

Witness Statement

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Introduction

1. This witness statement falls into four sections. Firstly, I review the arguments in favour of a good quantum of paid maternity leave (PML). Secondly, I consider the current level of provision of PML in Australian workplaces, including the quantum of that leave. Thirdly, I review some recent OECD research showing a close link between the provision of a good quantum of paid leave and women's workforce participation. Australia emerges as an international laggard in terms of the provision of PML, suffering significant effects in labour market participation. In a state with a prospective increase in dependency ratios and a serious decline in fertility, these present significant challenges to the state's employers and government, including to the government as employer. Finally I conclude with a statement in favour of increasing the quantum of PML in South Australia's public sector to match the rising national public and private sector standard, and so that the South Australian government provides appropriate leadership in relation to equitable labour market standards.
2. It has long been recognised in the international industrial relations community that an extended period of paid maternity leave is a vital element of support for women in paid work.
3. Paid maternity leave has been an objective of many in Australia over an extended period. However, it has been slow in coming except for those in some areas of public employment and, to a lesser extent, the private sector, and in many locations it is available for only short periods. Australia has a PML regime that is less a *system* and more a lottery, including in the public sector. Arrangements give general access to twelve months *unpaid* parental leave to the three-quarters of women with a year of

service with their current employers, but patchy access to *paid* maternity leave, leaving the majority of women without it. Significantly, many Australian women – including those employed by the state public sector – have access to very limited periods of paid leave. The accident of employment confers very different levels of paid leave on the birth of a child. This variation is unfair.

4. The fact that PML exists for only a third of Australian women, eighty years after the ILO recommended the general provision of 12 weeks paid leave, makes debate about its universal availability, passé. Australia, with the US, is amongst the last OECD countries to implement a national system of paid leave available to all or most working women.
5. The key policy challenge now is to improve the standard of paid maternity leave (ie the quantum of leave) and to increase the breadth of access.
6. If the circumstances of early mothering and parenting are to improve, and support for working mothers is to apply fairly, then a reasonable period of PML is essential. The participation of women in paid work and education, especially women with young children, continues to grow at a steady and significant rate. South Australia's labour market, and public sector employment specifically, is increasingly dependent upon their contribution. The proportion of women in the state public's sector continues to rise: it reached 63.5 per cent of the total in June 2003, up from 60.2 per cent in June 1999 (OCPE, 2003, p. 21). Australia's work/family arrangements (and South Australia's within them) lag well behind international standards in the industrialised world. Our provisions have not kept up with the changing shape of Australian workers, families and workplaces. Improvements to at least the ILO recommended quantum of PML are well overdue in a prosperous first world economy that increasingly relies on the paid work of women.

PART 1: The Arguments for Paid Maternity Leave

Six reasons in favour of a minima of at least three months, and preferably 14 weeks, paid maternity leave are advanced through the international literature. They are:

I. *Welfare of the mother and child.* There is widespread evidence that maternal health, bonding with the child, and the child's health are all improved through an extended period of leave from paid work for a mother with a new baby. These arguments go to the benefits of maternal recovery from birth, maternal rest in late pregnancy, opportunities to establish breast feeding and a good early feeding regime in general, and better opportunities for child/parent bonding. Many of these positive effects have long-term positive effects on maternal mental and physical health, child health, and overall family well being. The ILO standard until 2001 was 12 weeks. It is now 14 weeks. The arguments consistently advanced by the World Health Organisation and the ILO have traditionally connected to the health and well being of mother and child, as well as the provision of genuine equal opportunity to women workers. The literature in support of these effects is extensive and incontrovertible, establishing a strong argument for extended paid maternity leave (World Health Organisation, 2000; HREOC 2002, p. 51- 61).

