

**SUBMISSION**

**on the**

**WORKPLACE RELATIONS AMENDMENT (PAID MATERNITY LEAVE) BILL  
2002**

**to the**

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION  
LEGISLATION COMMITTEE  
Suite S1.61, Parliament House, Canberra ACT 2600**

**Phone: 02 6277 3520 Email: eet.sen@aph.gov.au**

**by**

**FESTIVAL OF LIGHT  
4th Floor, 68 Grenfell Street  
ADELAIDE SA 5000**

**Phone 08 8223 6383 Email office@fol.org.au**

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## Bill based on flawed premises

The Workplace Relations Amendment (Paid Maternity Leave) Bill 2002, introduced in the Senate by Democrats Senator Natasha Stott Despoja<sup>1</sup> is based on two flawed premises:

- (1) that 14 weeks of paid leave for motherhood, an optional occupation, is a basic right of all female workers, similar to the right to holiday pay;
- (2) that such paid leave would somehow alleviate the physical demands of the later states of pregnancy, birth, recovery from birth and establishment of breast feeding, as stated in Senator Stott Despoja's second reading speech,<sup>2</sup> (although it is most unlikely that breastfeeding would be established within a couple of months, only to be abandoned when the mother rejoins the workforce).

The Bill provides "paid maternity leave for 14 weeks at or around the birth or adoption of a child for most Australian working women who have a child, at the level of the minimum wage or if they usually earn less than this, at their normal wage".<sup>3</sup>

While the Bill does not require the mother to return to the workforce after 14 weeks, the Bill is unfair to women who are not in the workforce when they become pregnant. These women receive nothing at all under the Bill.

In her second reading speech, Senator Stott Despoja says a government-funded paid maternity leave for working women is justified since "employers and the whole society benefit from women's labour and reproduction".<sup>4</sup>

## Childcare damage

The senator fails to acknowledge that the push for women to enter the paid workforce and leave their babies in childcare centres is creating serious problems for the whole society, and that the immediate benefits of maternal labour in the paid workforce in terms of an increase in national productivity may later be eclipsed by serious behaviour problems in the upcoming generation of children, leading to a significant reduction in productivity. The costs may outweigh any benefits. Government assistance which is limited to workforce mothers may prove to be contrary to the national interest.

An article, *Make mothers matter*, by child psychiatrist Dr Peter Cook [*The Australian*, 24/7/02, p 11.] underlines the problem:

Evidence that good mothering matters, both for the individual and for society, is steadily growing. New reports from the Early Child Care Network of the US National Institute for Child Health and Development increase concerns about early childcare and its effects on young people.

Some 25 top US scholars coordinate this multimillion-dollar study, following more than 1000 babies from birth, to compare the effects of maternal care with various alternatives. Fathering is important, but this article is about mothering.

In Australia we fund the Institute of Family Studies for expertise in family matters. In 1994 it published *Effects of Child Care on Young Children: Forty Years of Research* by Gay Ochiltree. She dismissed research suggesting risks in early childcare, especially US studies, arguing that Australian childcare is so good that American findings of adverse outcomes don't apply. She claimed: "No evidence has been found that good quality childcare harms children."

The NICHD Network reported in *American Educational Research Journal* that, although higher quality childcare was associated with better cognitive performance at 4, the more time during these four years that these children had spent in any type of non-maternal childcare, regardless of its quality, the more assertiveness, disobedience and aggression they showed with adults, both in kindergarten and at home.

At school one year later, they continued to be more aggressive and disobedient, not just

assertive or independent. So non-maternal childcare, whatever its quality, is associated with important risks.

NICHD warns that even modest adverse effects on behaviour can have serious social consequences when large numbers of children are affected.

NICHD studies also found that when children spent more time in childcare, their mothers displayed less sensitivity when interacting with them at six, 15, 24, and 36 months of age. Sensitive, responsive mothering through the early years was the best predictor of social competence at six years, which in turn predicts schooling success.

Early childcare also precludes longer breastfeeding, which, besides better health, is known to give significantly higher IQs in adults (Journal of the American Medical Association, 8/5/02).

The movement for women's "liberation", while advancing women in the workplace, devalued and undermined their role as mothers. This denied infants' needs for mothering, and mothers' needs to provide it.

