

**Submission to the
Senate Community
Affairs Legislation
Committee inquiry
into the Fairer Paid
Parental Leave Bill
2016**



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About the Health Workers Union-Victoria

The Health Workers Union has a proud history since its inception in 1911 of fighting for workers' rights and better work conditions in Victoria's hospitals and other healthcare facilities. We are a strong and growing union that aims to use its combined power to improve working conditions and to maintain reasonable wages and benefits for our members. The Health Workers Union (HWU) of Victoria represents a broad spectrum of workers employed in hospitals, pathology, dental, aboriginal, disability and aged care services.

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Recommendations

The following recommendations aim to improve the governments Paid Parental Leave Bill 2016 currently being explored by the Australian senate:

- We urge the senate to reject the Bill in its current form!
- The Bill should be amended so that it increases the proposed Paid Parental Leave Entitlements limit from 18 weeks to 26 weeks, resulting in an increase of \$5,382 for the average mother.
- Australian Paid Parental Leave Entitlements should be means tested.
- The federal government must introduce Bills and other regulations that aim to stop loopholes used by large multinational corporations, the banks and mining companies to avoid paying their fair share of taxes!

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Introduction

The Health Workers Union (HWU) welcomes the opportunity to contribute to this inquiry by providing feedback to the Senate Community Affairs Legislation Committee inquiry into the Fairer Paid Parental Leave Bill 2016. We are disappointed that the government has chosen to revisit Paid Parental leave Entitlements with the view of reducing the number of parents able to claim paid parental leave. We urge the senate to reject the Bill in its current form!

Our submission has been informed by a review and examination of paid parental leave practices within Australia, OECD and European countries. Feedback was also obtained via substantial consultations with HWU employees and members, case studies that HWU organisers obtained from HWU members and from health workers that were not affiliated with a trade union.

In order to ensure that this submission represents the diversity of the HWU membership, workers' from a broad range of occupational backgrounds that work within metropolitan, rural and remote areas of Victoria's health system were invited to provide verbal or written feedback to the HWU. We have included their feedback in our submission. These individuals are representative of tens of thousands of other health workers statewide and we thank them for taking the time to share their stories.

According to the Parliament of the Commonwealth of Australia House of Representatives Fairer Paid Parental Leave BILL 2016-EXPLANATORY MEMORANDUM, Financial Impact Statement, the financial impact over the forward estimates of the revised measures in this Bill is an indicative saving of \$1,179.9 million based on a 1 January 2017 commencement date.

The Turnbull government have recently stated that they would save \$1.2 billion over four years by preventing new parents from receiving the full 18 weeks of government-funded leave if their employer offers a more generous parental leave

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scheme. And they propose to make the savings by either reducing or cutting 80,000 women's taxpayer-funded entitlement.

The Health Workers Union believes that the projected savings do not justify the amount of time, work and money that the Fairer Paid Parental Leave Bill 2016 and subsequent senate inquiry will spend. Unfortunately, this Bill appears to be driven by the Coalitions blind Ideology and demonstrates that the Right Wing of their parties have taken control and are moving Australia down a path inconsistent with Australian values.

The Health Workers Union believes that the government would better serve the public interest by introducing Bills and regulations that focus on closing the loopholes that multinational corporations and Billionaires like Clive Palmer use to avoid paying their fair share of taxes. This course of action would result in savings that far exceeded the estimated savings of \$1.2 billion over four years if the government succeeds in reducing or cutting parents Paid Parental Leave entitlements.

The Current Paid Parental Leave Scheme was only introduced in 2010

The current Paid Parental Leave scheme entitles the mothers to claim up to 18 weeks at minimum wage, of which two weeks can be claimed by the carer's partner. The scheme is means tested resulting in women earning more than \$150,000 not qualifying for the scheme.

Additionally, the National Employment Standards (NES) allow a parent to take up to 12 months of unpaid parental leave. The above payments are based on eligibility criteria including caregiver status, amount of work completed prior to leave, income, residency and when the employee returns to work.

This scheme was recently introduced after the Productivity Commission examined the issue in detail during 2008/9. It's worth noting that the current scheme was passed into law by parliament in 2010 after the Rudd government

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secured the Coalition's support (only after the opposition gave up on an amendment that would have reduced the burden on small businesses by exempting employers from having to administer the scheme). It was Australia's first universal paid parental leave scheme, catching up with the rest of the developed world.

