factors provide the impetus for systems to develop and trial innovative human resources strategies. The AEU in its submission to this Inquiry whilst focussing on pregnancy and maternity, aims also to provide information to these education systems so that they can improve their current practices.

## The characteristics of Australian teachers and their current situation

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During the late 1990s the AEU undertook a large-scale survey of its membership working in Australia's public primary and secondary schools and published the results in the "Building the Foundations of Our Future" report.<sup>7</sup>

The survey was designed to capture the way teachers have experienced the transformation of public education in the 1990s. Given that 70 percent of the teaching workforce is female and that working women are still largely expected to carry the major burden of unpaid domestic responsibilities, the survey sought not only to gauge how teachers have coped with the pressures of a profession undergoing major change, but also how these changes have affected their family lives.

The research findings reported provide the Australian Education Union with rich data about the members of their union and their priorities, and this has been used to inform the Union's work in developing strategies to improve the working lives of teachers.

Thirty percent of women surveyed had used paid maternity leave provisions, and over 18 percent had used unpaid extended family leave. Many women commented very favourably on the value of these provisions. Some, however,<sup>8</sup> experienced difficulty when they sought to return to work, and it is clear from teachers' comments that a critical factor is the supportiveness or unsupportiveness of principals in relation to family friendly policies.

Over 30 percent of the women surveyed have worked part-time at some time, and a further 12.7 percent have used job sharing (compared to 8.1 and 2.3 percent of men respectively).<sup>9</sup>

Again, many women commented very favourably on this experience. Criticisms generally concerned the way part-time jobs are often structured over every day of the week making balancing work and caring responsibilities difficult and contributing to significant amounts of lost time/unpaid work, and individual principals who did not believe in part-time work.

Overall teachers were very positive about their experience of family friendly provisions such as maternity leave and carers' leave, with 57 percent finding them adequate to their needs, and a further 27 percent describing them as very satisfactory or excellent. (It should be noted that this is not the case for WA, TAS or SA who did not have any paid maternity leave provisions at the time of the survey.)

In the "TAFE Teachers: Facing the Challenge Report",<sup>10</sup> TAFE Teachers were asked to identify which of these flexible employment provisions they themselves had used within a TAFE setting. Amongst permanent/ongoing women, 22.7 percent indicated that they had accessed paid maternity leave and 12.4 percent family leave/extended leave without pay.

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<sup>7</sup> Australian Education Union, *Building the foundations of our future, A national research project exploring the context of women teachers' work in the late 1990's*, Melbourne 1999.

<sup>8</sup> *ibid* p.vii

<sup>9</sup> *ibid* p.vii

<sup>10</sup> TAFE Teachers: *Facing the challenge*, AEU research report prepared by M.Kronemann, June 2001.



For women employed on a fixed term/temporary basis the likelihood of accessing these provisions appeared to be reduced, with 12 percent having used paid maternity leave and 9 percent having used family leave/extended leave without pay.

A very small number of casual/sessional teachers indicated that they also had accessed these provisions; but it is likely to have been when they were employed on a different basis.

Just over a third of women employed on a permanent/ongoing basis had used family emergency/carers leave, as had one quarter of fixed term/temporary women teachers and a handful of casual women.<sup>11</sup>

Despite these family friendly employment provisions, teachers describe high levels of concern about the impact of their work on their family lives on a daily basis. The data suggests that the problems teachers face are so all-pervasive and central to the practice of teaching today that specific measures to address the birth of children, their care or sickness are of very limited assistance. Asked what would help in balancing work and family life by far the most common response (45.2 percent of women) was 'lower workload'.

## **Women in Public Education**

Women who teach in the Australian public primary and secondary schools are an extraordinarily experienced group of professionals. Women union members in our survey had an average age of 42. More than seventy percent are over 41, and almost a quarter (24 percent) are over 50. For the vast majority of them (87.4 percent), teaching is their first career, and they have worked as teachers for an average of 19 years. Over two thirds of women are still classroom teachers, with 12.4 percent being leading or senior teachers, and 6 percent being principals or assistant principals. As many women teachers are well aware, men occupy significantly more of the senior teaching jobs. The comparable proportions for male teachers are 48.8 percent classroom teachers, just over a quarter leading or senior teachers, and almost 16 percent principals or assistant principals.<sup>12</sup>

Over three quarters (76.5 percent) of women teachers live with a husband or partner, and it would appear that teachers often marry teachers, with over a quarter (25.9 percent) having a partner who is also a teacher. Curiously, this is even more common among male teachers, and almost *half* of them (47.3 percent) have teacher partners. Over 70 percent of women teachers have children, and of these, 70 percent have one or more children under 8 years of age.

A large number of women teachers have taken periods of extended leave (over 40 percent of them), and over three quarters of these have done so in the form of family leave. This compares with only 15 percent of men teachers in this study taking extended leave, and only 15 percent of those taking it for family purposes.

The division of responsibility for taking care of children in women teachers' households is relatively egalitarian with over half (53.9 percent) saying that this work is shared equally between parents. Nonetheless, almost 40 percent of women say that they are the primary caregiver in their household. It is striking, and perhaps not surprising, that women who are

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<sup>11</sup> *ibid* p.45

<sup>12</sup> *the foundations of our future, A National Research Project Exploring the Context of Women Teachers' Work in the Late 1990's*, Melbourne 1999 at p.v

principals or assistant principals are far less likely to describe themselves as the primary caregiver, and more likely to say it is shared equally with their spouse, or in just over 10 percent of cases, to say their spouse is the primary caregiver. This data corresponds with data we gathered on whether teachers' partners have full-time jobs or part-time jobs. Over 80 percent of women classroom teachers have partners or husbands who work full-time, while just over two thirds of assistant/principals had full-time working partners. Fifteen percent of them had partners with no paid job, and 18 percent had partners with part-time jobs.

## GENERAL PRINCIPLES

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The AEU believes that a national paid maternity system should be available in the first instance to all working women. While many of those working in the education field have access to this benefit this is not true for all women working in education. It is also extremely unjust that women who work in the majority of Australian workplaces do not share this entitlement. The AEU supports a universal system of paid maternity leave for all women although separate mechanisms for the administering of both schemes would be necessary.

Currently whether or not one receives paid maternity leave is entirely dependent on factors such as size of the workplace, employer attitudes or whether it is private or public sector employer. Paid maternity leave should be a right which is shared universally. The AEU believes that paid maternity leave is a social contract.

Paid maternity leave should also be introduced to help to redress the disadvantage women experience in the workforce. The disadvantages that women, including women in education, bear in remuneration, appointment and promotion and superannuation are directly related to their responsibilities in child bearing and as primary care givers. Paid maternity leave will make a contribution to addressing the systemic discrimination still experienced by women.

Children are our most valued asset. Society benefits from children. The primary focus for education is on the development and growth of our young people. It is important that they are nurtured through their schooling and in their home environments. Society needs to ensure that parents can provide care and support. Paid maternity leave and parental leave are practical ways that society can support the rearing of its children.

Paid maternity leave recognises that women experience the demands of pregnancy, birth and breast feeding. Their biological demands require absence from the workforce. The health issues associated with childbirth are unique to women therefore it is important that access to this leave should be restricted to women except in very special circumstances.

This in no way detracts from parental leave which is also of crucial importance. It is vital that both parents have the opportunity to bond with their children.

The provision of paid maternity leave should be in conjunction with access to other leave entitlements, which enable parents to be able to spend more time with their children in the early development years. The availability of 7 years of family leave to some educational sectors to both parents is recognition of the importance of the caring role. Any system should not limit paid parental leave to women as this could further entrench women in the role as primary care giver. It is desirable that men are provided with opportunities to participate more fully in child rearing.

Once paid maternity leave is completed a woman needs to be able to access family friendly arrangements to ensure a successful return to work. Access to part-time work, reduced hours and job sharing are practical ways to assist in parenting particularly in the first year after child birth.

## Why AEU members support paid maternity leave.

During our consultation AEU members expressed a variety of reasons why they believe paid maternity leave is important to them as workers and for the wider society. They expressed opinions about the need of women and children to be cared for physiologically, for financial security for women now and into the future, the social justice and equity aspects and for the need for workers to be valued by their employers and by the government.

*“It’s important for care givers to provide appropriate care for the future population. We are in the profession of providing care which should be reflected at home.”* Meegan, secondary sector Qld (28 years)<sup>13</sup>

*“Paid maternity leave is crucial otherwise no government can be serious about full participation of women in the workforce.”* Judy, primary sector NSW (57 years)

*“Women need to be acknowledged for their efforts in the workplace and as mothers.”* Narelle, preschool sector WA (33 years)

*“We have a responsibility as a community to support families and that includes paid maternity leave.”* Denise, secondary sector NSW (52 years)

*“Women need to be encouraged to be mothers and take their place in the workforce without being disadvantaged.”* Gayle, primary sector Vic (52 years)

*“Absolutely. Birth of your child is significant and impacts greatly in some many ways. Paid maternity leave is essential.”* Fiona, TAFE sector Tas, (33 years)

*“Very important issue because there are so many women who work in education.”* Karen, primary sector SA (37 years)

*“Essential in a fair and just modern society.”* Jo, Primary sector NT (37 years)

*“Vital, it is not a viable choice for many to stay home and breast feed (research shows this is best option for baby’s health) if wages are suspended.”* Helen, secondary sector ACT (46 years)

*“Paid maternity leave is important because I stand for equality on a national level and an international level.”* Brigitte, primary sector Qld (29 years)

*“Paid maternity leave is an incredibly important issue. Much is said in the media about women in their 30s delaying having children or else choosing not to have children. As a teacher and being married to another teacher I have found that for us it is a question not of choosing to have another child in order to have an affluent lifestyle but of not being able to have another child because we simply cannot afford to pay our mortgage if we are not both working ( and we live in one of the cheapest areas in Sydney - the “lower” Blue Mountains and moved there because it was one of the few places where we could afford a house).”* Siobhan, secondary sector NSW (37 years)

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<sup>13</sup> Responses from members – acknowledgements vary as three different surveys were used.

*“Paid maternity leave allows one parent to be at home with their child in the very important first months. Education workers’ prime concern is for children both at school and at home. It is in the best interests of all children to have parents at home with them when they are young. As I was at home for 8 years family leave without pay the 12 weeks paid was very handy.”* Virginia, primary sector, Vic (46 years)

*“Yes, our workforce will become “younger” and we need to be proactive and address their needs.”* Robyn, primary sector QLD (43 years)

*“Women need time to recover physically and get used to having a baby and it’s not right that they should be financially disadvantaged.”* Gayle, primary sector SA (46 years).

*“Yes. I don’t think women should be penalised for childbirth either economically, promotionally or choice of workplace. Rather I feel they should be rewarded.”* Ngaere, primary sector QLD (57 years).

*“Even though it’s only 2 weeks, those extra dollars came at just the right time. However, 2 weeks paid leave is not long enough.”* Hilary, primary sector SA (29 years)

*“I had to leave work and remained on full time home duties for several years. I enjoyed being with my children but it was an incredible financial burden and made those years more stressful than they should have been.”* Ruth, special education sector NSW (49 years)

## **Recent History of Paid Maternity Leave in the Education Industry**

The provision of paid maternity leave to education workers is part of recent history. Although New South Wales, the Australian Capital Territory and Northern Territory (the latter two through Commonwealth Public Service Agreements) have a long history of access to paid maternity leave this is not the case for all education workers in all states and territories.

More recently Queensland received paid maternity leave in 1986.

South Australia first received paid maternity leave through an arbitrated decision in 2001 and Tasmania and Western Australian educators gained their entitlements during 2001.

Access to unpaid leave of extended periods for maternity is also a relatively recent occurrence and many of our members will still bear the brunt of the inadequacies of these policies into their retirement.

This coupled with the past practices which saw women compelled to resign when they married were further compounded by the need to resign which previously existed if women wanted to spend extended periods with their families.

This situation is borne out by the following survey responses:

*“Paid maternity leave was not available at the time but I used sick leave entitlements as alternative which meant I now have depleted sick leave reserves. Originally there was only access to 3 months unpaid leave and I chose to resign which has meant a loss of opportunity in terms of superannuation, promotion and pay.”* Edwina, primary sector Tas (54 years)

*“Took leave soon after paid leave become available and had a lot of trouble actually getting paid. The department’s advice was that that part of the award has not yet been ratified.”* Claire, primary sector SA (28 years)

*“I’ve heard about women who have had to give up their permanency to have their children and are still trying to regain this”.* Tania, preschool sector Tas (27 years)

*“I fell pregnant not long after I started teaching and took 2 weeks off to have the baby otherwise I would have had no work for the semester (and possibly no work after that). I had to arrange my own child care. I am not guaranteed work (not regular). My hours are flexible only in that I can accept a class or not but that can affect my chances of being offered future work.”* (NSW female, TAFE casual/sessional)

## CURRENT SITUATION

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### Paid Maternity Leave

Education workers covered by the AEU in all states and territories have varying access to paid maternity leave. This includes teachers in preschools, schools and TAFE, as well as other education workers such as teacher assistants/school support officers.