II. *Discrimination against women in the workforce.* It is women who bear children and take time out of their paid working lives to do so. As a result, their employment is affected negatively, relative to men's. Their earnings are lower, their careers and experience are truncated, and their retirement benefits are reduced. Without compensating arrangements, like PML, women are systematically, indirectly discriminated against by the facts of motherhood and caring. Paid maternity leave goes some way to address the physical reality that distinguishes women's workplace experiences from men's on the birth of a child. In this sense, PML is a basic and essential workplace measure to prevent indirect discrimination against women, who forego between \$167,000 and \$239,000 as a result of the birth of their first child alone, depending upon their qualifications (Chapman, Dunlop, Gray, Liu and Mitchell, 1999). It is a workplace anti-discrimination measure that underpins women's paid employment, in recognition of their difference from men. Just as the average Australian worker now has greater responsibility for the care of others, and is more likely to be a woman, households with dependents are more likely to be dual earner rather than male-breadwinner households, with significant growth in sole parent/sole earner households (mostly headed by women). This has important implications on the birth of a child, with many women now in work – sometimes for extended periods – before the birth of their child. Their families and dependent upon their earnings as surely as they are dependent upon those of men. Year by year, women continue the long march from the private unpaid sphere into public, paid work in their labour market participation. The gendered participation gap across Australia (that is, the gap between women's and men's rate of participation in paid work) has narrowed from 39 per cent in 1981 to 16 per cent in 2004 (ABS, supercube, lm8.srd)¹. Many women choose to work in the public sector in the hope that it will permit more flexibility including opportunities to work part-time and take leave. Overall changes in labour force participation are having seismic effects in Australian workplaces, homes and communities and they are very likely to continue². They strengthen the argument in favour of improved

¹ In August 2004, there were 5.3 million men in the labour force, compared to 4.3 million women. The participation rate for women was 56 per cent compared to 71 per cent for men (ABS Cat. No. 6202.0). The participation rates of married women are now converging with those of unmarried women.

²The growth in services sector employment, which is expected to continue to rise (indeed it is *fed* by women's rising participation in paid work as they substitute purchased goods and services that replace their own labour and expressions of love), will feed continuing increases in demand for the labour of women. Further, as employers shift their temporal organisation of work, and seek to closely match labour to the timing of production and service delivery through a variety of non-standard employment forms, demand for women's labour can be expected to continue to rise, as will non-standard employment

PML standards to accommodate and support the labour market contribution of women.

III. Employer benefits. Both the federal Government and employers recognise the benefits for employers flowing from family friendly provisions like extended paid maternity leave including saving on rehire costs, training, and higher morale, retention and productivity (AIG, 2002: 21 WEL 2002: 8). There is evidence from Australian employers that the introduction of PML results in increased rates of return to work by employees (FSU, 2002: 4), hence its adoption amongst a growing number of larger companies, and the extension of the length of leave available in sectors like the vehicle industry.

itself. Younger Australian women (generation X (born 1960- 1980) and Y (born 1980-2000)) show no sign of a slowing this pattern of rising participation. Most expect to work for significant parts of their lives, many are educating themselves for this, and by the time of the birth of their first child at around 30 years, many will have a strong sense of identity connected to their jobs, will have build a significant part of their social lives in their workplaces, and will be used to earning and spending a sizeable pay packet. This is likely to drive further growth in dual earner households (Reed, Allen, Castleman and Coulthard 2003; Pocock 2004). A kind of 'generation X' 'work/work' cycle is increasingly evident it seems, replacing a 'work/care/work' cycle as young women's pre-maternal work habituation stimulates an early return to work after children in pursuit of the reestablishment of pre-maternal identity and social connection. For others it seems that the rewards, identity and social connection from work overwhelm maternity entirely. These shifts are especially evident amongst more educated, professional and white collar women in higher income jobs (Newman 2003).

- IV. *Equity between women.* Ironically, PML is less available in smaller, feminised workplaces in the retail and hospitality sectors. Women's employment is especially concentrated in these sectors. It is also less available amongst lower paid women. It is inequitably available, especially to the lower paid, and this uneven provision results in significant inequities between women, disadvantaging women in lower paid, feminised jobs and employment sectors. The length of leave available also varies widely between women.
- V. *International Standards.* There are several international standards relevant to family friendly provisions at work and PML, including the 1979 United Nations Convention on the Elimination of Discrimination Against Women (CEDAW); ILO Convention 183 (C183), Maternity Protection 2000 (with associated Recommendations); and ILO Convention 156, Workers with Family Responsibilities, 1981, (C156 and Recommendations). Australia ratified C156 in 1990, CEDAW in 1983 with a reservation in relation to paid maternity leave, and has not ratified C183. These standards reflect the international view that family friendly measures, including 14 weeks paid maternity leave, are essential to the promotion of equal opportunity and treatment for women workers, and to substantive equality of opportunity and treatment between men and women with family responsibilities.
- VI. *A positive impact on the declining birth rate.* Some commentators argue that better provision of PML will increase the total fertility rate (TFR). The evidence on this is moot. It may be the case that PML will assist in stemming the fall in Australia's TFR – now at 1.7 and well below the replacement rate of 2.1. European demographers suggest that pro-natalist policies like PML, public childcare and extensive parental leave may raise the birth rate by between 0.2 and 0.5 of a percentage point (Insight, SBS Television, 15 August 2002). This would take Australia to replacement rate, and certainly stem the current persistent decline. Australian demographer Peter McDonald has claimed that such policies can have a real effect in Australia (McDonald, 2002). Certainly the higher average age of mothers on their first birth (now 30 years), and the consequent loss of opportunity to have a second or third child, contributes to the declining birth rate. It may be that PML will change the timing of births and marginally increase their incidence, contributing to a change in Australia's fertility rate. However, it is likely that this effect is dependent upon a range of family friendly policies and cultural changes, rather than attributable to any single relatively small policy measure. Recent decades have seen significant changes in the labour force participation rates of women and men. These add weight to the argument for paid maternity

