

## Submission to the Productivity Commission Inquiry into Paid Maternity, Paternity and Parental Leave

---

### Introduction

In December 2007 I was appointed as Western Australia's inaugural Commissioner for Children and Young People pursuant to the *Commissioner for Children and Young People Act 2006* (the Act). Under this Act, I have responsibility for advocating for the half a million Western Australian citizens under the age of 18 and to promote and monitor their wellbeing.

In carrying out my functions under the Act, the best interests of the child are the paramount consideration. I am also required to give special regard to the interests and needs of Aboriginal and Torres Strait Islander children and young people, and to children and young people who are vulnerable or disadvantaged.

In undertaking investigations and considering submissions in relation to the Inquiry, I encourage the Productivity Commission to have regard for Australia's international responsibilities under the United Nations Convention on the Rights of the Child (the Convention). Having ratified this Convention, Australia has committed to ensuring that "in all actions concerning children...the best interests of the child shall be a primary consideration."<sup>1</sup> This is not simply a moral debate; Australia has a legal obligation to the global community to assess continually systems and organisations that provide health and wellbeing services, and to examine whether the "best interests of the child" are being met.

I would like to support and offer congratulations to the Federal Government and the Productivity Commission in commissioning and undertaking an inquiry into this important issue, and particularly in considering the health and development of children. Often in areas of productivity and economic development the wellbeing of children is overlooked. So even where countries are affluent there can be poor outcomes in relation to the development of our children. Professor Fiona Stanley raised this paradox when discussing UNICEF research into child well-being in rich countries.<sup>2</sup>

*The amount of GDP alone does not predict good outcomes for children and young people. In fact the wealthiest countries performed relatively poorly compared with those with lower GDPs but whose policies focus more on family support, valuing parenthood (e.g. very good parental leave provisions), early childhood services and on reducing inequalities.<sup>3</sup>*

The consideration of a paid parental leave scheme is an important initiative, which has the capacity to address a range of issues such as gender pay differentials, discrimination in the workplace, labour shortages and workplace participation.

---

<sup>1</sup> United Nations, *Convention on the Rights of the Child*, Article 3

<sup>2</sup> UNICEF Innocenti Research Centre (2007) Child poverty in perspective' An overview of child well-being in rich countries (Report Card 7) Florence UNICEF Innocenti Research Centre Retrieved May 9, 2007, from <http://www.unicef-icdc.org>

<sup>3</sup> Stanley, Fiona (2007) *The importance of caring for children in Australian society* Family Matters No 76 Australian Institute of Health and Welfare.

However, it is the intention of this submission to focus on the consideration of such a scheme in relation to the needs and best interests of children.

### **International conventions**

The importance of paid maternity and other parental leave to the wellbeing of children has been identified in United Nations International Labour Organisation conventions. The *International Labour Organization – Safe Maternity and the World of Work 2007* report<sup>4</sup> discusses the importance of maternity protection at work for maternal and newborn health and how these need to be accepted as part of international labour standards.

The *International Labour Organization - Maternity Protection Convention 2000 (No 183)*<sup>5</sup> recognises the need for protections and support for women and infants. This should be acknowledged as a minimum benchmark and includes recommendations for:

- 14 weeks of maternity leave, including 6 weeks of compulsory post-natal leave.
- Cash benefits during leave of at least two thirds of previous or insured earnings.
- Access to medical care, including prenatal, childbirth and post-natal care.
- Health protection: the right of pregnant or nursing women not to perform work prejudicial to their health or that of their child.
- Breastfeeding: minimum of one daily break, with pay.
- Employment protection and non-discrimination.

### **The need for a paid parental leave scheme in Australia**

The Federal Government has taken significant steps in the development of a new agenda for the early years, including the introduction of universal access for all children in the year before formal schooling; an early years learning framework; a workforce strategy; enhancing the quality and extent of childcare; and consideration of early childhood centres or “hubs”. A paid maternity and parental leave scheme is a critical element to developing these initiatives into a holistic Early Years Strategy for Australia.