The government of the day with the assistance of the Productivity Commission (and the hundreds of submissions sent by the public and organisation) did not design the scheme as a top-up scheme. Instead, the scheme was designed to supplement payments available under existing employment arrangements.

The current paid parental leave scheme recognises that some new parents have rights under their existing employment agreements, so the policy was explicit that the parental leave pay can be received in addition to other entitlements including employer-provided parental leave. So before the senate approves the proposed changes to the current scheme, we urge them to examine the purpose of the Paid Parental Leave Policy 2010!

Social Policies have been designed to assist Families & Communities

According to a report released by the McKell Institute (2013) and the OECD Better Life Index, Australia (2014), Australian's work some of the longest hours in the developed world and are spending more years in the workforce than ever before. In an interview with Jessica Irvine, the National Economics Editor, News Corp Australia Network (2014), the secretary of the Australian Council of Trade Unions, David Oliver stated that "As Australians, we work hard, and we deserve our holidays and sick leave". I would add to that comment by stating that we deserve the best paid parental leave entitlements!

Due to the long hours that Australian's spend at work, it is understandable why some people are delaying having children and others deciding to remain childless couples. Recognising this, the Howard and Costello government called

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for Australian's to have more children and introduced a baby bonus to encourage parentless families to have children! So, Paid Parental Leave and other social policies, such as family benefits and child care, should be thought about outside of economic rationalism and budgetary savings.

The unfortunate phrase 'double-dipping' first used by the Treasurer Joe Hockey is based on the idea that parents who have access to paid parental leave from other sources should not be allowed to receive government support. This argument clearly portrays parental leave payments as a welfare payment that should be given only to those in need.

To begin with, the current scheme was not designed to be a welfare payment! The purpose of paid parental leave is to allow parents to take time off from employment, while keeping their foot in the door when it comes to their employment. The introduction of parental leave payments was a policy response to assist people to participate in the workforce and to also raise children.

Clearly this policy is in line with the Howard and Costello policy relating to the Baby Bonus (or could it have been a cynical political election sweetener). Australia's population is ageing and we desperately need more of our citizens participating in the workforce. If we accept that working and parenting need to co-exist, then a strong case can be made for generous paid parental leave entitlements for new working parents. Surely the Coalition can understand this argument or reasoning!

All these policies have been designed to assist families! The rearing and bearing of children is a complex task and parents need as much support as they can to raise a healthy child that can grow up to contribute positively to the Australian community. In fact, developmental Psychologist, Paediatricians and other experts state that the first few weeks and years of life are importance when it comes to parent child bonding and attachment. The impact of parental bonding and attachment must not be understated (World Health Organisation, 2016;

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Ainsworth & Bowlby, 1991; Bretherton, 1990; Ainsworth, 1989; Hinde & Spencer-Booth, 1967; Klein, 1932).

These early relations set up the building blocks of our personality and result in the formation of our Internal Working Models of Attachments (IWMA), which remain relatively constant or unchanged throughout our lives. IWMA effect how we perceive and interact with our environment and are difficult to change because they remain hidden in our unconscious (World Health Organisation, 2016; Ainsworth & Bowlby, 1991; Bretherton, 1990; Ainsworth, 1989; Bowlby, Ainsworth, Boston, & Rosenbluth, 1956). So we need to introduce policies that encourage parents to spend as much time as possible with their toddlers and children.

The World Health Organisation (2016), DHS (2012), Ainsworth & Bowlby (1991) Bretherton, (1990) and Ainsworth (1989) recommend that infants should be breastfed for the first six months of life, with supplementary breastfeeding until at least the age of two. These recommendations were critical in the design of the 2010 paid parental leave policy; with the Productivity Commission report (2009) stating that:

“a leave period of 18 weeks of postnatal leave (as proposed in the draft report), combined with adequate payment levels appropriately balances the above considerations. Such a duration would provide the overwhelming majority of parents, more than 90 per cent according to preliminary estimates, the option of taking at least 26 weeks of leave without undue financial stress”

The Workplace Gender Equality Authority (2016) data shows that in 2015, less than half of employers (48.2%) provided paid parental leave. Of those, 80.9% offered full pay and 8.6% topped up the government scheme to full pay. The average period of paid leave was 10.2 weeks. Additionally, 85% of mothers do not return to work within 18 weeks and 64% do not return before 26 weeks.