leave. These changes have also seen a shift away from the archetypal 'standard employment' and 'standard household' relationships with a shift of labour from the unpaid and private sphere into the paid and public sphere, and an increase in women's labour market participation. Men's participation in paid work has been moving in the opposite direction with declines in labour market participation.

PART 2: Existing provisions

7. Over recent decades a number of Australian employers have increased the level of paid maternity leave they make available to their employees. Some Australian trade unions have pursued maternity leave, including paid leave, as an industrial issue and won significant gains in terms of availability of PML and the length of leave. The standard is slowly improving, though progress is slow outside the public sector.
8. Twelve months unpaid maternity leave is available to permanent full-time and part-time employees with 12 months continuous service with their employers through the *Workplace Relations Act 1996*. Since 2001, some casual workers under federal awards also have this entitlement where they have been regularly employed over a 12 month period and have a reasonable expectation that this will continue, and NSW and Queensland have similar provisions.
9. However, this means of provision of paid leave – by means of individual employer decision and by enterprise bargaining or award provision – has not resulted in the extension of paid leave to the majority of Australian workers.
10. Thirty-eight per cent of Australian women have access to some level of paid maternity leave, leaving 62 per cent without any (ABS 6361.0). Only six of the top one hundred federal awards (by size of coverage of employees) provide some level of paid leave (HREOC, 2002:19) and only seven per cent of all current federal enterprise agreements include such provisions (see table 1: Department of Employment and Workplace Relations et al. 2002:7).
11. Only fourteen per cent of enterprise agreements registered between 1995 and 2000, and twelve per cent of Australian Workplace Agreements, had any work family provisions within them (including those related to paid maternity leave, other leave, child care, job sharing, career breaks, elder care and work from home) and the incidence of these provisions has been falling in the last

few years (Whitehouse 2001:113).

Table 1 Family Friendly Provisions in Enterprise Agreements, 2001

	Per cent of Agreements
Access to single days annual leave	13
48/52 career break/purchased days	3
Sick leave unlimited	1
Family carers leave	27
Extended unpaid parental leave	2
Regular hours/days rostered for part-time work	7
Home based work	1
Family responsibility provisions	3
Childcare provisions	1
Access to other leave for family caring purposes	18
Paid family leave	3
<i>Paid maternity leave</i>	7
Paid paternity leave	4
Paid adoption leave	2
Job sharing	3

Source Workplace Agreements Database, Department of Employment and Workplace Relations

12. There are many examples of family friendly steps being taken in individual firms, including through paid maternity leave of various lengths, extra leave to care for families, flexible work arrangements, permanent part-time work and other measures. They have been widely celebrated, documented and critiqued (see national annual awards by DEWR for family friendly exemplars, ACTU 2000, Whitehouse and Zetlin 1999, Breakspear 1998, Strachan and Jamieson 1999 for examples). Many of these steps have assisted employees in significant ways. However, they are islands of enterprise-based exemplary good practice, afloat in a sea of poorer practice, and they provide very variable standards. They do not do Australian working/carers justice and they represent a patchy and uneven set of developments with all too little impact on the majority of employees, especially those who rely on minimum statutory standards for their rights, particularly those in small and medium sized businesses.

13. Perhaps worse, these exemplars and their publication have concealed the deterioration in employee access to many established leave standards like the weekend, sick leave, annual leave, RDOs, Long Service Leave and unpaid parental leave (especially through the casualisation of the workforce).

