

# Australian Education Union

## Policy on Women Working in Education

### Position Arising

#### Leave and Flexible Work Options

In line with the AEU National Claim Framework, and following the best case amongst AEU Branches' and Associated Bodies' (where possible) the AEU believes the following leave options should be pursued by Branches and Associated Bodies as a standard in public education, for all employees.

Where quantum for particular leave is defined they should be regarded as minima and bargaining above these is encouraged.

#### 6.7.1 Pre-Natal Leave

Employees should have access to at least 5 days paid leave for medical and related appointments prior to the birth of a child.

#### 6.7.2 In-Vitro Fertilisation/Assisted Reproductive Technology Leave

An employee who presents a medical certificate stating that they are undergoing treatment for IVF/ART should be entitled to at least 5 days paid leave per cycle to attend IVF/ART appointments with a registered health and allied health professional. Part-time employees should be entitled to IVF leave on a pro rata basis.

#### 6.7.3 Paid Maternity Leave

The AEU supports the right for all female employees to be entitled to at least 26 weeks paid maternity leave. Leave should be paid at their current salary, with a further 26 weeks at 60% of current salary for each pregnancy, with no service requirement for eligibility.

Any Federal paid maternity leave scheme must be additional to existing entitlements for educators (paid by the employer) and the total entitlement should be no less favourable following the advent of a federal scheme.

This entitlement also applies to adoption where an employee can demonstrate they are primary care giver of newborn or adopted child.

The AEU believes paid maternity leave should encompass:

- The provision 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.
- The ability to take maternity leave in a flexible manner, and some or all of any entitlement to paid maternity leave may be taken for twice the duration at half pay, at the discretion of the employee.
- Provision for an extension of the maternity leave in the event of multiple births. To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.
- Full job security with the right to return, and the right to return to part-time work until the child is at least school age.
- Legislated and negotiated leave and child care provision must be seen as an essential part of the implementation of Equal Employment Opportunity.
- The maintenance of employer superannuation contributions for the period of paid leave.
- In-service education and refresher courses to be available to women returning after long periods of leave.
- Eligibility to entitlements for casual and contract teachers
- Recognition that some women may require more leave on a case by case basis and this must be enabled via 'special maternity leave' provisions.

Paid Maternity Leave is an international practice that shamefully Australia is negligent in its provision. Further, despite its signatory, the Federal Government must drop its reservations concerning Article 11(2) (b) of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women. Provisions relating to maternity leave in ILO Conventions 103, 102 along with Convention 156 and Recommendation 165 must be guaranteed. Ratification of key international conventions is essential, if Government is serious about eliminating gender discrimination and bringing Australia into line with most other Western countries.

The World Health Organisation states that of utmost importance to the

health of the mother and the infant is a period of absence from work for at least 26 weeks. This is conducive to both the optimal growth of the infant and the bonding between mother and infant. Absence from work also allows the mother to recover.

Specifically they have identified this period from work as minimising maternal health problems such as infections, anaemia, depression, backache, anxiety and extreme tiredness.

In terms of infant health, there were a range of benefits for the child including being able to be exclusively breastfeed, for which anything less than 26 weeks was identified as being of multiple detriments to their health.

The AEU considers paid maternity leave essential for all female employees in education and within the Australian workforce more broadly.

#### 6.7.4 Partner Leave

The AEU believes employees should be entitled to 15 days paid partner leave, for each child, with no service requirement for eligibility. This entitlement should be available for all employees assuming a parental role through birth, adoption or otherwise, including same sex partners.

Employees whose partner is accessing maternity leave should be able to access 8 weeks concurrent parenting leave after the birth of a child.

While available to mothers, not all partners access unpaid or paid leave. With the changing nature of the workforce, a failure to provide bonding opportunities to both parents is outdated.