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Under the current arrangements, a new parent that is entitled to claim 10 weeks leave on full pay from their employer would also be entitled partner pay of two weeks and 16 weeks of Parental Leave Pay. The combination of this leave would enable the family to claim up to 26 weeks leave.

The current Paid Parental Leave Bill 2016 would restrict leave to eight weeks of parental leave pay following the employer-funded leave. This puts the family in a predicament of making a choice of either returning to work or remaining on unpaid parental leave for the remainder of the recommended 26 weeks.

Work life balance in Australia

According to The Australian Work and Life Index (2014) (AWALI), the work-life interference continues to be a persistent challenge in Australia despite some changes in childcare, parental leave and employment law over the past two decades. Skinner & Pocock (2014) reported that the challenge of balancing our work and life responsibilities has an effect on a wide range of workers, including their families and the community at large. Women, mothers and other working carers appear to be adversely affected the most.

AWALI (2014) substantiates the claim that the length of working hours and the fit between actual and preferred hours are critical issues. Women are especially pressured by time constraints. It is also important to highlight that not all working hours are the same: those who work on Saturday and particularly Sunday have worse work life interference.

Unfortunately, the Coalition government is also aiming to cut penalty rates in Australia. Add this act of sabotage to their plans for PPL, then it becomes obvious that working families seem to be a soft target for the Coalition to shake down-even if they only collect a few pennies!

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In addition to the length of working hours, the scheduling of these hours also has the potential to create substantial work-life demands and strains. Skinner and Pocock (2014) reported that working early mornings, evenings or nights not only presents challenges to biological functions such as sleep, it is often incompatible.

Women who worked part time involuntarily were five times more likely to have spent a substantial portion of the year unemployed than those who worked part time voluntarily. Their male counterparts were nearly four times more likely to have had long stints of unemployment in the prior year. In contrast, only 5 percent of women and 6 percent of men who worked full time spent more than thirteen weeks of the year unemployed (Wilson, 2013).

It is well known that families that struggle financially are more likely to experience family dysfunction and higher rates of domestic violence. They are more likely to experience prolonged periods of stress that negatively impact the individuals and families mental health.

These facts have a flow-on effect in terms of health service usage-physical and mental health services, primary healthcare services, consume more medications for treating their ailments and experience a poor quality of life. Therefore, a generous PPL scheme is important for families and the society.

The Fairer paid parental leave Bill 2016

This Bill introduces the revised arrangements for the Paid Parental Leave scheme announced in the 2015-16 Mid-Year Economic and Fiscal Outlook which replaces the Fairer Paid Parental Leave Bill 2015, announced in the 2015 Budget. The Bill also, includes a measure previously introduced in a 2014 Bill.

The revised package introduced by this new Bill apparently responds to community concerns and addresses feedback provided by relevant stakeholders. The HWU cannot identify who in the community expressed concerns and was not

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invited to provide feedback as a relevant stakeholder!

Some of you may recall the former Treasurer Joe Hockey describing families who claimed government funded paid parental leave and received employer funded benefits as “double dippers”! Perhaps, the former treasurer and his advisors were the community members that expressed concern about the current parental leave entitlements.

On the 10th of November 2016, the Senate referred what the Turnbull government calls “The Fairer Paid Parental Leave Bill 2016” to the Senate Community Affairs Legislation Committee for inquiry and report. The final date for accepting submissions was set for 16 December 2016 and the reporting date is 15 February 2017.

What do the changes mean to parents that may need to claim paid parental leave?

As a consequence of the Turnbull government succeeding in advancing their aim to change the current paid parental leave arrangements, pregnant women and their families face growing financial insecurity. At present, all eligible new parents (the current paid parental leave scheme is means tested) are able to claim 18 weeks of government funded paid parental leave regardless of whether they receive an employer provided benefit. Government funded leave is paid at the minimum wage (which is \$672.70 per 38 hour week before tax).

In the revised package, government-funded parental leave pay will be targeted at individuals who have no employer-provided paid primary carer leave, or whose employer-provided paid primary carer leave is for a period less than 18 weeks or is paid at a rate below the full-time National Minimum Wage.

In other words, if the senate approves the changes, government entitlements will only “top up” workplace benefits to give parents a total of 18 weeks leave. That’s why the HWU urges the senate to reject the governments Bill in its present form.