Healthy mothering includes breastfeeding, holding, carrying, attachment bonds, and making infants feel loved. These basic needs of infants are hardly met in institutional childcare, especially when profits must be maximised in private centres. Professor Jay Belsky, a distinguished member of the NICHD Network, described a staff ratio of one carer to five infants under two (the NSW standard) as nobody's idea of quality, but rather a licence to neglect.

Childcare is now one of Australia's most profitable growth "industries" (BRW Rich 200, February 2). It promotes circumstances that fuel its own expansion, as two-income couples bid up the price of homes, and two incomes are needed to raise a family. Mothering is out. Childcare is in. **We pay almost anyone to look after infants except their mothers.** Mothering and fathering happen after work in "quality" time.

Yet Penelope Leach's large survey found that most child development professionals privately believe it's best for infants to be cared for mostly by their mothers. Like the NICHD studies, they don't support the view that parents are interchangeable, but that they complement each other.

We need to do whatever it takes to help women give their babies and young children the lifelong benefits of high quality mothering, and stop subsidising an ideology that promotes risky and inadequate substitutes.

## Sex Discrimination Unit Discussion Paper

The Democrats' Paid Maternity Leave Bill, like the Human Rights Commission Sex Discrimination Unit's Discussion Paper, *Valuing Parenthood: Options for paid maternity leave - Interim paper 2002*, seems to assume that paid maternity leave is a woman's "right" which will redress the "wrong" caused by motherhood in obstructing the progress of her career in the paid workforce, and hence will bring "equality in the workplace" to women.

This premise is not valid. Some young people choose to take extensive overseas holidays before they start, or in the middle of, their paid careers. This "time-out" for travel could impede the progress of their careers, just as time-out for motherhood may do. Motherhood is a voluntary undertaking - not all women choose to be mothers.

The first question should be: Is motherhood any more deserving of special paid leave than time-out for any other reason? If motherhood or travel adds to an employee's skills and experience, it may be in the employer's interest to pay for leave.

But if motherhood is in the interest of the nation as a whole - not of the employer - then the nation as a whole should look at ways to value and encourage motherhood, in the broader context of what is best for both mother and child, and what is fair for all mothers, not just those who happen to be in the paid workforce.

## Australia's falling fertility rate

The motivation behind moves to grant women paid maternity leave appears to be the alarming drop in birthrates in the Western world, including Australia. This decline, if not arrested, is

expected to lead to serious economic and social problems within the next few decades. There will not be enough young people to pay enough taxes to support social welfare systems. It is clearly in Australia's best interests to encourage its citizens to have children - provided that the children are raised in stable, secure environments likely to foster well balanced development.

As the Discussion Paper points out, Australia's fertility rate is 1.75 - well short of the replacement rate of 2.1. It reflects a downward trend from 3.5 in 1961 to 2.9 in the early 1970s, 1.9 in 1980 and 1.9 in 1990.

However apart from a few exceptions, Australian women did not have paid maternity leave in 1961 - when the fertility rate was highest.

Right now, Australia is one of only two countries in the OECD area that does not have any form of paid maternity leave.<sup>5</sup> The other country is the US.

However most of the other OECD countries with paid maternity leave have a lower fertility rate than the US and Australia. Spain, for example, has a fertility rate of only about 1.1 - far lower than our 1.75.

Thus paid maternity leave may not achieve any increase in our fertility rate. It may even have a counter-productive effect.

Paid maternity leave may encourage mothers to return to the workforce and place their children in long daycare which has now been shown to be harmful to children placed there at a young age for more than two or three days a week.<sup>6</sup> Such mothers may not be able to bond with or enjoy the company of their aggressive and uncooperative child. They would not be able to breastfeed successfully for more than a few months, depriving their children of the increased intelligence and other benefits which breastfeeding provides.<sup>7</sup>

Such mothers may then decide to limit their family to just one child - who, because of social and learning difficulties caused by formal daycare, may later become a drain on society rather than a contributor to it.

Rather than encourage women to re-enter the paid workforce when their babies are young, governments should provide extra support for mothers to breastfeed and care for their preschool children in an optimal environment. Governments should promote opportunities for part-time rather than full-time work for mothers of young or school-age children.

## **‘Middle class’ welfare**

Senator Nick Minchin has been quoted as saying that paid maternity leave is “middle class welfare” which discriminates against full-time mothers who do not wish to go back into the paid workforce when their baby is a few months old, or who were not in the paid workforce because they have other children they are caring for.<sup>8</sup>

## **What motivates mothers to have three or more children?**

If Australia is to institute any system of motherhood support in order to increase the fertility rate, it would make sense to ask why a mother would want to have more than one child.