Paid maternity leave entitlements, fully funded by the employer, once achieved have generally operated well, especially for permanent workers. Public education employers in those states and territories with existing paid leave arrangements have never sought to reduce the entitlements through bargaining.

All teachers have access to 52 weeks for unpaid maternity leave for each child. The paid component of this leave varies from 4 weeks to 12 weeks at the teacher's current salary.

Victoria, Tasmania, the Northern Territory and the ACT provide 12 weeks paid maternity leave, while Queensland provides the equivalent of 6 weeks paid leave. Four weeks paid is provided in South Australia and Western Australia. New South Wales provides 6 weeks paid leave which must be taken *before* the birth of the child, and 6 weeks on half pay afterwards. As stated in all states teachers can take up to 12 months unpaid maternity leave, and between 3 and 7 years parenting leave (leave without pay). Anomalies still exist. In the Early Childhood sector in Victoria, for example, they have no universal access to paid maternity leave like their school and college colleagues. Thus in the education sector the entitlement is extremely varied. **See Attachment No. 3** for an overview of all family leave entitlements for state school teachers in each state and territory.

Compared to most other female employees, teachers and other public sector workers are relatively well provided for. This is the result of strategic and active campaigning by unions that have understood the gendered needs of workers. It is also the result of a centralised wage fixing system based on industrial awards into which such provisions can be entered, with the result that all teachers in a particular state benefit from them, rather than having to negotiate for such rights individually with their employer.

Similarly, these entitlements were won for a particular class of employees, assumed to be the 'norm' in the teaching industry, namely full-time permanent staff. Given the increasing reliance on contract staff and other kinds of contingent employment, there is a real danger that more and more teachers will find themselves ineligible for this kind of family friendly leave. In addition, it is clear that in the current environment of acute insecurity many women teachers dare not ask for leave, whatever their entitlement.

One group of members who find that their notional entitlement to paid maternity leave is hard to access in practice are women employed on fixed term contracts of employment. This is a large group in TAFE, and has been a significant group of school teachers from time to time.

Although fixed term contract employees who reach the service threshold for paid maternity leave entitlements are generally not formally excluded, in practice there are several factors mitigating against their getting real access.

There is often clear implied (and sometimes express) pressure on fixed term employees not to fall pregnant. The greater level of job insecurity associated with fixed term employment means that these women are more likely to be affected by such pressures, with the expectation that having children, particularly if they have taken time off work to do so, will make them less likely to be re-employed at the expiry of their current contract.

*“I was on a 2 year contract when I got maternity leave and I haven't had a contract since.”*  
(Victorian female, TAFE fixed term/temporary)

Also if it is known that an employee is pregnant at the time a decision is being made about re-employment for a subsequent contract, the combination of financial pressures on cost centres (eg a TAFE department) and the anticipated administrative work associated with organising replacement staff, will encourage decision-makers (such as a Head of Department) to avoid re-employing that worker.

If an employee is in the middle of a period of paid maternity leave when her contract expires, the paid maternity leave expires at the same time as the contract, regardless of a notional entitlement to, for example, 12 weeks paid leave. Again, unless a subsequent contract is offered which *starts in the middle of a period of leave*, the employee will miss out on the remaining period of paid leave. Given that many fixed term contracts in our industry are for 1 year or even 6 months, employers are likely to be reluctant to offer a contract for a period during which an employee is entitled to take almost a full year of paid and unpaid leave.

*“As maternity leave was taken within a one year contract - I am forced to return early in order to ensure I would not be discriminated against in obtaining a contract for the following year.”* (Victorian female, TAFE fixed term/temporary)

Sometimes an artificial gap between contracts is imposed to avoid remainder of a period of paid leave entitlement.

The use of fixed term contract employment is frequently abused, with fixed term employment being offered even though the work is really ongoing. Fixed term contracts give employers an unfair opportunity to avoid their obligations in relation to both paid and unpaid maternity leave.

Therefore the AEU recommends that (whatever option for structuring and funding them is preferred), paid maternity leave entitlements should be paid in full to an employee who is for example 5 months pregnant at the time of expiry of a fixed term contract, unless either (a) it is a genuine redundancy, evidenced by the fact that no-one else has been employed to perform that work; or (b) the pregnant employee has been offered a subsequent contract but has declined the offer.

Further, the AEU recommends that where an employee is on a period of paid maternity leave at the time of expiry of a fixed term contract of employment and is offered a subsequent contract such that a gap exists between the expiry of the first contract and the commencement of the second, should there be a prima facie presumption that the purpose of the gap was to avoid a paid leave entitlement, and therefore the employer should be liable to pay the leave entitlement which would have arisen if the two contract periods had been contiguous.

*“I am a casual teacher and have been for 4 years and I have not yet had children as I can't afford to. I am hoping equity will also be provided for casual teachers wanting to start a family.”* Amber, primary sector (30 years)



## **Family-friendly employment provisions**

In addition to paid maternity leave and other forms of parental leave, there are a variety of other family friendly arrangements in place which assist in supporting working mothers to re-enter the workforce.

It is our view that paid maternity leave alone is not the answer. Further parenting leave arrangements are crucial such as both paid and unpaid paternity leave and paid pre-natal leave (which currently exists in Queensland).

The ability to return to work as a permanent part-time employee, the ability where possible to return to the same workplace following paid maternity leave and the ability to receive half pay in exchange for doubling the length of leave, are all considered integral to supporting working women and valuing parenthood. Such arrangements are already in place in some states and territories for some workers in the education sector.

Like many other public servants, teachers have been in the forefront of policy development in relation to various kinds of leave and more flexible employment practices to permit professional working lives along side the demands of parenting.

A substantial percentage of women (57.1 percent) in the schools sector stated these provisions had been adequate, while an even more striking percentage of women (27.3) believe the provisions had been very satisfactory or excellent. Only 8.3 percent found them unsatisfactory while 3.9 percent found that they needed longer leave.<sup>14</sup>

However, there was little direct relationship between the nature of the provisions available by state and the satisfaction of teachers with them in our data. Variations within the same state, for example, are likely to reflect the way principals and colleagues have reacted to applications for leave.

Overall, whatever else may be causing difficulties in balancing work and family, directly family related employment provisions can be seen as very successful and popular. This is not to say, however, that there are not many cases of discrimination on the basis of pregnancy, and of difficulties encountered in getting access to entitlements.

## **Job sharing and part-time employment**

Over three quarters (75.9 percent) of all women teachers in the schools sector reported that part-time work was available to them, and over 40 percent also told us that job sharing was available. In our survey, 16.6 percent of the women who responded are currently working part-time (compared to 3.6 percent of men). In total 31 percent of women teachers have used part-time work provisions at some time (compared to 8.1 percent of men), and a further 12.7 percent of women have used job sharing (compared to 2.3 percent of men).<sup>15</sup>

Many women are extremely positive about their experience of part-time employment.

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<sup>14</sup> *ibid* p.21

<sup>15</sup> *ibid* p.23

*“Very well. 1 year Mat leave followed by 4 years part time LWOP in a job share situation. Everyone – teachers, students, parents were happy with the arrangement. I wish to become PERM PART TIME!!”* Female survey respondent, metropolitan primary

*“Although you are regarded as contributing less because you work part time I have found this a way of reducing the stress of the position I have and maintain a more balanced life. It has helped me balance work and family responsibilities.”* Female survey respondent, metropolitan secondary

Many of the comments from our survey made reference not only to balancing work and family, but to the way part-time work allowed them to meet other personal needs.

There were some negative comments as well. The personal attitude of principals is obviously of critical importance.

*“Apparently our school principal will not allow permanent part-time leave and my head teacher said he would always oppose a teacher who wanted to work part-time. Is this the way of men?”* Female survey respondent, rural secondary

*“Part time and/or tandem teaching is at the whim of the principal at the time.”* Female survey respondent, metropolitan primary

*“I would really like to work part-time for health reasons but the principal is totally against it.”* Female survey respondent, metropolitan primary

The other major aspect of women's concerns with part-time work and job sharing concerned the way part-time work was structured. In particular many women commented negatively about part-time work that involved reduced working hours every day of the week.

*[Part time employment worked] very well – when I was allowed FULL DAYS, but when my time was spread across mornings only, which meant travelling in to and attending school every day (although I was part time) – most unsatisfactory.* Female survey respondent, rural primary

## **Family emergency leave/carers' leave**

Family emergency leave and carers' leave is significant not just in terms of caring for children, but also for the one fifth of teachers who have some caring responsibility for elderly family members. Over 60 percent of women thought they were eligible for family emergency or carers' leave and over 28 percent of women had taken advantage of its existence. Interestingly, significantly more men (72 percent) thought this leave was available to them, and more men had in fact taken it up (36 percent).<sup>16</sup>

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<sup>16</sup> *ibid* p.25

Once again, there were many positive comments about the availability and experience of this type of leave.

*Family carers' leave is excellent – I have had to use [it] on a number of occasions due to emergencies.* Female survey respondent, remote primary

*Excellent [carers' leave]. My son was sick and I was able to be available to care for him. I was able to stay at home and care for my young children when my marriage broke up.* Female survey respondent, metropolitan primary

## **Paid and unpaid family related leave**

Over seventy percent of the women teachers reported through our survey “Building the Foundations of Our Future” that paid maternity leave was available to them, and over 50 percent also indicated that they could take extended family leave without pay. Almost 30 percent of women teachers had in fact used their paid maternity leave provisions, and over 18 percent had taken advantage of the provision for unpaid extended family leave. (Forty percent of men reported that they were eligible for paid paternity leave, and 15 percent had taken advantage of it.)

Many women commented favourably on their experience of family leave.

*“Both forms of leave [Family emergency, paid maternity leave] were great at the time. I took two lots of maternity leave about 20 years ago and was able to return to my school. In an emergency I was able to have ‘carers’ leave to look after my very sick child. Our leave entitlements are terrific.”* Female survey respondent, metropolitan secondary

*“Maternity leave and family leave of 7 years was wonderful and enabled me to spend the time I felt I needed.”* Female survey respondent, metropolitan secondary

*“Perfectly – I was lucky to return to a permanent part time position after 8 years of leave [paid maternity leave; family leave].”* Female survey respondent, metropolitan primary

*“The admin of my school was surprisingly very supportive and caring re leave [stress leave due to family circumstances].”* Female survey respondent, metropolitan primary

*“Our boss is very understanding and I was given FACS leave no questions asked!”* Female survey respondent, metropolitan primary

This is not to say that many women did not experience difficulties and problems with maternity and extended family leave, and some had to resign from employment in order to have children:

*“I would have preferred more leave to look after 3 young children (2.5 years was used).”*  
(SA female, TAFE permanent/ongoing)

*“Had to resign a promotional position because of the given time leave, i.e. 1 year.”* Pat, primary sector WA (50 years)

*“Took 12 months. I was pregnant - was asked to come back or resign - in my ignorance I resigned.”* SA female, TAFE fixed term/temporary

*“I resigned and left full time teaching”* Gaelene, secondary sector TAS (54 years)

*“Had to use long service leave – I was just lucky I had it otherwise I would’ve had to think about resigning.”* Jane, primary sector SA (37 years)

*“Badly. I had to resign from employment to have family – lost permanent status.* Female survey respondent, metropolitan secondary

*“When I applied for family leave it was refused – I had to appeal. I would probably think twice before applying again.”* Female survey respondent, metropolitan secondary

There is evidence of many instances where pregnant teachers have been subjected to discrimination. Some have found it difficult to get back into a job after extended unpaid leave, while others hesitated to use it because of unsympathetic male colleagues and a concern about job security during a time of major retrenchments. There were also several comments about the difficulties imposed by the NSW requirements that assume babies are born to some kind of timetable.

Any system which is to be developed would need to consider these issues.

## **Theory and Practice**

Despite many teachers and education workers in preschools, schools and TAFE having access to paid maternity leave, problems still occur in relation to the implementation and access to such conditions.

Particular concerns have arisen in relation to fixed term or contract employees who become pregnant. The teacher’s contract of employment may expire at the end of the year and the same position is available in the coming year, however the pregnant teacher is not offered the position. This has led to cases in various Anti- Discrimination Commissions claiming discrimination on the grounds of pregnancy. Most cases of this nature are conciliated confidentially.

There is an increasing number of women in casual or sessional positions without the benefit of paid maternity leave. This is reflective of a broader trend in employment. This is the system’s issue experienced by women in many fields of employment.

Another problem is unsupportive management. Numerous women have reported highly negative and sometime hostile responses from management when they inform management of their pregnancy and likely leave arrangements. It appears this negativity on many occasions is due to the misconception that pregnancy is “causing disruption in the workplace” and thereby creating extra work for management in terms of organising replacement staff. A universal system may go some way to alleviating this individual pressure often experienced by women.