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Unintended consequences of proposed changes for employers

The federal government's proposal to amend paid parental leave may result in short term fiscal gains but overlook the long term implications. In the following sections of this submission the HWU will explore some of the unintended consequences of the Bill that may result in the government spending a lot more money on paid parental leave in the long term.

The proposed change and its implications for employers particularly those employers with their own PPL schemes in place will be significant! The eligibility of a new parent to access the government PPL scheme is independent of any entitlements that an employee may have under a PPL scheme of their employer. In practice, many employers have made their PPL schemes complementary to the government scheme. For example, by supplementing the level of payments to the employee's actual salary!

The limitations introduced by the Paid Parental Leave Bill 2016 will result in only employees receiving less than 18 weeks' PPL at the National Minimum Wage from their employer receiving any government support. Employees able to claim generous employer-funded schemes offering greater than this amount will lose \$11,500 in financial assistance. Where an employer offers PPL which is less than 18 weeks' pay at the National Minimum Wage, the government will top up the amount in order for it to reach the maximum level.

If the government is able to implement the new scheme from 1 July 2017, this change will mean that employers currently offering PPL entitlements in excess of the government scheme may reconsider whether they continue operating their own PPL schemes.

For employers who currently provide less or only little more paid parental leave than the government does, abandoning their schemes as soon as possible is economically logical or a no brainer! As a result, any potential savings for the

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government from its new Bill could be a lot lower or over the long term, the government may end up in deficit.

Additionally, any insurance system currently provided by the private market (in relation to paid parental leave entitlements) could be substantially eroded by the Coalitions attempt to change the current PPL scheme. We urge the senate to consider such factors before making their decision about the Bill before them.

However, there may be a number of hurdles preventing employers from immediately abandoning their PPL schemes as quickly as they would like to. Many employees have their PPL entitlements set out in their contracts, or enterprise agreements. Fortunately, trade unions will ensure that employers continue abiding by the enforceable contracts and enterprise agreements (usually negotiated by Trade unions on behalf of employees) until they are changed or renegotiated in consultation with the affected employees; and in the case of enterprise agreements varied in consultation with trade unions.

Before employers jump the gun and liberate themselves from PPL responsibilities, they need to consider the fact that PPL and other work conditions or entitlements play a significant factor in retaining and attracting employees. Employers will also need to alter their workplace policies and procedures to ensure that they are consistent with any changes to the governments PPL scheme.

Aged & disability care sectors & rural and remote regions of Australia need generous entitlements like PPL to attract and retain workers!

The Australian aged care sector is projected to be the fifth largest employer and its workforce is required to triple by 2050 to keep up with demand. According to the Australian Bureau of Statistics (2013) there were some 216,300 workers in residential care services in May 2013, mainly in the aged care sector. Over the next ten years, the number of residents is projected to grow significantly and the

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highest area of growth will be among residents aged 95 or over. About 6.1 million Australians are aged over 55, but only 6.0% live in retirement villages or residential aged-care facilities (Aged Care Residential Services Market Research, 2016 & King et al., 2013).

The Australian Institute of Health and Welfare (2014) and the Productivity Commission (2011) found that Australia's aged care sector is beset by multiple problems and requires significant changes to deal with future challenges associated with an ageing population.

Australia's aged care and disability sector has struggled to attract and retain workers and are often understaffed. This phenomenon can be attributed to low wages, high workloads, and a lack of job security, training and career development opportunities and entitlements such as PPL and PLSL (Australian Institute of Health and Welfare, 2014; Victorian Department of Health, 2014; Australian Bureau of Statistics, 2013; Productivity Commission, 2011).

The introduction of the NDIS Australia wide will result in the disability sector growing exponentially (NDIS Senior Officials Working Group, Consultation Paper, 2015). As a consequence, the disability workforce will need to almost triple by 2050.

Rural and remote regions of Australia also struggle to attract and retain an adequate workforce and face shortages of all types of health workers, including aged and disability care workers, allied health and medical staff. The National Commission of Audit (2014) and the National Strategic Framework for Rural and Remote Health (2012) identified this factor as a significant challenge and recommended that employers offer inducements or entitlements to workers as a way of recruiting and retaining a rural and remote workforce.

Given the aforementioned statistics, it is extremely important to offer workers entitlements such as PPL and Portable Long Service (PLSL) leave in order to

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attract and retaining an adequate workforce. Governments must work with various stakeholders including trade unions to ensure that this occurs.