As Commissioner for Children and Young People in Western Australia, I support the introduction of paid maternity and parental leave on the basis of the needs of the child in the following areas:

#### *The need for close attachment and care in early stages of development*

Extensive recent research in neurobiological and social sciences has provided an evidence base for understanding how children’s development is influenced by the very earliest years of their lives.<sup>6</sup> What we now know is that early life experiences have a major impact on the development of the brain and later behaviour. We know that early relationships play a central role in favourable or unfavourable health and development of children, and that capabilities, emotions and essential social skills are beginning to be formed from the earliest weeks. The interaction of infants with their

---

<sup>4</sup> International Labour Organization – *Safe Maternity and the world of work* ILO 2007

<sup>5</sup> International Labour Organization - *Maternity Protection Convention 2000 (No 183)* <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C183> retrieved 20 May 2008

<sup>6</sup>Shonkoff, J. P. & Phillips D.A. (Eds.). (2000) *From Neurons to Neighbourhoods: The Science of Early Childhood Development*.

caregivers moulds these important areas. The difficulty or ease of managing workplace and family responsibilities for parents at all income levels and the need for children to spend time in childcare of variable quality from very early infancy impact greatly on these outcomes.

Support through a paid maternity leave scheme and other workplace initiatives can therefore have a significant impact on ensuring the best developmental outcomes for children, simply by providing greater opportunity for parental bonding and care.

*The reduction of financial and other stress on primary carers*

The provision of secure income through the first months after birth will enable a focus on the needs and health of the child and the mother at this critical life point. Having access to paid maternity leave will provide mothers with a real choice in taking time to nurture their child and recuperate. Providing adequate opportunity for mothers to recuperate without the burden of physical and financial pressures will allow for enhanced bonding and relationship building with the child.

*The need to encourage and support breastfeeding*

The World Health Organisation recommends that breast feeding be the sole source of nutrition for children to the age of six months. This view is supported by the National Health and Medical Research Council of Australia who also recommend exclusive breastfeeding for the first six months of life.<sup>7</sup>

In the *Global Strategy for Infant and Young Child Feeding*<sup>8</sup> the World Health Organisation in partnership with UNICEF focuses on the crucial role that appropriate feeding practices play in achieving optimal health outcomes. Lack of breastfeeding and especially lack of exclusive breastfeeding during the first half-year of life are important risk factors for infant and childhood morbidity and mortality. The life-long impact includes poor school performance, reduced productivity, and impaired intellectual and social development. Poor early feeding practices can also lead to the development of poor nutrition and diet and possible later obesity. The *Global Strategy* states:

*Women in paid employment can be helped to continue breastfeeding by being provided with minimum enabling conditions, for example paid maternity leave, part-time work arrangements, on-site crèches, facilities for expressing and storing breast milk, and breastfeeding breaks.<sup>9</sup>*

Such workplace programmes have multiple benefits: for individuals they improve health and enhance capability to make informed health decisions; for employers, they result in a healthier workforce with fewer health-related work absences and attrition; and for nations they contribute to national health objectives.

In the *Innocenti Declaration on the Protection, Promotion and Support of Breastfeeding*<sup>10</sup> UNICEF points out that breastfeeding provides the ideal nutrition for

---

<sup>7</sup> National Health and Medical Research Council (2003) *Dietary Guidelines for Children and Adolescents in Australia*. Commonwealth of Australia.

<sup>8</sup> World Health Organisation (2003) *Global Strategy for Infant and Young Child Feeding*

<sup>9</sup> World Health Organisation (2003) *Global Strategy for Infant and Young Child Feeding*

<sup>10</sup> UNICEF - *Innocenti Declaration on the Protection, Promotion and Support of Breastfeeding* retrieved 20 May from <http://www.unicef.org/programme/breastfeeding/innocenti.htm>

infants and contributes to their health growth and development. This and other factors provide social and economic benefits to the family and the nation.

The National Health and Medical Research Council Dietary Guidelines for Children and Adolescents in Australia are based on the best available scientific evidence and provide information for health professionals and the general population about healthy food choices. The use of the guidelines will encourage healthy lifestyles that will minimize the risk of the development of diet-related diseases within the Australian population. The guidelines are unequivocal that exclusive breast feeding to six months should be encouraged and supported by all sections of the community as it is closely related to immediate and long-term health outcomes. This report indicates that intention to return to work and combining breastfeeding and work if not well supported are significant contributors to the cessation of feeding.