## **Discrepancies**

Whilst teaching is a highly unionised industry (particularly the state sector) and AEU membership is 70% women, no state or territory has been able to achieve the National Claim Framework (**See Attachment 4**) for paid maternity leave as established by the AEU. In fact education workers in some states are doing relatively poorly in relation to paid maternity leave outcomes in recent Agreements in both the public and private sectors.

It is our strong concern that if a highly unionised and female dominated union such as the AEU has difficulties in achieving ILO Standards and our own National Claim Framework, how do women in other employment sectors fare?

# THE AEU MODEL

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## Underlying Assumptions

Central to our submission on paid maternity leave is that our preferred paid maternity leave model, ensures that all working women who become pregnant are appropriately supported.

As part of the wider union movement, the AEU want the maximum number of women to be covered by legislation, regulations and agreements that offer protection to women who are pregnant, nursing and returning to work and which protects the health of their babies. As AEU women members in some states and territories lead the way in terms of entitlements to paid maternity leave our submission is also about setting new benchmarks which could be achieved for all women.

The recognition of emerging employment relationships is significant. This development along with the adoption of the ILO Convention No.177 on Homework and the ILO Convention No.175 on Part-time Work means that ILO standards are beginning to recognise atypical forms of work organisation.

Thus, we believe that any paid maternity leave scheme should apply to all employed women, including those in atypical forms of dependent work such as home workers, part-time, temporary and casual workers.

We assert that women must have a minimum period of paid leave that:

- Allows them to recover physically, psychologically and emotionally from pregnancy and childbirth.
- Promotes the establishment of a healthy feeding regime and care arrangements for babies.
- Gives women (and where applicable their partners) the opportunity to make considered choices about their work and family balance.

Both UNICEF and the WHO recommend a minimum period of 16 weeks of paid maternity leave as a result of the growing evidence of the significant health benefits for babies and mothers of exclusive breastfeeding for a minimum four month period. The World Health Assembly has recently recommended 6 months of exclusive breastfeeding.

We support the ICFTU claim for full income replacement for the period that a woman is on maternity leave and that all women on maternity leave shall be provided with cash benefits at a level which allows her to maintain herself and her child in proper conditions of health.

Thus should women to be in control of the decision about when they return to work after childbirth.

The aim is for full income replacement.

The AEU further support the ICFTU claim for:

- the maximum protection against dismissal during pregnancy, during maternity leave and on return to work while nursing;
- the right to return to the same, or an equivalent, job in terms of pay, conditions and status;
- no discrimination against a woman in any way because she is or may become pregnant, is on maternity leave, or is nursing her child.<sup>17</sup>

## **The Model**

The AEU supports the ILO Convention No.183 position of 14 weeks paid maternity leave at or around the birth.

In addition the AEU National Claim Framework further calls for:

### Paid Maternity Leave

That female employees be entitled to 14 weeks paid maternity leave at their current salary and a further 38 weeks at 60% of current salary for each pregnancy with no service requirement for eligibility. Provided that where a period of maternity leave overlaps a period of school vacation for which the employee would otherwise have received normal pay, the period of paid maternity leave shall be extended by the length of that overlap.

### Family Leave/Parenting Leave

That employees be eligible for up to 7 years family leave/parenting leave for each child. One year of this leave to be counted as full service and there be no service requirement for eligibility. Employees should have a right of return from leave to own preschool/school/TAFE.

### Paternity Leave

That employees be entitled to 15 days paid paternity leave, for each child, with no service requirement for eligibility.

### Adoption Leave

That employees be entitled to 14 weeks paid adoption leave at their current salary and a further 38 weeks at 60% of current salary for each child with no service requirement for eligibility.

### Foster Parent Leave

Persons acting as the primary care giver of a foster child should be granted:

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<sup>17</sup> A New standard for the New Century, Maternity Protection ILO Convention No. 183, *Maternity Protection, it is for all of us*, Kit prepared by Lisa Heap for the ICFTU, June 2001.

- (i) up to six weeks on half pay on the child entering their care if the child is younger than 5 years of age

OR

- (ii) 3 weeks on half pay on the child entering their care if the child is over 5 years of age.

This claim is in line with the Australian Catholic University Agreement.<sup>18</sup>

Our position is that the model should apply to all working women.

It is our belief that it should be funded as a minimum, at current minimum wage or current salary whichever is greater.

The minimum wage should be Federal Government funded through the taxation system. All employers should then pay a levy which would supplement the Federal Government's payment to average weekly earnings. The levy should be paid by all employers based upon their payroll with perhaps exemptions for small business.

Salary in excess of this should be paid by the individual employer. This could be achieved through bargaining. Although we do have some reservations given the recent history of Enterprise Bargaining and the ability to achieve paid maternity leave through this process.

The entitlement to paid maternity leave should be equally available to adoptive parents. Provision for foster parents should also form part of the scheme.

The AEU does not support the notion of an obligation period, where the employee is required to return to work for a minimum period following paid maternity leave.

Under the model developed, the provision of the following would be important:

- the option to take the 14 weeks paid maternity leave for 28 weeks at half the amount;
- the right of women to return to the workforce in the same job and at the same level of classification as permanent part-time if they choose;
- the right to access up to 7 years leave for family responsibility (which currently exists for some workers);
- the right to access long service leave in conjunction with any paid maternity leave.
- prenatal leave of 5 days paid for women to attend medical appointments related to pregnancy;
- paternity leave of 15 days paid for spouse, de facto spouse or same sex spouse.

The AEU believes that:

Paid maternity leave is for mothers in recognition of the physical demands of the later stages of pregnancy, birth, recovery from birth and establishment, where possible of breast feeding.

In recognition of these physical facts affecting mothers this payment should not be intended to be transferable between a mother and her spouse except in exceptional circumstances.

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<sup>18</sup> Australian Catholic University Limited Academic Staff Enterprise Agreement 2000



We would welcome the introduction of paid paternity leave universally as a dual system of those women in paid and unpaid work and the extension of all forms of parental leaves as part of a suite of family friendly provisions.

However, our position is that paid maternity leave is primarily an entitlement of mothers at the time of the birth except in exceptional circumstances.

A National paid maternity leave payment should build on existing paid maternity leave where it has been bargained or achieved through Certified Agreements.

The payment should not be seen to replace what already exists with a government payment but to complement and extend it.

## **Eligibility**

Our in principle position is that there should be no eligibility to access paid maternity leave given our previous arguments about the necessity of such a system.

Should the Commission receive overwhelming feedback that eligibility should be determined as 12 months service, we believe the 12 month requirement should be portable consisting of an aggregation of periods of employment with one or more employer. It could be a system which acknowledges the last 18 months of employment or longer. Thus the eligibility should be based upon the work history and not the employer/employee relationship.

## CURRENT GOVERNMENT ENTITLEMENTS

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The AEU believes that the existing family payment system needs a thorough review.

The introduction of the “Baby Bonus” by the Federal government although potentially of most benefit to women in income groups such as teachers, will do little to encourage women to have children. The \$1.2 billion allocated for the “Baby Bonus” would be much better spent on a system of Paid Maternity Leave.

The maximum of \$2500 available is refunded from tax already paid at the end of the financial year. The economic pressure experienced by women occurs when the birth is imminent or has occurred not at the end of the financial year.

The AEU believes the “Baby Bonus” actually increases women’s detachment from the labour force by delivering a benefit for staying out of the workforce.

Statistically women return to the workforce (60% return to the workforce) within 18 months<sup>19</sup> and a measure such as the “Baby Bonus” fails to recognise this.

Women on low incomes, those who in most cases would benefit most from a payment actually receive the least.

The AEU supports the proposition that a universal scheme for all women who experience maternity should be developed and current government expenditure on families needs revue.

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<sup>19</sup> Valuing Parenthood – Options for Paid Maternity Leave: Interim Paper 2002, HREOC, p.85

## **ECONOMIC DISADVANTAGE EXPERIENCED BY WOMEN**

*“Women in the workplace need stability . They need to know there is a job to return to when they choose to.” Michelle primary sector QLD (44 years)*

### **Impact on Superannuation Retirement Outcomes for Women**

The AEU believes that Option Four: Social Insurance/Superannuation style system-jointly funded, is not suitable, as it would only serve to compound the inequity suffered by many women in the education workforce who have substantially reduced retirement outcomes as a result of the discriminatory practices of the past.

Employees should not be required to jointly fund a maternity leave payment through the superannuation system that has already penalised them for taking time off to have children.

In Queensland, for example, up until the late sixties, women in the teacher workforce and in all other areas of the public service, were required to resign upon marriage and childbirth.

Upon resignation, women received their personal contributions plus interest, while the employer portion remained in the fund. The State government superannuation scheme is a defined benefits scheme, where your retirement benefit is calculated using the years of service multiplied by final average salary.

As women were forced out of the workforce, by the legislation of the day, their careers suffered breaks in service which have negatively impacted on their superannuation retirement benefit.

*“I was forced to resign in 1981. This resignation lead to difficulty with reemployment in the same area. My superannuation contributions were returned without interest. I also lost substantial entitlements in terms of long service leave and sick leave. As a result I have experienced through loss of income a reduction in living standards and necessitated the creation of loans.” Jackie, secondary sector QLD (44 years)*

Faced with greatly reduced retirement benefits, many women are also then forced to continue working until age 65 when they become eligible for the age pension. To require these women to make additional payments from their superannuation contributions towards the funding of a federal maternity leave payment would only add insult to injury, given that many of the older women in the workforce facing retirement in poverty do so because of the forced resignations they experienced when they were pregnant.

*“At the time I took maternity leave in 1987 the period on full pay before and immediately following the birth of my child was of course very helpful. Unfortunately I could not contribute to pay the compulsory superannuation contributions which at that time had to be contributed during the period of maternity leave. I could not afford to pay the contributions so I had to resign. It was 5 years later before I received permanent part-time employment.” Gemma, primary sector NSW (40 years)*

It should also be noted that for many years, women could not contribute to superannuation funds at the same rate as men, as their salaries were between 85-90% of the salary of the male teacher, thus resulting in significantly reduced superannuation retirement benefits.

Any time out of the paid workforce impacts on your superannuation ultimately in a defined benefits scheme, and it is for this reason that many states are moving to an Accumulated Benefits Scheme, where service is aggregated and breaks in service have little impact on your final retirement benefit.

In many cases married women were not entitled to contribute to a superannuation scheme.

Superannuation is the key to economic security for our women members who will continue to bear the brunt of family responsibilities resulting in broken patterns of work and a reduced retirement income.

A legislated paid maternity leave scheme would have significant impact on workplace equity as it goes some way to reducing the impact of wages lost by women who have children.

## ECONOMIC ADVANTAGES OF RETAINING WOMEN IN THE WORKFORCE

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A system of paid maternity leave which includes an employer component signals to the employee that their work is valued and their loyalty rewarded.

A significant number of companies have reported that the introduction of paid maternity leave has directly increased the proportion of women who return to work after maternity leave.

The broader argument about the tax base and the need to generate revenue means that the more women kept in employment, the more continual their contribution to revenue through the taxation system and as a result, there is more ‘public money’ to spend.

The Education Industry is suffering from a worldwide shortage of teachers. Retention and recruitment of teachers to the profession is becoming increasingly difficult in the present economic environment.

Schemes such as paid maternity leave which enhance workers entitlements can only benefit an industry which is predominantly female. Whilst this may attract women to the teaching profession, the average age of teachers is currently 47 years. Thus the current take up rate of paid maternity leave will not be great, but at the same time valuing the contribution of the women at work.

Retaining women in the teaching profession should be a priority for the government given the high cost of training new graduates, providing ongoing professional development to the teacher workforce and replacing the knowledge and experience that many women accrue during their teaching career.

*“Yes, especially to retain experienced teachers with skills in order for them to pass them on and contribute to the collective good of the school”* Sally, secondary sector NT (33 years)

*“Yes, it supports women in their choice to have children. Paid maternity leave also encourages women to return to the workplace – retaining skilled and experienced teachers.”* Sarah, primary sector ACT (31 years)

*“Like most jobs education expertise is accumulative - any initiative which assists to support teachers to stay in the work place by being supported to leave for a short time is worthwhile and will lead to fewer resignations.”* Sue, secondary sector TAS (46 years)

*“Paid maternity leave should be a right for all women. The time after the birth has such an impact on later child development that women should feel financially secure and able to be with their baby at this time. It is an investment in our future and shows our society values the skills and knowledge of its women.”* Trina, TAFE sector casual NSW (54 years)

*“We need to maintain skills and best workplace practice as well as care for children.”* Linda, primary sector Qld (54 years)

## CONCLUSION

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The AEU looks forward to the introduction of a national paid maternity leave in Australia and the demonstration of the Federal Government's commitment to women in the form of such a scheme. AEU members, both women and men from across Australia will continue to direct our Union's activities to improving the working conditions of not just our members but also for all workers in relation to work and family. The AEU will continue to bargain and organise for improvements in paid maternity leave for women and the broader issues of family friendly working conditions for all our members.