Australia's PPL entitlements compared to the OECD and Europe

According to data compiled by the Organization for Economic Cooperation and Development (OECD) highlighted in Graph 1 below, the U.S. is the only country among 41 nations that does not mandate any paid leave for new parents. The least amount of paid leave required in any of the other 40 nations is about two months.

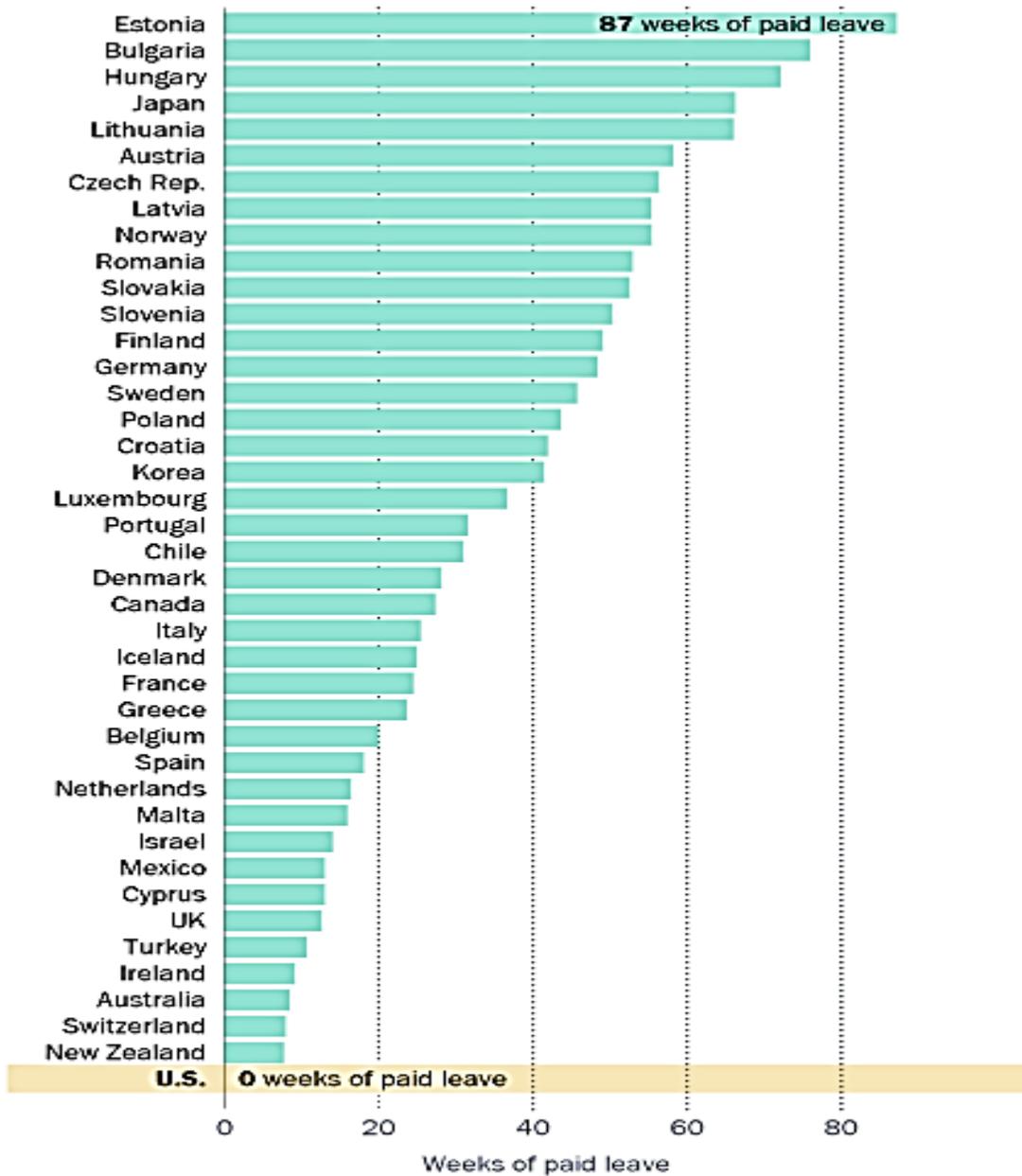
Working women in Australia that do not receive additional paid parental leave benefits from their employers are comparatively 11 times worse off than their equivalents in Estonia (Soldani, 2016). Australia's Parental Leave Entitlements fall below the average for OECD countries.