14. The growth in the proportion of Australians who are employed on casual or precarious terms (now 30 per cent in South Australia well ahead of the national average of 26 per cent) has resulted in a

- contraction in eligibility for significant forms of paid leave including sick, holiday and paid and unpaid maternity leave.
15. There are now a significant and growing number of agreements and arrangements that reflect the ILO standard and in some cases, go well beyond it. For example, the enterprise agreement recently finalized at the University of Adelaide, increases paid maternity leave from 12 weeks to 26 weeks, following the new standard that now prevails in a number of Australian Universities. The best of these agreements exists at the Australian Catholic University where a year's paid maternity leave has been available since August 2001 (12 weeks on full pay and the remaining 40 weeks at 60 per cent of normal pay).
 16. The duration of paid maternity leave varies widely from a few days to fourteen weeks, or – exceptionally – 52 weeks at the Australian Catholic University. The most common period of paid maternity leave in 2001 in federal agreements was 2 weeks (3.5 per cent of agreements), ‘followed by twelve and then six weeks’ (Baird, Brennan and Cutcher 2002: 9). The average in government administration and defence in 2001 was 9.5 weeks (Baird, Brennan and Cutcher 2002: 9).
 17. Enterprise bargaining has not provided a route to paid leave for most women, and reliance upon enterprise level developments to deliver a general gain would require a long wait (Baird, Brennan and Cutcher 2002).
 18. Analysis by Baird and Litwin leads them to conclude that ‘the public sector is no longer the pace setter of employment conditions and the custodian of good employment policy, and working women, especially those in their child bearing years, are being disadvantaged as a result’ (Baird and Litwin, 2004: p. 7). Amongst this lagging public sector, South Australia is now at the tail end.
 19. Highly skilled women, public sector women, full-time permanents, and those in larger companies have better access to paid leave than others. Sixty-five per cent of managers and administrators have some PML, compared to only thirteen per cent of those employed in accommodation, cafes and restaurants, and twenty per cent of those in the retail industry (HREOC 2001:21).
 20. Australian Governments has been providing paid maternity leave for many years: since 1973 at the Commonwealth level. However, women in the public sector enjoy varying levels of paid leave ranging from twelve weeks in the federal public sector and universities, to only four in South Australia (see table 2).

Table 2: Provision of Paid Maternity Leave for Employees of Australian Governments

	C'wealth	Vic	Qld	WA	Tas	SA	NSW
Paid Maternity Leave	12 wks	14 wks (12 in 2002)	6 wks	8wks (0 in 2002)	12 wks	4 wks	9 wks

Source: O'Neill 2002, updated from later agreements.