As one of our members states:

*"Women are half the work force- 70 percent in the case of teachers. Conditions should be in place to support women for leave they require for giving birth and caring for children."*  
Ngaere primary sector Qld (57 years)

## **ATTACHMENTS**

- 1. AEU Policy on the Elimination of Sexism in Education and Employment (1988)**
- 2. AEU Policy on Gender Equity (2001)**
- 3. Overview of all family leave entitlements for state school teachers in each state and territory.**
- 4. AEU National Claim Framework**

**Australian Education Union**

**Policy on Eliminating Sexism in  
Education and Employment**

**As adopted at the 1988 Annual Federal Conference**

*©Australian Education Union  
120 Clarendon Street  
Southbank VIC 3006*





# Australian Education Union

## Policy on Eliminating Sexism in Education and Employment

<b>Contents</b>	<b>Page</b>
1. Educational Rights of Women and Girls .....	1
2. Health and Human Relationships Including Sex And Sexuality Education .....	3
3. Equal Employment Opportunity and Affirmative Action .....	5
4. Women's Access to Career Education, Post Selection Education, and Training.....	6
Careers and Vocational Education.....	6
Women and Post-secondary Education (TAFE and Tertiary) .....	7
Women and Decision Making.....	7
Adequate Funding Levels .....	8
Fees and Income Support .....	8
Women's Access to Broad Educational Programs .....	8
Gender-segmentation Within Educational Programs.....	9
Community-Based Learning .....	9
5. Women and Unemployment .....	9
Teacher Employment .....	10
General Issues Relating to Women's Employment .....	11
6. Child Care .....	12
General Issues .....	12
Work-Based Child Care .....	14
7. Maternity and Parenting/Family Leave .....	15
8. Permanent Part-Time Work.....	15
9. Equal Pay .....	16

<b>Contents</b>	<b>Page</b>
10. Women and Superannuation .....	17
11. Sexual and Sex-based Harassment .....	18
Definition .....	18
Rationale .....	18
Recommended Action for Affiliates.....	19
General Issues .....	19
12. Union Education .....	20
13. Women's Health.....	20

# Australian Education Union

## Policy on Eliminating Sexism in Education and Employment

1. EDUCATIONAL RIGHTS OF WOMEN AND GIRLS
  - 1.1 The AEU is committed to ensuring that at both Commonwealth and State/Territory level, education, training and employment programs are designed, resourced and delivered in a way that recognises the particular economic and social rights of women and girls. AEU believes that special attention needs to be directed to those States and Territories where little has been achieved to date.
  - 1.2 The National Policy for the Education of Girls is endorsed as the starting point for ongoing programs at Commonwealth and State/Territory level. To this National Policy must be added:
    - 1.2.1 Measures to increase girls' participation in mathematics, science, economics and technology, by reviewing the content and methodology of courses in these areas and by increasing the numbers of women teaching them.
    - 1.2.2 Research, counselling, legal, inservice and professional support to assist teachers dealing with child sexual abuse.
    - 1.2.3 Counter-sexist curriculum for the earliest years of schooling.
    - 1.2.4 Further consultation and policy development on the educational needs of Aboriginal and Torres Strait Islander girls.
    - 1.2.5 Recognition of the rights of non-English speaking background girls, both to English as a second language, and to community language education.
    - 1.2.6 Further research and policy development on the educational needs of girls with disabilities.
    - 1.2.7 Comprehensive counter-sexist and culturally sensitive health and human relationships education including sex education, available to all students. Well designed educational programs must be developed to discuss lesbianism and make homosexuality in a positive way which avoids any prejudice. Teachers of health and human relationships education should have an understanding of sexism, sexual politics, and the politics of health in order to deal with any prejudices, myths and superstitions which may exist or arise in classroom situations.
    - 1.2.8 Recognition of the educational rights of pregnant students and provision for their needs.

- 1.2.9 Support for the use of single sex girls classes within co-educational schools/colleges. AEU opposes the closure of single sex girls schools which are providing affirmative action programs within the context of a broad curriculum.
- 1.2.10 Forward commitment by both Commonwealth and State/Territory governments to providing resources for ongoing and properly accountable affirmative action programs for girls in schools.
- 1.2.11 The establishment of a Commonwealth funded program, providing forward-committed funding for addressing the educational disadvantage of girls as a group, and the double disadvantage of Aboriginal and Torres Strait Islander girls, non-English speaking background girls, girls with disabilities, rural and working class girls.
- 1.3 The Commonwealth and State/Territory education authorities must all accept responsibility for ensuring that in-service and pre-service professional development specifically address the educational requirements of girls.
- 1.4 Women's input into educational decision making must be enhanced by support at system level for structural change involving the democratisation of decision making and reviews of promotion policy. Sex Discrimination and Affirmative Action legislation should be reviewed to ensure its application to women's involvement in educational decision making. Existing anti-discrimination legislation should be supported, and support and encouragement should be given to efforts to achieve similar legislation in Queensland and Tasmania.
- 1.5 A national steering committee should be established as a matter of urgency to draw up a National Policy and Plan of Action for the Education of Women. This committee should be coordinated by the Women's Bureau of the Department of Employment, Education and Training and should include representatives from TAFETA and AEU so that the views and policies of AEU members in TAFE and higher education are represented.
- 1.6 The National Policy and Plan of Action for the Education of Women must include the following elements:
  - C Women and the economy;
  - C Women's access to education;
  - C Non-traditional courses for women;
  - C Status of traditionally female courses;
  - C Fees and allowances;
  - C Child care;
  - C Sex-based harassment;
  - C Working conditions of women teachers and academics;
  - C Affirmative Action in Tertiary Education;
  - C Non-Government Educational Provision.

and take into account the plan of action for the education of girls developed by the Commonwealth Schools Commission, making clear recommendations about resourcing implications.

- 1.7 Implementation of policy on equal opportunity is most effective when teachers are able to act on their own awareness of the problem. Effective curriculum development can only occur if teachers are involved in the properly resourced planning, implementation and evaluation of programs.

## 2. HEALTH AND HUMAN RELATIONSHIPS INCLUDING SEX AND SEXUALITY EDUCATION

2.1 The AEU believes that there is a need for early continuous human relations and sexuality education including contraceptive advice within comprehensive educational programs which will help students to:

- 2.1.1 Be both responsible to themselves and to others,
- 2.1.2 Make decisions and act on the basis of knowledge and not, as seems to be the case at the moment, on the basis of ignorance, fear and unquestioned prejudice, and to
- 2.1.3 Prevent the spread of sexually transmitted diseases (STDs) including Acquired Immune Deficiency Syndrome (AIDS).

2.2 Further, that the AEU urges affiliates to:

2.2.1 Raise discussions with teacher-training institutions on the provision of human sexuality programs in their courses and that such courses should aim at:

- C assisting teachers to understand their own sexuality and that of others, particularly adolescents.
- C preparing teachers willing to teach human sexuality within appropriate courses.

2.2.2 Demand and support the development of in-service programs on health and human relationships and sexuality. These courses to be developed in conjunction with teacher unions and relevant community agencies and research bodies, and to be funded by the appropriate State or Federal Government.

2.2.3 Demand that time release be made available to teachers involved in co-ordinating these programs within schools/colleges.

2.2.4 Defend existing health, human relations and sexuality courses in schools from attacks by conservative groups which are seeking to both curtail these programs and censor positive information on sexuality, especially in regard to lesbianism and male homosexuality.

- 2.3 The AEU also considers that:
- 2.3.1 It is preferable to include comprehensive sex education programs within broad health and human relationships education curricula (which includes areas such as safety, environmental and consumer health).
  - 2.3.2 Health and human relationships programs should be counter-sexist and culturally sensitive
  - 2.3.3 Any teacher-directed presentation or discussion of lesbianism and male homosexuality in a class situation should aim to be positive in approach within an understanding of the implications of sexuality.
  - 2.3.4 Health and human relationships should be developed in a manner that encourages critical thinking and considered decision making by students.
  - 2.3.5 Health and human relationships programs and related areas should be co-ordinated between and within schools and colleges.
  - 2.3.6 Teachers of health and human relationships should have an understanding of sexism, sexual politics, and the politics of health in order to deal with any prejudices, myths and superstitions which may exist or arise in class situations.
  - 2.3.7 Health and human relationships programs should reflect the interests and concerns of, in particular, students and other members of the school community.
  - 2.3.8 The sexual preference, marital status and/or parental status of individual teachers should not be a factor in determining which teachers are able to teach health and human relationships.
  - 2.3.9 The AEU commits itself to the development of curriculum on sex education. In order to achieve this, the AEU will seek support from Commonwealth and State/Territory education authorities.
  - 2.3.10 The AEU affiliates should seek from the relevant State/Territory Government and central and regional Education Department authorities an adequate yearly allocation of in-service education dealing with health and human relationships education, including sex and sexuality education.
  - 2.3.11 The AEU affiliates should also be encouraged to propose, develop and conduct such in-services.
  - 2.3.12 The AEU affiliates should be encouraged wherever possible to promote health and human relationships education including sex and sexuality education within the teaching service and among educational, school and college communities.

### 3. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

- 3.1 AEU recognises that women teachers currently do not hold positions of leadership and administrative responsibility in the same proportion as men teachers.
- 3.2 The AEU believes that there is need for affiliates to re-assess the promotions systems and procedures currently in existence in States and Territories and to remove impediments to opportunity for positions of responsibility for women teachers. The effects of past discrimination in employment opportunity and in working conditions entitlements must be redressed.
- 3.3 AEU urges all affiliates to support measures to ensure the greater participation of women teachers in the decision making process at school level.
- 3.4 Important measures that should be taken to ensure that there are more women teachers in promotion positions include:
  - 3.4.1 Abolition of penalties for broken service.
  - 3.4.2 Abolition of current regulations and procedures which discourage women teachers' participation in the decision making process and progress through the system to the administrative level.
  - 3.4.3 Accreditation for child raising.
  - 3.4.4 Introduction of family/parental leave, permanent part-time work which will maintain teachers' job security and career prospects.
  - 3.4.5 Affirmative action programs which address the particular needs of Aboriginal and Torres Strait Islander women and women of a non-English speaking background.
  - 3.4.6 Education programs to ensure that there are more women teachers prepared to apply for promotion. These programs should include women-only courses and courses with set targets for women participants from designated groups.
  - 3.4.7 In-service courses for teachers and administrators to raise awareness of the disadvantages women teachers face in these areas and strategies for overcoming these disadvantages.
  - 3.4.8 Re-assessment of criteria for selection to include the particular experiences of women.
  - 3.4.9 Union education courses for women.
  - 3.4.10 Full time paid release from duty to undertake the qualifications necessary to obtain promotion positions.
- 3.5 That affiliates work to improve the status of, and recognition given to, classroom teaching.
- 3.6 Affiliates and the Women's Officers' Committee are asked to circulate for affiliate discussion and consideration proposals for affirmative action programs aimed at increasing the number of women in leadership positions.

- 3.7 Redress and compensation must be provided for the effects of past discrimination in equal employment opportunity and in working conditions entitlements.
- 3.8 AEU will actively support the campaign to remove discrimination in starting salaries and in career structure against women in TAFE.
- 3.9 AEU is concerned at the small percentage of academics who are women and at their concentration in untenured, low-status and exploited positions. AEU calls for increased commitment by government and institutions to Equal Employment Opportunity and affirmative action measures for women academics.

#### 4. WOMEN'S ACCESS TO CAREER EDUCATION, POST SELECTION EDUCATION, AND TRAINING

##### Careers and Vocational Education

- 4.1 The AEU supports the provision of career education for all students which aims to assist students to realise their potential and employment opportunities without being subjected to sex-biased information concerning employment.
- 4.2. AEU believes, however, that it is not sufficient for careers advisers and counsellors to make non-sexist vocational information available. Rather, they should actively encourage women and girls to consider non-traditional areas of training as viable vocational options and to place this career choice within a career path framework. Girls and women must be made aware at every stage of the career implications of their subject choices.
- 4.3 AEU recognises that career and further education decisions are limited by earlier subject choices. Therefore, career education should aim at being integrated into the total school program at all levels, especially primary.
- 4.4 AEU recognises that vocational education is an important part of the education of girls and that the development of gender inclusive vocational curriculum is an imperative. Such curriculum content and practice should:
  - C avoid gender-based streaming;
  - C improve girls' critical understanding of new technologies; and
  - C provide experience of technology within traditional as well as non-traditional subject areas.
- 4.5 As a first step, affiliates are urged to:
  - 4.5.1 Lobby institutions providing teacher education to ensure that counter-sexist training is an integral part of all courses in career education and vocational counselling education.
  - 4.5.2 Ensure that in-service courses are made available to all teachers in order that full information is available to teachers and students. These courses should stress the reasons why traditional attitudes to employment are no longer appropriate.