The availability and generosity of paid parental and home care leave varies considerably across the OECD and European countries. The OECD average entitlement available for mothers is about 36 weeks.

In contrast, most other countries offer between 26 and 52 weeks. However, 11 OECD countries offer no paid parental leave entitlements at all! However, paid parental leave entitlements must not be viewed through horse blinkers. That is, although Australia's paid parental leave benefits look ridiculously low compared to Estonia, Australia does offer other work entitlement and conditions as well as a generous welfare system and free hospital and education for all of its citizens.

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Graph 1: Comparison of 41 Nations total Paid Parental leave entitlements



The above table was compiled by PEW Research Centre. It includes paid parental leave entitlements in place as of April 2015. Estimates have been based on a full rate equivalent, calculated as total number of weeks of any paid leave to new parents multiplied by the average rate of earnings reimbursed for those leave weeks. It was sourced from the OECD Family Database.

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Estonia offers more than a year and a half of paid leave to new parents. Their PPL scheme is by far the most generous compared to any other countries. According to the OECD Graph above, a number of other countries such as Norway, Japan, Finland, Austria, the Czech Republic, Lithuania, Bulgaria, Hungary, Latvia, and Slovak Republic offer more than a year's worth of paid parental leave.

The total amount of leave available to new parents can be comprised of several types of leave:

- maternity leave, available to mothers around the time of a birth or adoption;
- paternity leave, available to fathers around the time of a birth or adoption; and
- parental leave, which is typically available after maternity or paternity leave.

In some cases, parental leave is allocated for mothers only or for fathers only. In other cases, it is available to either parent.

In 19 of 41 countries, the majority of all paid leave available is allocated for maternity leave. As a matter of fact, in Switzerland, New Zealand, Cyprus, Turkey and Ireland, maternity leave accounts for all accessible paid parental leave related to the birth or care of a child. These countries do not offer any leave for new fathers.

While paid leave is dominated by leave for mothers, leave earmarked specifically for fathers is now available in 31 of the 41 countries represented in the OECD data. In most cases, the amount of paid leave specifically for fathers is relatively modest (about two weeks or less). However, there are a handful of exceptions. In Japan, almost half of all of the available paid leave for new parents (30 weeks) is earmarked for new fathers; and in Korea, men are entitled to about 16 weeks

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of paid leave. Portugal, Norway, Luxembourg and Iceland are also relatively generous in this regard, assigning about eight weeks of leave or more for new fathers.

In most countries, a social-security-type system is used to fund the paid time off. However, in a small number of countries (including Australia), the employer also contributes to the paid parental leave entitlement payments. It's worth noting that while the U.S. is the only country that does not have a national paid parental leave entitlement, a handful of states have introduced Bills that entitle workers to paid parental leave (for example, Rhode Island , California, New Jersey have paid leave schemes in place.

The Government would be better served by increasing paid parental leave entitlements so that Australia can catch up to the rest of the world!

Finally, the HWU believes that the government should in fact do the opposite of what they are proposing and Instead of cutting entitlements, the government should be aiming to increasing the proposed limit from 18 weeks to 26 weeks, resulting in an increase of \$5,382 for the average mother.

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Conclusion

Given the fact that Australia has only recently established a national PPL scheme (during the Rudd government in 2010) that was examined by the productivity commission in detail, it would be a shame to amend our current PPL for the sake of saving a few dollars. The HWU urges the government and senate to find the strength and courage to increase the current PPL entitlements so that families can successfully juggle the responsibilities of employment and rearing and bearing that comes with having children.

We remind the Australian senate that existing PPL entitlements are lagging behind the rest of the world when it comes to the number of paid weeks parents are entitled to. Allowing the Coalition's Bill to pass the senate would result in Australia rating second last to the USA when it comes to PPL entitlements within the OECD and European countries. Surely we do not want our Industrial Relations policies to resemble those in the USA and Mexico.

Finally, many sectors such as the aged and disability care sectors and rural and remote regions of Australia experience critical shortages of workers and will continue to find it difficult to attract and retain employees. It is extremely important to offer workers entitlements such as PPL and Portable Long Service leave as a means of persuading them to work in the abovementioned sectors.

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