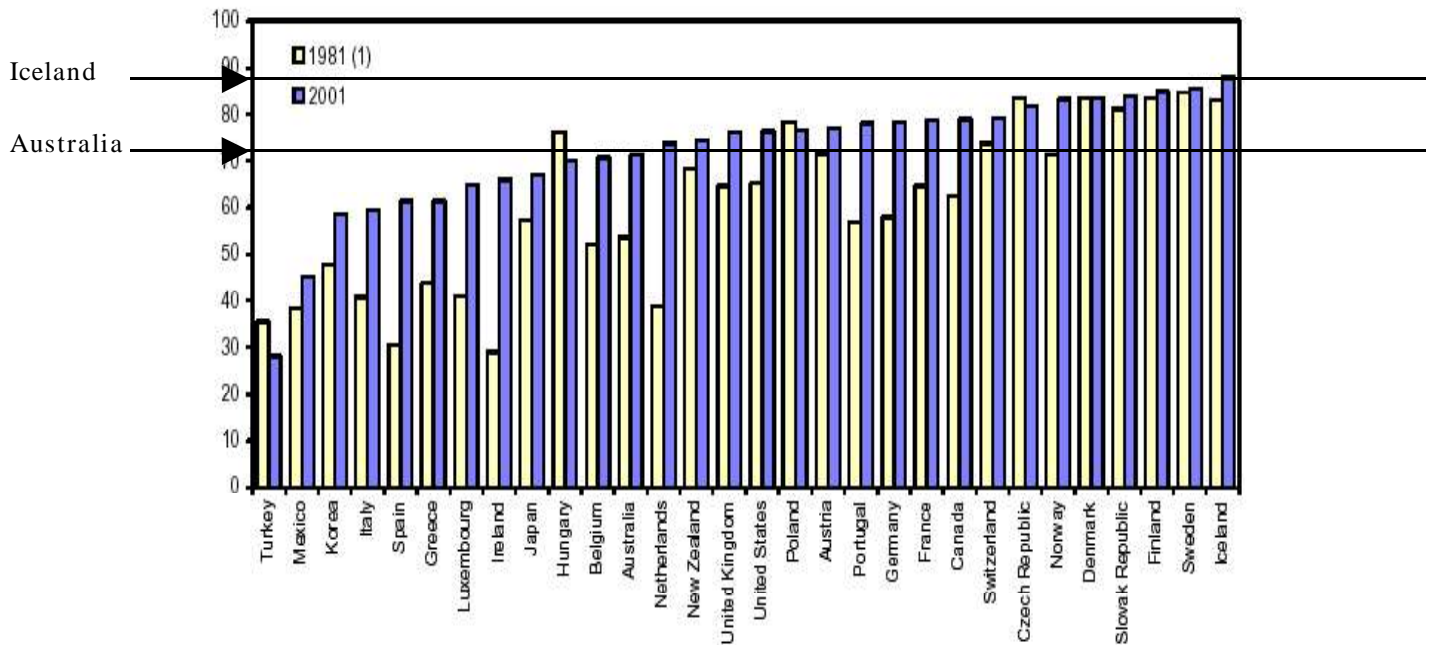
21. The current South Australian standard lags well behind the national standard for public service employees. Until recently it was only 'surpassed' by the absence of any paid leave for women who work for the Western Australian Government; this has now been remedied by the provision of 8 weeks paid leave in that state. Some other states have also increased their leave: in Victoria 14 weeks is now available to public sector employees. South Australia now provides the lowest level of paid maternity level of any Australian Government.
22. With the exception of Victoria, all of these standards lag behind the current recommendations of the ILO for 14 weeks paid maternity leave.
23. Paid maternity leave has had variable political support in Australia. It has been supported for federal public employees by the Australian Labor Party since before the 1972 election of the Whitlam Government and its implementation for federal public service staff. A national system of general provision is currently supported by the Australian Labor Party, the Greens and the Democrats.
24. At the 2004 election the Coalition adopted a \$3000 Maternity Payment which gives a cash benefit of \$3000 on birth of a child. This is, however, some distance from PML in that it does not give a working mother any guarantee of a rest from work on pay or recognise any employment connection for working women who have babies.
25. Senator Natasha Stott Despoja introduced a Private Members Bill into the Senate in 2002, to provide fourteen weeks PML for most working women by means of a government payment at the level of the minimum wage, topped up where possible by local bargaining (Parliament of the Commonwealth of Australia, *Workplace Relations*

Amendment (Paid Maternity Leave) Bill 2002 and its Explanatory Memorandum). This bill has little prospect of enactment.

PART 3: Recent International Research about Leave and Labour Force Participation

26. By comparison with many other industrialised countries, Australia has an inferior set of supports for working carers, imposing gendered inequalities, inefficiencies and sub-optimal personal outcomes (Pocock 2003). This has recently been confirmed by the OECD. Within Australia, South Australia has the unfortunate characteristic of having some of the poorer work/family outcomes in the country, including in relation to state public sector provision of paid maternity leave and high levels of casualisation (Pocock 2004).
27. Florence Jaumotte has recently undertaken a comparative analysis of labour market participation rates of women and some elements of the work/care regimes prevailing in various OECD countries.
28. Figure 1 shows that many OECD countries have higher levels of labour force participation amongst prime aged women than Australia. Countries like the UK, United States, Germany, France, Canada, Norway all have higher rates of female participation than Australia in 2001 – ranging from a few percentage points to over 10 points.
29. Alongside relatively lower rates of participation in paid work amongst prime aged women, a relatively large proportion of Australian women work part-time. Figure 2 shows that the proportion of women working part-time in the OECD area is around 25 per cent compared to more than 40 per cent in Australia in 2001 (46 percent in August 2004 (ABS Cat. No 6202.0)). Australia is on a par with the UK and Japan and only significantly surpassed by The Netherlands. Why is participation relatively low amongst Australia women and so much of their work part-time?