- 4.5.3 Work together with relevant groups (unions, employer, government and community) to eliminate sex biased attitudes towards employment.

#### Women and Post-Secondary Education (TAFE and Tertiary)

4.6 Educators have a responsibility to develop and provide educational programs relevant to changing social and economic conditions, and able to provide women with skills and training for employment and the full range of occupations within the full range of industry groups. This involves a commitment to provide general and vocational education as well as training which ensures:

- 4.6.1 access and success for women school leavers;
- 4.6.2 access and success for mature-aged women returning to study;
- 4.6.3 ongoing training for women already in the workforce; and
- 4.6.4 retraining for women workers displaced by changes in the labour market.

Such education (general and vocational) and training programs must recognise the needs of women in general as well as specific needs of particular groups of women.

#### Women and Decision Making

- 4.7 There is an urgent need for the equal representation of women on all advisory and consultative structures advising the Department and Minister for Employment, Education and Training. All representatives on such bodies must have a demonstrable commitment to and act in accordance with Equal Employment Opportunity and Equal Opportunity principles and policies. More widely, women must have equal representation on planning, consultative, advisory, regulatory and credentialling committees and authorities, including Industry Councils and workplace committees.
- 4.8 AEU believes that the Women's Bureau of the Department of Employment, Education and Training should play a co-ordinating role in women's employment and education, including TAFE and further education. This will require an expansion of the role of the Women's Bureau. The Women's Bureau should also play a co-ordinating role in the development and implementation of a National Policy for the Education of Women. AEU therefore supports the provision of increased resources so that the Women's Bureau can effectively carry out these additional tasks.

#### Adequate Funding Levels

- 4.9 Recognising that women in disadvantaged groups may need more than the average support in order to succeed in tertiary study, the Government must discontinue the marginal funding of new places i.e. funding which occurs at the expense of providing adequate support services. The AEU will campaign vigorously to ensure that in the next decade, the Commonwealth Government accepts its responsibility for the public funding of the needed additional places

in TAFE and tertiary education. The AEU will also campaign vigorously to ensure that mature-aged women's tertiary access is maintained and improved.

#### Fees and Income Support

- 4.10 The AEU will campaign strongly to remove the barriers to educational participation by women and other under-represented groups that are posed by tertiary fees, including overseas student fees, administrative and other charges and materials fees, and by restrictions in entitlements to study allowances.
- 4.11 AEU recognises that many women students suffer financial hardship and are unable to meet educational expenses due to inadequate income support. Delays in payments of benefits and allowances have also forced tertiary education students to discontinue their studies. Adequate income support which does not discriminate against women or, more generally, against TAFE students is essential to the participation of many students, especially those from low income backgrounds. AEU supports the establishment of campus-based emergency loans in TAFE as one measure which can assist those students who suffer extreme financial hardship.

#### Women's Access to Broad Educational Programs

- 4.13 Further and recurrent education, vocational education, training and re-training provided by tertiary education institutions are inextricably linked to each other and all are essential programs. Additional resources should recognise the value and relationship between each of these components and therefore:
- 4.13.1 additional resources for one component should not be at the expense of any other;
- 4.13.2 preparatory courses must be provided to ensure access by women to each;
- 4.13.3 procedure for cross-accreditation between the components must be developed;
- 4.13.4 Compensatory and access programs including literacy programs, self-esteem programs, bridging programs and programs to assist designated disadvantaged groups must be provided.
- 4.14 AEU believes that courses in community languages should be developed and offered to women from non-English speaking backgrounds to assist them to gain access to other TAFE programs. Courses in adult migrant English should be readily available through Government/employer co-operation. Employers should contribute resources for the provision of these courses, including release from work for their employees. The primary language of people from non-English speaking backgrounds should be properly utilised by permitting attendance at Language Aide, Interpreter or Translator courses, with the provision of appropriate Government/employer incentives including work release and payment of fees by employers.

- 4.15 All courses and programs, teaching materials and methodology should be gender-inclusive. Gender-inclusive educational provision must take account of the needs and experiences of Aboriginal and Torres Strait Islander women as well as women of non-English speaking backgrounds.

#### Gender-Segmentation within Educational Programs

- 4.16 AEU calls on all post-secondary education institutions to examine the participation and concentration of women throughout their courses and programs and to ensure that current gender-segmentation within education programs is discontinued. To achieve this goal, institutions must ensure that women have access to the full range, and all stages/levels, of courses and programs offered and that barriers to their participation are dismantled.
- 4.17 Priority should be given to the development and implementation of programs that will encourage women to enter traditionally male dominated courses in greater numbers and to the orientation of these courses towards women.
- 4.18 Priority should also be given to improved resourcing of female-dominated courses and areas of study.
- 4.19 AEU calls on post-secondary education institutions to specially advertise the range of courses and programs available, including those specifically designed for women, using counter-sexist promotional material.
- 4.20 AEU demands a review of counselling, careers advice and course selection advisory services. These support and information services must actively encourage women in evaluating the broadest possible course offerings, and in understanding conditions and trends in the labour market.

#### Community-based Learning

- 4.21 AEU recognises that community-based learning centres have provided an attractive and accessible education provision for women. AEU supports the role of self-managed neighbourhood learning centres in the provision of access to education for women and affirms that these centres should retain the right to tertiary institutions' hardware, resources and other structural support. AEU demands that tertiary institutions systems support community-based education by establishing and improving mechanisms for accreditation of programs. It is also essential that these courses provide access to and credit towards formal courses of study.

## 5. WOMEN AND UNEMPLOYMENT

- 5.1 It is the right of every person to have access to paid employment and it is the responsibility of governments to provide an economic climate where all people who wish to work are able to do so. AEU condemns any attitudes which would single out women as being a contributing factor to unemployment in the workforce or which suggest that women or school leavers should stand down from employment to allow men to occupy jobs.

- 5.2 The AEU reaffirms the right of every person to work and opposes discrimination against women in employment on such grounds as sexuality, marital status and/or number of dependents and recommends that affiliate unions lobby Departments of Education and schools authorities to develop appropriate policies regarding employment of women.

### Teacher Employment

- 5.3 The AEU recognises the urgency of the issue of unemployment especially for women teachers and undertakes to facilitate the adoption of the recommendations in

5.4 below for affiliate unions by:

- 5.3.1 Providing statistical and other information about the current employment and underemployment breakdowns.
- 5.3.2 Publicising - both within the unions and through the public media - the work done in the States at departmental and union level to alleviate problems of unemployment.
- 5.4 Further, AEU recommends to affiliates that:
- 5.4.1 All affiliates facilitate membership for unemployed teachers at low cost.
- 5.4.2 Unemployed women teachers be actively encouraged by the union to:
- ⊆ join the union.
  - ⊆ register with the CES as unemployed.
- 5.4.3 Unions keep records of underemployed and unemployed teachers or teachers employed in other occupations classified by sex, age and marital status in order to:
- ⊆ check on selection procedures.
  - ⊆ facilitate lobbying on behalf of unemployed teachers.
- 5.4.4 Unions provide support facilities for unemployed members or teachers (where appropriate) to organise their own campaign (e.g. provide meeting places, publication and circulation, general office assistance, and child-care facilities).
- 5.4.5 Unions incorporate into their policies consideration of retrenchment and unemployment and in particular outline schemes for the effective employment of all teachers. This should include plans to:
- ⊆ reduce class sizes.
  - ⊆ increase relief from face-to-face teaching time.
  - ⊆ increase professional assistance in, for example, libraries and resource centres.
  - ⊆ liberalise leave provisions, e.g. study and attendance at in-service courses, etc.

- C increase staffing especially for teaching of students with disabilities and those requiring remedial assistance.
- C provide re-training on full pay for teachers to increase their professional flexibility.
- C increase the number of teachers who liaise with teachers in schools.
- C recognise linguistic and cultural needs of migrants by demanding increased allocation of funds to this area of staffing.

#### General Issues Relating to Women's Employment

- 5.5 Industry policy and industry restructuring plans designed to improve Australia's international competitiveness in skill- and technology-based industries should be linked to a program of recruiting women, including mature-aged women, into apprenticeships and accredited training programs.
- 5.6 Planning mechanisms at the national and industry sector council level must be required to facilitate the entry of women into traditionally male dominated fields of employment.
- 5.7 In all industry policy plans and industry restructuring, the rights of women workers to retraining and reclassification must be guaranteed. The outcomes of industry planning and of the restructuring of job classifications must be the reduction of existing gender inequalities in employment.
- 5.8 Negotiations on technological change should include the provision, with financial support, of adult retraining for women facing retrenchment.
- 5.9 Targets must be established for the participation of women in training programs arising out of awards and agreements designed to upgrade skills and provide career paths.
- 5.10 Similar opportunities to upgrade skills and provide career paths must be developed in predominantly female industries.
- 5.11 Paid study leave must be recognised as an essential prerequisite for women's access to training and retraining, and must be pursued vigorously for women.
- 5.12 Industry stocktakes should include comprehensive analysis of women's employment in the industry, including the contribution of "ancillary" workers, such as clerical, administrative and service workers, in order to enable the development of affirmative action programs.
- 5.13 The Government must initiate a program of industry development in areas offering employment potential to women, increase jobs for women in the public sector and support the ongoing existence of appropriate employment programs which meet urgent community needs.
- 5.14 Employment ceilings should be eased in the public sector, and priority must be given to the recruitment of young women of all backgrounds in all areas of the public service. Such recruitment should be additional to the provision of public service traineeships, and provision must be made for the permanent employment of trainees on the completion of their traineeships.

- 5.15 That the Federal Affirmative Action legislation be supported, and strengthened. It should be extended to cover all employed women, as well as to ensure the right to work of disadvantaged groups. Unions should be involved at all stages of drawing up, implementing and evaluating programs. This involvement should include fully representative workplace Affirmative Action Committees. More effective sanctions should be applied, the scope and time-scale of programs should be more clearly defined, and funding should be available for advisory and monitoring services.
- 5.16 Targets should be more strictly set and applied for the participation in apprenticeships and traineeships of Aborigines and Torres Strait Islanders, women from non-English speaking backgrounds, rural women, women living in poverty, and women with disabilities. Government departments should lead the way in this process.
- 5.17 Advisory Committees should be established to report to the Commonwealth Minister of Employment, Education and Training and National Board of Employment, Education and Training concerning the implementation of such targets.
- 5.18 As a matter of urgency, on-going and properly resourced programs to improve the employment opportunities of Aboriginal and Torres Strait Islander people must be established, in line with the recommendations of Aboriginal women in their report, "Women's Business".
- 5.19 Employment must be required to recognise the rights of migrant women workers to English on the job training.

## 6. CHILD CARE

### General Issues

- 6.1 AEU recommends that the Government clearly, publicly and continually recognise the dual contribution made to the economy by women's paid and unpaid labour. That the Government therefore recognise that a percentage of company profits is owed to women in the form of work-related child care. Moreover, that the Government recognise that women are owed a percentage of the National Product in the form of the public provision of free quality child care. The Government must recognise that until adequate levels of child care are provided, women will always face high levels of unemployment and marginal attachment to the workforce, education and training.
- 6.2 AEU believes that all parents should have the right to high quality, free and work-related child care.
- 6.3 AEU further believes that the right to child care is an industrial and educational issue, one which should be actively pursued by unions in order to ensure:
- 6.3.1 Equality of opportunity in the workplace for men and women.
- 6.3.2 Equality of opportunity in education.
- 6.3.3 A stimulating and caring environment for the children of members.

- 6.4 AEU believes that due to the special nature of the school and college environment, schools and colleges can provide an excellent base for child care centres. Such centres can cater for the needs of parents in the following priority order:
- Ⓒ Families of students attending the school or college.
  - Ⓒ Children of teachers.
  - Ⓒ Children of members of decision-making bodies in schools/colleges e.g. councils, committees.
  - Ⓒ The surrounding community.
- 6.5 The AEU believes that child care should be principally funded by the Federal Government. Child care provision within schools and colleges should be an integral part of planning and of capital and recurrent funding made available to the State and Territory education systems.
- 6.6 Child care is an essential service and the number of placements and facilities should be continually increased until every child has access to centre based child care.
- 6.7 Child care services should be free. Until this is achieved, mechanisms should be created within the fee structure to assist parents with the cost of child care.
- 6.8 A variety of services should be provided, including:
- Ⓒ Full and part-time care, including evening care.
  - Ⓒ Sessional, occasional and emergency care.
  - Ⓒ Facilities for school-aged children outside school and college hours and vacations. Where possible, such facilities should be provided at the child's school.
- 6.9 All child care services must be of high quality. High quality services are characterised by a good adult-child ratio, a balance of trained and untrained staff, and a suitably equipped, stimulating and caring environment, defined and enforced by regulations. Family day care should not be supported unless it meets these conditions.
- 6.10 Moves toward improved standards for all forms of child care service, including family day care, are needed. To ensure feasibility of such standards, funding for child care must be restructured to establish direct relationship to Award rates of payment for all child care workers. This will also provide for indexation of funding to cover increased wage and salary costs.
- 6.11 The AEU opposes the privatisation and commercialisation of child care. All child care services must be run as non-profit-making bodies to overcome the inevitable conflict of interest between the profit motive and the best interests of the children and families.
- 6.12 The AEU believes that the trade union movement should campaign for services which:
- 6.12.1 Are free.
  - 6.12.2 Are of high quality, catering for the emotional, physical, social, intellectual and cultural needs of children. Such child care will

necessarily be enriching, non-sexist, sensitive to cultural diversity and will cater for children with disabilities.