Columnist Angela Shanahan, writing on this subject in *The Australian*,<sup>9</sup> says the government

should ask the 27% of women who have three or more children what motivates them. “I’m one of them,” she writes. “But no one will listen.”

Shanahan seems to see the push for paid maternity leave as a part of a “ploy by a small group of careerists to trick the public into getting the working conditions they want without any regard for the preferences of the majority of working families”.

Shanahan quotes the Australian Bureau of Statistics figures for 2000 -1, which show that the majority of women whose youngest child is under five do not work. Only about 15 per cent work full time. About 30 per cent work part time, and one hour is considered work. There is a slight rise in the number working full time when their youngest child is 5-10; 25 per cent work full time and about 40 per cent work part time. There is a substantial rise in the numbers working when the youngest child is in the 10-14 or 15-24 age bracket, and part time employment is still favoured.

Shanahan sums up: “Overall, about 30 per cent of mothers are never in paid employment and most of those who are, work part time. They do this not because they see themselves as autonomous, career-oriented workers, but to top up the family income...

“But the careerists and the ‘new family’ theorists such as Peter McDonald, say the family has essentially changed. If we had policies such as maternity leave, they say, mothers would be encouraged to go back to work.

“They might, but that is not what most people think is best for children. And this is where it might pay policy-makers to listen to the baby-makers...

“(Paid maternity leave) might make a difference to women working full time, who might not have any more than one or two children. But it will make no difference to the army of casuals and part-timers.

“What will make a difference to these women is longer leave. This is something that is only beginning to be discussed in Australia. The shop assistants union - which has one of the highest number of female employees, and which has been able to secure 18 months leave for some employees - would like to see Australia come into line with the European standard and offer women three years’ leave - a worthy aim.

“But as a factor addressing the birthrate, it is completely irrelevant. That is another story and it isn’t predicated on the economy, as all Western nations have discovered. The key to that is in our moral outlook.”

## **Other options for encouraging parenthood**

The Howard government’s “baby bonus” is a positive step in encouraging parenthood. It does not limit support of the mother and baby to just three months - it recognises a desire by parents for the mother to be able to bond with, breastfeed and care for her baby for an extended period.

Further tax law changes to allow income splitting for married couples with children would ease the unfair financial burden on families struggling to raise children on one income, with only one tax-free threshold.

Some family advocates have proposed a “homemaker’s allowance” to support parents who help the nation by staying home to raise their children.<sup>10</sup>

Other children-supporting options include child tax rebates or taxing the family as a unit, not individuals within it.

Most of these measures have the advantage of being beneficial to all families with children, not merely “middle class welfare” aimed at “careerist” women. They encourage care for young children within the family, an environment which studies show is most beneficial for optimal development.

## Conclusion

The Workplace Relations Amendment (Paid Maternity Leave) Bill 2002 discriminates unfairly against mothers who are not in the paid workforce. The Bill could have the effect of encouraging more mothers to leave young babies in childcare, to the detriment of those children and to the nation as a whole.

The Bill should be rejected on principle.

## References

1. Senator Stott Despoja, Senate Hansard, 16 May 2002, p 1696.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. Study by Dr Kay Margetts of the University of Melbourne, reported in *The Australian*, 22/5/02, p 1. This study found that children perform worse academically, socially and emotionally in their first year of school if they have previously spent 30 or more hours per week in non-parental care. “The earlier the child is placed in formal group care, the more detrimental the impact,” Dr Margetts said. This research is in line with a recent large US study (*The Australian*, 12-13 May 2001, p 9).
7. A study published in the 8 May 2002 edition of the Journal of the American Medical Association has found that infants who are breastfed for 7 - 9 months have a small but significant gain in intelligence that lasts into early adulthood. Other breastfeeding benefits include better protection from infections, intestinal problems and respiratory conditions such as asthma - see Endeavour Forum Newsletter, Vol 107, July 2002, p 6.
8. Endeavour Forum Newsletter ([www.endeavourforum.org.au](http://www.endeavourforum.org.au)) No 107, July 2002, p 1 .
9. Shanahan, Angela, “Myths of mums in the workforce”, *The Australian*, 14/5/02, p 11.
10. Westmore, Peter, “Census figures show decline of the family unit”, *News Weekly*, 29/6/02, p 9.