#### 6.7.5 Parenting/Family Leave

Parenting/Family Leave promotes better child and maternal health outcomes, and encourages paternal/child bonding. The physical recovery from childbirth takes longer than 1 week. Most of the physically disabling conditions associated with birth start to resolve around 8 weeks after the birth. The discomfort associated with breastfeeding and maternal anxiety are also reduced at around that time. Parental Leave therefore also allows employees to provide support and care to their partner at this time.

The AEU supports employees' access to at least 7 years family leave/parenting leave for the primary caregiver of each child. An extended period of unpaid leave for both women and men is useful to assist coping with child-rearing or other family responsibilities.

One year of this leave should be counted as full service and there be no service requirement for eligibility. Employees should have a right of return from leave to their own worksite.

In terms of foster parenting, or court awarded custody/guardianship the AEU believes persons acting as the primary care giver of a child should be granted:

- (i) the full applicable paid maternity leave entitlement, if the child entering their care is younger than 12 months

OR

- (ii) at least six weeks on full pay on the child entering their care if the child is younger than 5 years of age

OR

- (iii) at least 3 weeks on full pay on the child entering their care if the child is over 5 years of age.

#### 6.7.6 Emergency/Carers Leave

The AEU supports 20 days paid carers' leave in each two year period, cumulative. After accrued entitlement to carers' leave has been used, employees should be able to access any accrued leave (sick, LSL, etc) or request additional unpaid leave where carers' leave is insufficient.

Carers are employees who provide, in addition to their normal family responsibilities, care and support on a regular basis to other family members or other persons who are sick or ageing, have an injury, have physical or mental illness, or a disability.

Carer responsibilities vary considerably, depending on the level of care and assistance required and may be suddenly imposed, or may increase gradually. It is also recognised that, generally, employees are able to provide care and assistance outside normal working hours. However, there are times they are required to provide more support or assistance because of illness, injury or disability.

Carers' leave should be available for use in cases of respite care and emergencies other than illness of a relative.

#### 6.7.7 Long Service Leave

Employees should be entitled to access pro-rata Long Service Leave (LSL) as another option to assist parenting and other care purposes after 7 years of continuous service.

For part-time employees, the qualifying period should be 7 calendar years and not the equivalent full-time service of the part-time employee.

Employees should be able to access a minimum of half a day LSL.

LSL should be able to be taken in conjunction with other types of leave, (e.g. parental, partner).

Employees who are ill during LSL, and who can provide a medical certificate during the LSL period, can apply to convert the period of LSL to paid sick leave.

LSL should be able to be taken at half pay for double the period.

#### 6.7.8 Cultural/Ceremonial Leave

Aboriginal and Torres Strait Islander employees should 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.

#### 6.7.8 Compassionate/Bereavement Leave

Employees should be entitled to 30 days paid leave every 3 years to be accessed at any time for compassionate reasons or bereavement. A backup provision of 3 days per occasion should be available, if the current entitlement has been used.

#### 6.7.9 Miscarriage, stillbirth, termination or neonatal death leave

The AEU supports Special Leave for use following Miscarriage, Stillbirth, Termination or Neonatal Death. Pregnancy complications prior to the birth of a child can lead to neonatal death, stillbirth, miscarriages and terminations. Mothers should not need to be *on* maternity leave to access such special leave. If Miscarriage, Stillbirth, Termination or Neonatal Death occurs after 20 weeks, the mother will

be entitled to special paid leave equivalent to the duration of Paid Maternity Leave.

#### 6.7.10 Communication while on leave

Employers should be required to maintain a reasonable level of communication while employees are on parental leave. Employers should provide employees material information during parental leave, to assist the transition back to work and to discuss the return to work. Information to be provided should include informing staff members of work related developments, sending newsletters (as applicable), copies of internal advertising of vacancies and regarding matters such as relevant organisational restructures, potential changes to their position and workplace relocation. However employees should also have the right to explicitly state that they do not want contact with the organisation while on leave, or to nominate a third party to maintain workplace communication.

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