6.12.3 Are governed by representative management committees. Management of child care centres should reflect AEU's commitment to participative decision-making in service management and policy direction. Parent users and union representatives should constitute the majority of committee members. Representatives from local Government, community groups, etc., may also be included. Management committees should include representatives of school/college councils, the appropriate unions, parent users and staff from the centre. The management committee's responsibilities should include:

- Ⓒ Development of operating principles for the centre which are consistent with the broad policy guidelines of AEU, Federal and State Governments.
- Ⓒ Preparation of the Centre's annual budget; and
- Ⓒ Staff selection.

6.12.4 Offer wage justice, full award conditions and adequate training for employees. Professional development for child care should be seen as an intrinsic condition of service, particularly education programs in the areas of gender, class, race and cultural diversity, and integration of children with disabilities.

6.13 Therefore, the AEU urges affiliates to:

6.13.1 Develop policy on the issue of child care.

6.13.2 Provide child care facilities within their union structures, and ensure that the provision of these facilities, their organisation and functioning, is an activity of the general administration of the union, and not necessarily the Women's Officer.

6.13.3 Disseminate information to members on the availability of Government funding for child care centres.

6.13.4 Assist in the co-operation and establishment of child care centres, and ensure that child care facilities are a mainstream provision of their union.

6.13.5 Publicise the operation of existing child care centres in or around schools, colleges, communities and unions.

6.13.6 Develop policies consistent with the provision of child care facilities as part of any new school or college building program.

#### Work-Based Child Care

6.14 Continued growth at an increased rate in the number of child care places available is essential. In particular, work-based child care centres, with priority of access for the children of workers in the target area, must be provided with both Commonwealth and State/Territory Government funding. Incentives must be enhanced for provision of facilities and contributions to recurrent expenditure by employers. Work-based child care facilities should be provided by the Commonwealth and by State/Territory Governments for their own employees, particularly where new facilities are being established.



## 7. MATERNITY AND PARENTING/FAMILY LEAVE

- 7.1 AEU supports the concepts of family and parental leave, encompassing the following principles:
- 7.1.1 The right to paid maternity and paternity leave, at the birth or adoption of a child, for a minimum of three months and up to twelve months on full pay.
  - 7.1.2 Extended period of unpaid leave for both women and men to cope with child-rearing or other family responsibilities.
  - 7.1.3 Full job security with the right to return, to be maintained.
  - 7.1.4 In-service education and refresher courses to be available to teachers returning after long periods of leave.
- 7.2 AEU urges all Affiliates to consider developing policies in relation to parental and family leave.
- 7.3 That AEU compile guidelines for Affiliates on family and parental leave, to assist in the development of family leave policies. Such guidelines to include overseas examples (e.g. Sweden), a rationale for family/parental leave, relevant demographic data on population trends, and, if available, details of successful negotiations in Australia.
- 7.4 Legislated and negotiated leave and child care provision must be seen as an essential part of the implementation of Equal Employment Opportunity.

Article 11(2) (b) of the ILO Convention on the Elimination of all Forms of Discrimination Against Women must be ratified by the Federal Government. Provisions relating to maternity leave in ILO Conventions 103, 102 along with Convention 156 and Recommendation 165 must also be endorsed. Such ratification is essential, if the Government is serious about establishing and implementing a National Agenda for Women which will bring Australia into line with most other Western countries. Affiliates are therefore urged to lobby State/Territory governments regarding these international policies and in particular to actively seek the ratification of Conventions 103 and 156 by the Federal Government.

## 8. PERMANENT PART-TIME WORK

- 8.1 That AEU supports the introduction of permanent part-time work for teachers, to provide job security for those who choose to work less than full-time. Teachers should have the right to return to permanent full-time work after a period of part-time work where a reduction in time was necessitated for child rearing.
- 8.2 The Government must support the extension, in both the public and private sectors, of negotiated agreements on part-time work which include employee-initiated ceilings on the number of part-time places, pro-rata benefits, superannuation, entitlements and career paths. A return to full-time employment must be available to all who want it. Access to high quality work-related child care is a pre-condition for the free choice of full-time or part-time employment.

## 9. EQUAL PAY

9.1 Women's earnings in relation to those of men have not changed significantly in the last decade and currently average about two-third of men's earnings overall in Australia, while ordinary full time earnings of women remain at around 80% of those of men.

Factors contributing to the earnings' gap include differential outcomes in overtime, supplementary and over award payments as well as the concentration of women in the lower levels of career structures. However, the major factors underpinning the earning gap are the traditional undervaluing of women's skills and the part time nature of work opportunities available to women.

The ILO has described the achievement of Equal Pay as the "first step towards equality". The Government must recognise that it can no longer ignore the just demand for Equal Pay of Australian women workers. Without Equal Pay, there is no equality for women.

9.2 The work must continue, supported by the Women's Bureau of the Department of Employment, Education and Training, of analysing and publicising gender bias in the application of job evaluation criteria, in order to create an informed public context for the discussion of pay claims which aim to achieve just pay for women.

9.3 The guidelines of the centralised wage fixing system must allow for cases seeking re-evaluation of women's work, acknowledging that women's skills have been undervalued, particularly in industries/occupations where women predominate. Relevant comparisons must be made between predominantly male and predominantly female wage/salary classifications. There should be no arbitrary ceilings set on the outcomes of such re-evaluations. All factors which contribute to the wage differentials between men and women should be taken into account in pursuing equal pay, including:

- C overtime
- C over-award payments
- C supplementary payments
- C superannuation payments
- C rates and conditions for part-time workers
- C training and retraining opportunities
- C career path and/or wage advancement opportunities

9.4 In the event of industry restructure and/or when major reclassification of wages occurs within industries, the ACTU must attempt to ensure that new job opportunities are created. Those most vulnerable to the restructuring - particularly unskilled and semi-skilled workers, a large proportion of whom are women - must be protected and the creation of new jobs must not be at their expense.

9.5 The economic independence of women is a pre-condition for equality. No person should be denied access to unemployment or other social security benefit on the grounds of their marital status. Pensions should be paid to individuals and not to the male partner of a married couple.

## 10. WOMEN AND SUPERANNUATION

- 10.1 AEU believes that there should be no discrimination in superannuation on the basis of sex, marital/de facto spouse status or sexual preference.
- 10.2 AEU urges affiliates to investigate superannuation schemes for discrimination on the basis of sex, marital status or sexual preference, especially in respect of:
- 10.2.1 Eligibility for membership of any scheme.
  - 10.2.2 Medical examination.
  - 10.2.3 Contribution rates.
  - 10.2.4 Commutation rights.
  - 10.2.5 Benefits payable.
  - 10.2.6 Lump sum entitlement.
  - 10.2.7 Eligibility for housing loans or subsidies.
  - 10.2.8 Consideration for dependants.
- 10.3 The AEU supports the principle that in all superannuation schemes the employer must continue superannuation payments during compulsory periods of unpaid maternity leave as a minimum and preferably throughout maternity leave.
- 10.4 In order to provide appropriate incentives for women to maintain adequate superannuation provision and thereby reduce their likelihood of dependence on Social Security after retirement, the following changes are necessary to existing superannuation schemes:
- 10.4.1 Full vesting of employer contributions to each individual. Full vesting shall apply to resignation, invalidity, retrenchment, dismissal, death and retirement.
  - 10.4.2 The option of preservation of accrued contribution or deferred benefit be available on cessation of service.
  - 10.4.3 A workable system of portability be developed.
  - 10.4.4 The employer pay the employee's contribution during paid maternity and parental leave.
  - 10.4.5 Existing funds be extended to all employees, including temporary, casual/sessional and part-time workers.
  - 10.4.6 Where possible, all previously ineligible employees have the option of purchasing foregone contribution entitlements.
  - 10.4.7 Suitable cover can be developed to take account of breaks in service of casual employees.
  - 10.4.8 There should be no discrimination in eligibility conditions.
  - 10.4.9 The same normal retirement age should apply to men and women, with early retirement available under the same conditions.
  - 10.4.10 Automatic spouse benefits be payable on the death of a contributor, whether the spouse be legal or de facto, male or female.
  - 10.4.11 No dependency test shall apply to spouse benefits.

- 10.4.12 Where there is no surviving spouse, benefit shall be payable to a person able to demonstrate dependency in terms of the Income Tax Assessment Act.
- 10.5 Strong support be given to the early coverage of temporary, casual and part-time workers in superannuation schemes negotiated on the basis of the 3% national productivity rise. The general guidelines for the operation of "3% schemes" be interpreted in a way that addresses the particular needs of women. The guideline clauses in the agreed Government/ACTU strategy which provide for full vesting, preservation and portability are fully endorsed.
- 10.6 The National Safety Net should be established as soon as possible, and operative from July 1988 at the latest.
- 10.7 The guidelines of new "3% schemes" and all future schemes must from the outset address women's broken work patterns. For women on unpaid maternity leave, the employer should be required to maintain contributions applicable to the employee, for the period of compulsory maternity leave at a minimum and preferably throughout maternity/parenting leave.
- 10.8 New funds should be controlled by a partnership of unions and management, with an independent chairperson, if required, for funds with over 200 members. The governing bodies of such funds shall have at least equal representation to unions, and equal representation for male and female contributors. The governing bodies should control both administration and investment of funds.

## 11. SEXUAL AND SEX-BASED HARASSMENT

### Definition

11.1 Any verbal or physical conduct of a sexual nature constitutes sexual or sex-based harassment when:

11.1.1 It is unsolicited and unwelcome.

11.1.2 Submission to such conduct is implicitly or explicitly a term or condition of an individual's employment.

11.1.3 Submission to such conduct is implicitly or explicitly a term or condition for decisions which would affect promotion, course completion, salary, or any other job condition.

11.1.4 Such behaviour creates an intimidating, hostile or offensive work environment for one or more employees.

11.1.5 People are defined in terms of their sex/sexuality and their contribution and worth is denigrated or ignored.

11.1.6 In educational institutions it can occur between student/student, student/staff, staff/student, staff/staff.

### Rationale

11.2 AEU accepts the following rationale related to sexual and sex-based harassment:

- 11.2.1 Sexual and sex-based harassment refers to behaviour that is not welcome, which is personally offensive, which erodes individual rights, debilitates morale and interferes with the work effectiveness and learning ability of its targets.
- 11.2.2 It communicates to people that they are seen as sexual objects and are not taken seriously as workers/students or accredited with the personal respect that people should expect from others.
- 11.2.3 It is often manifested under the guise of compliment or jocularity but it always involves an attempt at a sexist exercise of power over another. The target's choice lies between apparent collusion, which will invite further such behaviour; or objection, which will evoke abuse.
- 11.2.4 Fear of unemployment makes people more vulnerable to sexual harassment at work.
- 11.2.5 Sexual and sex-based harassment is an industrial issue in that it attacks a member's right to work. It is a form of sexual discrimination under State and Federal legislation and is thus unlawful.
- 11.2.6 Whilst acknowledging the possibility of men experiencing sexual and sex-based harassment, the predominant situation is that the target is female and the harasser is male.
- 11.2.7 It is the responsibility of the employer to provide an harassment-free environment.

#### Recommended Action for Affiliates

- 11.3 AEU recommends that:
  - 11.3.1 Affiliates should actively campaign to ensure that all members are aware that sexual and sex-based harassment is totally unacceptable and should not be tolerated in any workplace.
  - 11.3.2 Affiliates develop and publicise appropriate grievance procedures for their members to follow when subjected to sexual/sex-based harassment.
  - 11.3.3 Recognising that Sex Discrimination legislation exists and covers sexual harassment, grievance procedures developed for the protection of members must be in accordance with the appropriate legislation.
  - 11.3.4 Since the nature of sexual and sex-based harassment makes complaints by its targets very difficult, all possible steps should be taken to encourage and facilitate members' ability to seek redress.

#### General Issues

- 11.4 Resources must be provided by Government to support a campaign of education and action to identify and address the problem of sex-based harassment in the workplace, in co-operation with the ACTU and unions currently working on the issue.
- 11.5 Women should have available both industrial and legal avenues of redress in cases of sex-based harassment at work.