*Early brain development and quality early care leading to best outcomes for children*

There is significant science and research which illustrates not only the social, but the biological influences on development of a child's environment. This research has led to an important understanding of the need for the best support to the care of infants and young children. As summarised by Shonkoff:

*Throughout life, but particularly during sensitive periods in early childhood, children's experiences are integral to the stimulation, formation and reformation of neuronal circuits in the brain. It is the first two to three years in particular when the neurons and synapses in the brains of infants and toddlers become progressively specialised in the type of information they process, integrate, and store. Thus, in the early childhood years, learning and development takes a particularly large role, relative to performance. These findings have fundamental and significant implications for child rearing and childcare.<sup>11</sup>*

An adequate maternity and parental leave scheme provides a better environment for the care and therefore development of very young children:

*In particular, labour market policies that do not recognise the extensive demands placed on families with young children...create a situation in which adequate nurturing of the next generation cannot be assured.<sup>12</sup>*

If these conditions which support families in the labour market are in place, children stand their best chance of development which has benefits for them, their parents and for society.

### **Suggested components of a paid parental leave scheme**

The following suggestions are made for the Productivity Commission's consideration in exploring options for a paid parental leave scheme.

*Paid maternity or parental leave?*

Given the arguments related to breastfeeding of infants, it is critical for mothers to be able to access paid maternity leave. However, as there are circumstances where either parent may be the primary caregiver, either parent should be able to access or share the paid parental leave component.

---

<sup>11</sup> Shonkoff, J. P. & Phillips D.A. (Eds.). (2000) *From Neurons to Neighbourhoods: The Science of Early Childhood Development*.

<sup>12</sup> Keating, D.P. & Mustard J.F. (1993) Social economic factors and human development - in Ross D., Family security in insecure times. Ottawa National Forum on Family Security

It is suggested that Productivity Commission examine the inclusion of paid paternity/partner leave in a national paid parental leave scheme, as the relationship and bond of a father to an infant child is critically important. A family will still require the financial security and support of paid leave. The success of the family in caring for the infant is clearly enhanced through the mother receiving the support of her partner in the weeks after the birth.

#### *Duration*

It is recommended that the Productivity Commission explore and formulate a model of paid parental leave of six months duration. Given the need for infants to be exclusively breastfed for the first six months, this is in line with recommendations of conventions and guidelines.

I am aware that some recommendations are being made for a period of 14 weeks paid leave duration, consistent with the ILO Maternity Leave Convention. However; 14 weeks is seen as an acceptable *minimum* entitlement as this duration is not the optimum to enhance the health and development of Australian children and their mothers. Many other OECD nations provide for maternity protection beyond 14 weeks.

Women and men who access these provisions should then be entitled to a further period of 6 months unpaid leave, maintaining legislated entitlement to job protection on return to the employer.

#### *Eligibility*

Access to a paid parental leave scheme should be available to women and men in the paid workforce. Those families not in the paid workforce should be provided with sufficient support through access to family support payments.

#### *Length of service*

No recommendation is made on duration of employment eligibility. However in taking a view of child's best interest, it is important that all children are provided the opportunity to be cared for, bond with a parent and provided with the opportunity to establish and maintain breastfeeding.

#### *Adoption of a child*

Support is given to paid parental leave extended to cover employees who adopt a child under five years of age.

#### *Amount paid*

For a paid parental leave scheme to be effective, it is considered that the payment should be based on the earnings prior to the leave. It is suggested that a base amount equivalent to the minimum wage could be provided through the government, with employers providing an additional amount up to the current earnings of the parent.

Providing a sufficient income is crucial to parents having financial stress reduced whilst caring for the infant.

**Conclusion**

The establishment of a paid parental leave system in Australia is critical to the health and development of our children and ultimately to our prosperity and social wellbeing as a nation.

MICHELLE SCOTT

Commissioner for Children and Young People WA