## 12. UNION EDUCATION

- 12.1 That AEU recognises the valuable contribution made by women's training courses in the implementation of affirmative action in unions. Recognising the particular education needs of women unionists, affiliates are urged to develop on-going union education programs for women members.
- 12.2 AEU seeks co-operation with other unions to discuss with the Trade Union Training Authority (TUTA) the provision of courses and publications for courses which take into account the needs of women in Unions. Further, AEU urges affiliates to:
- 12.2.1 Contribute to upgrade provisions of paid educational leave for members.
  - 12.2.2 Encourage women members to attend TUTA courses, including women's courses, and consider setting goals to ensure that women have equal representation.
  - 12.2.3 Urge TUTA to ensure that women trainers are involved in the development and delivery of all TUTA programs.
  - 12.2.4 Establish links with State TUTA centres, to communicate regularly the educational needs of the organisation, and provide on-going evaluation of the success or otherwise of TUTA training programs.
  - 12.2.5 Urge TUTA to integrate within all of its courses analysis and discussion of the role of women unionists - both as members and officials.
  - 12.2.6 Urges TUTA to provide child-care facilities on site especially at residential courses.
  - 12.2.7 Ensure that postal courses that address particular needs of women are available for women.
- 12.3 Information which is made available to AEU on TUTA courses and other union training should be distributed to the affiliates for circulation through the appropriate channels.

## 13. WOMEN'S HEALTH

- 13.1 Funding must be increased for provision and running of Women's Health Centres.
- 13.2 That the AEU believes that there should be free, safe and legal abortion for those who choose it.
- 13.3 Repetition Strain Injury (RSI) is a major work related health hazard for many women workers including keyboard operators and assembly line workers. Workers using visual display units are at risk of eye damage. It is the responsibility of employers to ensure that workers are aware of such hazards and that all possible steps are taken to prevent injuries. This includes information in writing and in appropriate languages for women of non-English speaking backgrounds. Where necessary, verbal explanations should be provided in addition, on a regular basis, particularly where workers affected may lack literacy skills.

- 13.4 Provisions in State and Federal Occupational Health and Safety (OHS) legislation must be strengthened to ensure access to training for employee representatives on OHS committees and for education programs to be run in worktime. OHS education should be multilingual. Training materials should be prepared for OHS employee representatives, providing education on OHS issues of particular relevance to women, including stress and sex-based harassment.
- 13.5 Mandatory courses on OHS should be included in the training of doctors. Such courses should include practical experience in white and blue collar work areas, to be organised in conjunction with unions.
- 13.6 Legislation should be strengthened to ensure that employers must provide for the establishment of OHS committees, and that women must be proportionally represented on any OHS Committee. The Government must work toward equal representation of women on Worksafe Australia.
- 13.7 It should be mandatory for workers and unions to have an input into decisions concerning the adoption of new technology, with women proportionally represented on technological change committees.
- 13.8 Employers must be encouraged to accept primary responsibility for providing worker welfare services, appropriate to the health needs of women. Worker stress and sex-based harassment must come within the employer's responsibilities. Accessible counselling should be provided, with guaranteed confidentiality.
- 13.9 Protective legislation covering limits on weights to be lifted by women and juniors should be thoroughly reviewed. The need to protect all workers from injuries arising from manual handling must be emphasised while the removal of discriminatory provisions is in itself vital. As long as existing provisions remain, equal employment opportunity will be unattainable in some industries. It must be recognised that weight limits alone are an ineffective protection measure and that strategies must be developed which take into account research evidence about the actual cause of injuries from manual handling.
- 13.10 Steps should be taken by employers and governments to reduce the incidence of stress and stress related illness amongst different groups of women workers, and plans of action advanced, for removing causes of stress and for providing support to workers experiencing stress-related illness.
- 13.11 Research needs to be funded into the effects on mothers of relinquishment of children for adoption. Government funding assistance should be provided to groups that support relinquishing mothers' mutual support groups.
- 13.12 Federal and State/Territory Governments should provide counselling, legal advice, information and support services for women considering relinquishing, and for those who have relinquished children for adoption. Services should also be provided for training health professionals likely to encounter single pregnant women and this training must aim to dispel myths about relinquishment. Reviews should be conducted of existing adoption policy and legislation and amendments made so that the rights and needs of relinquishing mothers are addressed. Printed advice on the legal and general implications of relinquishment should be made available to all women considering this option, in their own languages.

- 13.13 The Federal Government should fund a fact-finding mission into overseas adoption, which addresses the issues facing children and relinquishing mothers.
- 13.14 While acknowledging the complexity of our multicultural society, appropriate action must be taken to end all practices of female genital mutilation in Australia.



# **Australian Education Union**

## **Policy on Gender Equity**

**As adopted at the 2001 Annual Conference**

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*Federal Office*  
*120 Clarendon Street*  
*Southbank 3006*



# Australian Education Union

## Policy on Gender Equity

<b>Contents</b>	<b>Page</b>
Rationale .....	3
Principles Underlying this Policy .....	3
Implementation Strategies .....	5
Status of Women Educators .....	6

# Australian Education Union

## Policy on Gender Equity

### 1. RATIONALE

- 1.1 *“Progress in education requires building a culture of equity. In a culture of equity, all forms of injustice are automatically contested, and an ethic of mutual care, not the search for competitive advantage, is central to policy making”* stated Bob Connell. The AEU is committed to promoting gender equity in education settings to bring about a safe and challenging learning environment for all students. The AEU believes that the critical factor in achieving gender equity is cultural change.
- 1.2 While sex is biologically determined it is quite clear that gender is a construct of society. Children do not learn how to be female and male in passive ways. Rather individuals actively develop a gendered identity through interacting with the myriad messages and practices they encounter in society.
- 1.3 Gender is socially constructed and is fundamental in the development of self concept and in shaping the range of experiences and opportunities available to women and men. Gender responds to social change and accordingly differs from one society to another across social classes, ethnic and cultural groups and within the same society over time. Gender is dynamic and is influenced by class, religion, culture, geographic location, family and community.

### 2. PRINCIPLES UNDERLYING THIS POLICY

- 2.1 The AEU is committed to developing and maintaining ongoing partnerships between Federal and State systems, education settings and their communities parent and community organisations and industry, in the fulfilment of the long term goal of achieving gender equity.
- 2.2 The AEU Policy on Gender Equity recognises:
  - the gendered nature of education including VET programs;
  - the gendered nature of paid and unpaid work;
  - power and economic imbalances which exist between women and men;
  - different relationships of power and privilege in our society;

- some constructions of gender may result in destructive and oppressive forms of masculinity impacting negatively on both girls and boys;
  - some constructions of femininity impact negatively on girls;
  - that girls and women continue to be seriously disadvantaged compared to boys and men in employment and training;
  - sexuality as a gender equity issue.
- 2.3 The AEU believes that changing the culture of education systems and settings is fundamental to the achievement of gender equity. The culture of education systems, education organisations and their management structures and practices transmit strong messages about the value placed on participation of girls and women and boys and men in the education system and the wider society .
- 2.4 The AEU believes that educators' knowledge and understanding of gender equity are critical to bringing about this culture of change. Pre-service education and professional development is essential if educators are to address the construction of gender and the impact this has on teaching and learning.
- 2.5 The AEU believes that to achieve an equitable educational environment there must be system wide training for management about gender inclusive practices.
- 2.6 The AEU endorses and supports the principles for action set out in the MCEETYA document *Gender Equity: A Framework for Australian Schools*, as embodying and further developing the principles espoused in this policy, and urges State Governments and its members in educational settings to implement it.
- 2.7 The AEU believes that the promotion of effective and appropriate educational practice requires the commitment of federal and state systems and education settings to an integrated, holistic and adequately resourced Gender Equity Strategy which incorporates:
- curriculum reform;
  - organisational change;
  - equitable use of and access to space, facilities and equipment;
  - in-service support and professional development for educators;
  - participation of parents and the community;
  - a partnership with industry in post compulsory settings;
  - strategies for eliminating violence and harassment;
  - revised behaviour management strategies;
  - education in life skills for girls and boys;
  - strategies for promoting and implementing welfare policies and programs;
  - extra time release within education settings for teachers to develop effective strategies and programs;

- funds to allow 'best practice' models to be developed and promoted across systems;
- full time gender equity workers to assist and advise teachers in early childhood, primary, secondary and post compulsory education settings;
- ongoing reflection and evaluation which is both internal and external and which involve partnerships between systems, schools and tertiary institutions;
- effective and appropriate monitoring and accountability mechanisms;
- a non-competitive approach to resource allocations;
- access to life long learning for women and men;
- personnel and employment practices which support diversity;
- the re-establishment of a national advisory body on Gender Equity;
- support for research and innovative practice.

### 3. IMPLEMENTATION STRATEGIES

3.1 The AEU strongly encourages each Branch and Associated Body to carry out the strategies outlined in the Gender Equity Action Plan (AEU 1997) and listed below:

- The AEU Federal office in conjunction with Branches and Associated Bodies should complete the development of an information seminar and materials for use by officials and members. These materials should include the collection of examples of best practice gender equity strategies/programs occurring in schools and institutions which can be published in AEU Journals and made available to members and put in the Federal Women's web site.
- Elected officials and professional officers of the AEU, its Branches and Associated Bodies should be actively encouraged to participate in professional development activities that raise their understanding of, and develop their confidence in, addressing key issues around gender equity.
- AEU Branches and Associated Bodies should target training and development funds for use in membership forums on Gender Equity as an integral part of the Union's ongoing professional training program.

3.2 Branches and Associated Bodies are encouraged to undertake, as a basis for ongoing action, research into educational outcomes for both girls and boys so as to identify which groups of students are educationally at risk. Women's Officers will continue to monitor outcomes of research and the implementation of Gender Equity policies around Australia.

3.3 The AEU recommends to Branches/Associated Bodies that they pressure federal and state governments to provide adequate resources for the implementation of the national policy *Gender Equity: A Framework for Australian Schools* in line with part 2.7 of this policy.

- 3.4 The AEU recommends to Branches/Associated Bodies that they pressure federal and state governments to implement the national monitoring mechanisms as set down in *Gender Equity; A Framework for Australian Schools*.
- 3.5 The AEU recommends that this initiative be supported by the re-establishment and/or the reinvigoration of union Gender Equity committees at state and territory level.
- 3.6 The AEU recommends that the *Framework* be re-promoted via Websites and state and federal publications.
- 3.7 The Action Plan document developed by the South Australian Education of Girls and Female Students Association in collaboration with the AEU (SA Branch) to assist in the implementation of the document *Gender Equity, A Framework for Australian Schools* has been adopted by the AEU as a resource for this policy. It is recommended to all Branches and Associated Bodies as a valuable tool for advancing the cause of gender equity in education workplaces.
- 3.8 Branches and Associated Bodies, via the Women's Committee, are to develop an ongoing list of gender equity resources at the state and territory level to be available to members via the AEU website.

#### **4. STATUS OF WOMEN EDUCATORS**

- 4.1 The AEU believes that the implementation of gender equity strategies for students will not be successful whilst inequalities and gender segmentation continue to occur within the education workforce. We cannot ignore the contradictions between the stated objectives of gender equity policies and the reinforcement of gender stereotypes that occurs whilst women are excluded from leadership positions.
- 4.2 The report *Building the Foundations of the Future* (1999) shows that women are less likely than men to apply for promotion, and therefore, more males seek and obtain leadership positions in schools and workplaces. Work overload, stress and family reasons were the three main reasons that prevented women from applying for a promotional position.
- 4.3 The AEU Federal Executive therefore calls on the AEU and its Branches and Associated Bodies to place gender equity firmly on their agenda as a union issue and to pressure for change within institutions to overcome the gender inequities currently present.
  - 4.3.1 As part of this commitment AEU Branches and Associated bodies should continue to raise with systems the position of women in the teaching workforce and the gender segmentation of promotional positions.
  - 4.3.2 The AEU recommends that matters to be raised with systems include the commitment of systems to the development and implementation of

strategies to address gender equity issues for women educators and the establishment of accountability and monitoring mechanisms within systems to measure improvements in this area.

- 4.3.3 The AEU demands that state and territory education and training authorities monitor and maintain current and accurate records of the gender profile of the education workforce and that they make these records publicly available. The AEU will maintain an annual national compilation of such records.

# Teacher Leave Entitlements - Maternity Leave

Attachment 3

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
<b>Entitlement</b>	52 weeks.	52 weeks - with top up leave to the end of next school vacation or end of school year	52 weeks.	12 months full time or up to 24 months part time. Maternity leave as long as effective full time does not exceed 12 months	See Family Leave	52 weeks	52 weeks. Begin no earlier than 20 weeks before expected birth. Begin/end no later than 6 weeks before/after birth unless medical cert. provided that states "fit for work".	52 weeks
<b>Paid</b>	12 weeks	6 weeks full pay	6 weeks full pay or 12 weeks half pay. No pay lost if overlap with holidays. Exclusive of school holidays	6 weeks full pay before anticipated date of birth. 6 weeks half pay after anticipated date of birth	12 weeks full pay	4 weeks	12 weeks if employed for 12 months.	12 weeks full pay or 24 weeks half pay.
<b>Pre-Natal</b>			5 Days (For both full and Part time. additional					
<b>Take in conjunction</b>	LSL	LSL	LSL		LSL	LSL, Relief teaching all	LSL & Recreation leave entitlement.	LSL



<b>Eligibility</b>	F/T	Permanent female & contract within time of employment with 12 months service	Permanent and temporary female teachers with 12 months service	Full time - 40 weeks continuous service for paid leave. Casual teachers can access paid maternity leave if they complete 40 weeks full time work abutting to Anticipated date of birth.	26 weeks teaching service in 12 month preceding	Perm. Temp. female and TAFE teachers within fixed term contract	Perm. and Temp. within period of appointment	Permanent & temporary female teachers after 12 months
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## Paternity Leave

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
<b>Entitlement</b>		<i>Schools sector:</i> unpaid leave up until child reaches 6 years of age. To be negotiated yearly.  <i>Children's Services:</i> unpaid leave for 12 months	5 days paid leave. Spousal available 1 July 2001	12 month, can be extended up to 24 months on part time paternity leave as long as effective full time does not exceed 12 months reduced by any Maternity leave taken. Paternity leave at girth can be taken as LWOP or FACS leave.	See parenting leave.	52 unpaid weeks including 1 week at birth. Access to 3 days paid carers leave at birth.	Access special leave and Carers leave (latter from sick leave and requires a medical certificate stating condition of partner or family member. Not specifically paternity.	See parenting leave.
<b>Paid</b>			5 days paid spousal plus additional 5 days emergent/compassionate leave	Nil	5 days	Remote Teaching Service 3 days.	3 days - special 5 days - carers	Nil
<b>Eligibility</b>		None	Temporary and permanent teachers.	Full time teachers. Male - Primary Care giver. Casual teachers cannot access this provision			Not Casuals	Permanent Officers

# Adoption Leave

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
<b>Entitlement</b>		Leave as per formal adoption 1 day pd/occsn. For adoption proc. 12 months unpaid. Leave for the care of an adopted child under 2 years of age.	3 weeks unpaid on placement and up to 52 weeks unpaid for primary caregiver	6 Weeks half pay on placement of the child. Prior to picking up child can use LSL, LWOP or FACS leave and any accumulated FACS leave. Then up to 12 months full time or up to 24 months full time or up to 24 months part time as long as effective full time does not exceed 12 months.	6 weeks paid	52 weeks unpaid; 2 - 3 days unpaid for adoption process.	6 Weeks.	3 weeks unpaid on placement and up to 52 weeks unpaid for primary caregiver
<b>Eligibility</b>		Permanent and Contract	Permanent employee	Full time female teachers are entitled, while full time male teachers are now able to apply to this leave. Casual teachers cannot access this provision.	Eligibility as per maternity leave		Male and Female teachers not casuals.	Male and Female teachers

## Parenting Leave

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
	Up to 6 years LWOP	Unpaid 1 school year extensions till child 6 years.  Eligibility: Permanent	Up to 7 years for primary caregiver	Child rearing LWOP max: 3 years available to full time staff (on top of Maternity leave)	7 years including paid & unpaid. Additional LWOP for subsequent births	52 weeks unpaid extended LWOP - up to 3 years. Position at school maintained for 2 years	Can be taken in lots of 3 years. Employer's discretion. LWOP available.	Up to 4 years after 12 months maternity leave

## Special Leave *(including Bereavement, Emergency etc.)*

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
	Eligibility: Males and Females 12 months service. LSL and Rec. Leave taken in conjunction.	Special leave inc. Bereavement, Emergency, etc - up to 3 days Bereavement - contract teachers eligible for 0.75 days for each full term in the contract. LWP inc move house, family illness/care of sick child (3 days) urgent pres.	Bereavement; 2 days per occasion. Emergent/compassionate leave; 3 paid, 5 unpaid per year eg taken by father/partner at birth.	3 days during first 12 months. 6 days on completion of 12 months. 6 days every 2 years. Cumulative for full time and casual teacher 100 days. Casual teachers 'non-100 day' do not access this provision. Casual teachers '100 day' are entitled to this.	Pressing necessity 3 days LWP for death or serious illness, special circumstances.	Bereavement: 5 days paid leave  Community colleges; 3 days paid  TAFE; 5 days paid leave	Bereavement - 3 days LWP, on each occasion	Bereavement leave - 3 days.  Special leave - incorporated into Personal leave.

## Carers Leave

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
	Bereavement - 3 days LWP 3 days LWP for emergencies	Up to 5 pays to care for sick family members or members of household. Not accruable.	Access any emergent leave, then access sick leave accrued from entitlement 1/7/1995	<p>After FACS leave exhausted can access regular sick leave, then 3 years accrued sick leave to provide care to family/ household member/s.</p> <p>Bereavement leave 2 days paid leave 'discretionary' of DET currently disputed by Teachers Federation following IRC decision stating 'Mandatory'.</p>	Standard Carers Leave clause in Federal Award, ie: 5 days per year. Taken from accrued sick leave.	Use up to 5 days paid sick leave.	3 days LWP for illness of family member on each occasion. 5 days Carers leave per year taken from sick leave.	Up to 10 days of Personal leave per annum.

## Sick Leave

	<b>NT</b>	<b>SA</b>	<b>QLD</b>	<b>NSW</b>	<b>VIC</b>	<b>WA</b>	<b>TAS</b>	<b>ACT</b>
	Use up to 5 days of sick leave credits each year to care for sick family members. Medical Certificate necessary.	10 days per year - accrued LSL available if no sick leave	10 days per year.	22 full days and 22 days half within any yearly period. Accumulated S/L 20 days end of first year then 10 days per year minus every day taken during the year preceding. Special concession for S/L for each compl. decade is 22 days. Can access provision after 3 months S/L. Total 410 days S/L within teaching career then employer's discretion. Non 100 day casual teacher 20 consec. School days earns 2 days pd S/L. A break in service of 1 day will lose your S/L accum. 100	15 days full pay. (5 without certificate)	10 days per year full pay. 5 days half pay. Accrued LSL available if no sick leave.	20 days on commencement then 10 days per year.	Personal leave - 18 days full pay per annum.

## Long Service Leave

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
<b>Eligibility</b>	3 months after 10 years.	90 days after 10 years.	13 weeks after 10 years. Minimum 2 weeks. Access to 7 years pro-rata upon resignation . 9.1 weeks able to be accessed for family responsibilities after 7 years. (9.1 weeks) plus for parenting purposes in certain circumstances	2 cal. months after 10 years then 15 cal. days per year.	12 weeks after 10 years.	<i>Schools:</i> 13 weeks after 10 years then 13 weeks after 7 years.  <i>Community Colleges &amp; TAFE:</i> 13 weeks after 10 years and 13 weeks after 7 years.	65 working days after 10 years.	3 months after 10 years; pro-rata after 7 years.
<b>Minimum</b>	3 days as a block	Emergency, 1 day minimum.	2 weeks.  1/2 pay - double length LSL available for family or study purposes.	1 week	no regulation, practice 30 days.	<i>School:</i> taken as term or semester.  <i>TAFE:</i> taken as agreed.  <i>Community College:</i> 1 month.	3 weeks except emergency. Policy in 1 term lots.	15 days.

## Sport/Other Leave

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
		Sport - leave WP, Marriage, Jury Services - up to 15 days paid leave, Sporting events - International - up to 15 days, National - up to 5 days over 2 year period, Anzac Day leave 1 day.	Sporting leave up to 5 days special leave on full pay per calendar year. Marriage leave up to 15 days without pay (inclusive of 2 week mid-year vacation).	Sport LWOP	Marriage Leave	Paid leave to: Sport, Aboriginal Meetings, military, Jury, Study, Emergency Services, Local Government, Remote Teaching Service leave; after 8 semesters continuous teaching, 1 semester paid leave.	Sport - LWP, 5 days per year for state team, 10 days for national team.	At employer's discretion.



## Cultural/Ceremonial Leave

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
			Never approved by cabinet - at Principals discretion would be unpaid special leave.			Unpaid leave	None	None

## Recognition of Same-Sex Spouse for:

	NT	SA	QLD	NSW	VIC	WA	TAS	ACT
<b>Maternity Leave</b>			Birth mother entitled to maternity leave		Yes		No	No
<b>Parental Leave</b>			Spousal Leave		No - Paternity leave		Limited recognition and rights.	No
<b>Family/Carers Leave</b>			Can be used for member of immediate family or members of their household which is inclusive of same sex spouse.		Yes		Yes - to care for household member.	Yes

# NATIONAL CLAIM FRAMEWORK

(SCHOOLS AND EARLY CHILDHOOD SECTORS)

## Extract re Leave Claims

### 7. FAMILY RESPONSIBILITIES AND OTHER LEAVE

#### 7.1 Paid Maternity Leave

That female employees be entitled to 14 weeks paid maternity leave at their current salary and a further 38 weeks at 60% of current salary for each pregnancy with no service requirement for eligibility. Provided that where a period of maternity leave overlaps a period of school vacation for which the employee would otherwise have received normal pay, the period of paid maternity leave shall be extended by the length of that overlap.

#### 7.2 Family Leave/Parenting Leave

That employees be eligible for up to 7 years family leave/parenting leave for each child. One year of this leave to be counted as full service and there be no service requirement for eligibility. Employees will have a right of return from leave to own pre school/school.

#### 7.3 Paternity Leave

That employees be entitled to 15 days paid paternity leave, for each child, with no service requirement for eligibility.

#### 7.4 Adoption Leave

That employees be entitled to 14 weeks paid adoption leave at their current salary and a further 38 weeks at 60% of current salary for each child with no service requirement for eligibility.

#### 7.5 Foster Parent Leave

Persons acting as the primary care giver of a foster child will be granted:

- (i) up to six weeks on half pay on the child entering their care if the child is younger than 5 years of age

OR

- (ii) 3 weeks on half pay on the child entering their care if the child is over 5 years of age.

7.6 Bereavement Leave

That employees be entitled to 30 days paid leave every 3 years to be accessed at any time. Backup provision of 3 days per occasion if entitlement is used.

7.7 Emergent/Compassionate Leave

That employees be entitled to 5 days paid leave per year, cumulative.

7.8 Carers' Leave

That employees be entitled to 20 days paid leave in each two year period, cumulative. After accrued entitlement to carers' leave has been used, employees may access any accrued leave (sick, LSL, etc).

7.9 Sick Leave

That employees be entitled to unlimited paid sick leave. Medical certificates, which shall remain in confidential terms, may be required after 3 consecutive sick days.

7.10 Infectious Diseases Leave

That unlimited paid sick leave, as per clause 7.9 above, be available for infectious diseases leave.

7.11 Long Service Leave

That employees be entitled to 77 working days long service leave after 7 years service. Further long service leave will accrue at the rate of 21 working days per year. Pro rata payment for long service leave on resignation payable after 5 or more years of service.

That long service be available to be taken at full pay, or as twice the number of working days leave at half pay, or as any mixture of full and half pay leave, at the discretion of the employee.

7.12 Cultural/Ceremonial Leave

That Aboriginal and Torres Strait Islander employees shall be entitled to leave with pay for ceremonial and customary purposes in connection with the observance of the ceremonial and customary events, and for cultural leave including days designated by the National Aboriginal and Islander Day Observance Committee. The leave granted on each occasion shall include necessary travel time.

7.13 Industrial Leave

That employees be entitled to unlimited leave without pay for the purpose of working for a the AEU, an associated body, or a Trade Union peak organisation to which the AEU is affiliated. Any such period of leave shall be considered service for salary increment/seniority purposes, and shall not constitute a break in service for other purposes.

Employees will have a right of return from leave to own pre school/ school.

7.14 Leave Without Pay

That employees be entitled to up to 7 years leave without pay for any purpose on any one occasion. Leave without pay shall be available both for short leave requirements and for extended leave requirements. Employees will have a right of return from leave to own pre school/school.

7.15 Professional Development (*Sabbatical*) Leave

That employees be entitled to 6 months paid leave in each five year period for professional development (*sabbatical*) purposes. This leave may be aggregated up to a maximum of 12 months leave. This leave entitlement shall be fully portable with respect to all state school employment and employment with any commonwealth, state or territory public service. An additional allowance of \$5,000 shall be available with respect to each 6 months of professional development (*sabbatical*) leave to cover expenses associated with relocation, enrolment and study, travel, etc. Policies and procedures governing professional development (*sabbatical*) leave shall be negotiated with the Union, and shall include specific extra provision for professional development (*sabbatical*) leave and mentor support for indigenous principals.

7.16 Professional Development Leave - *Ongoing*

That in addition to professional development (*sabbatical*) leave, employees be entitled to a minimum of 10 days paid release per annum for ongoing professional development activities, to be undertaken in term time/teaching weeks. Policies and procedures governing such professional development leave shall be negotiated with the Union, and shall include specific extra provision for professional development leave and mentor support for indigenous principals.