Figure 1: Labour Force Participation, Prime Age Women (aged 25-54)

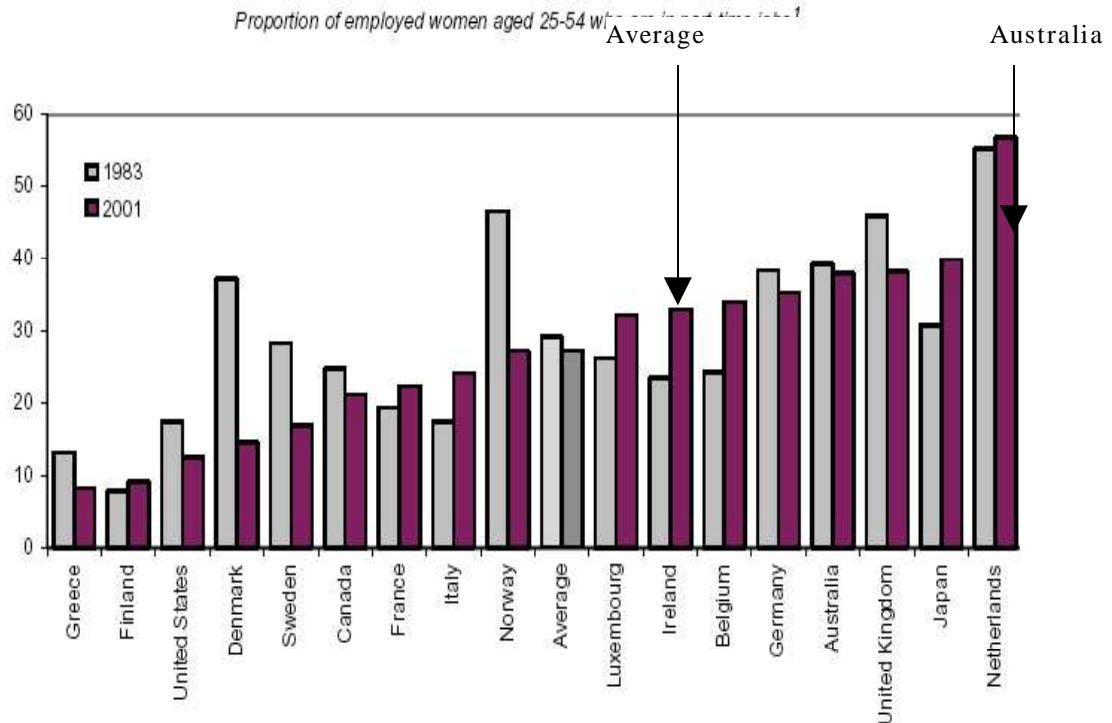


1. 1983 for Greece and Luxembourg, 1986 for New Zealand, 1988 for Turkey, 1991 for Switzerland, Iceland, and Mexico, 1992 for Hungary and Poland, 1993 for the Czech Republic, 1994 for Austria and the Slovak Republic.

Source: OECD Labour Market Statistics.

Source: Jaumotte, 2004: 2.

Figure 2: Proportion of Employed women in part-time jobs in various OECD Countries, 1983, 2001



1. Part-time employment refers to persons who usually work less than 30 hours per week in their main job. Data include only persons declaring usual hours.

For Australia, part-time data are based on actual hours worked, and include hours worked at all jobs.

For Japan, part-time data are based on actual hours worked and defined as less than 35 hours per week.

For the USA, the share of part-time in employment is for wage and salary workers only.

Sources: OECD Labour Market Statistics.

Source: Jaumotte 2004, p. 3.

30. Jaumotte argues that overall female participation is affected by education levels, labour market demand and cultural factors. In this light she undertakes regression analysis of labour force participation in 17 OECD countries over the period 1985-1999, controlling for female education, proportion of married women, number of children, and overall labour market conditions. She finds potential determinants of participation include:

- The availability and length of paid parental leaves;

- flexibility of working- time arrangements;
- the taxation of second earners;
- childcare subsidies;
- child benefits.

31. These are all significant elements in contributing work/care regimes that affect labour supply. She then compares the nature of family supports across OECD countries in 1999 (figure 3), placing Australia seventeenth out of twenty countries in terms of overall support for working women with children, including support in the form of paid maternity leave, childcare and child benefits. This places Australia on a par with New Zealand, Turkey and Mexico and well towards the delinquency end of support for working carers. Since 1999 there have been some improvements in arrangements in New Zealand (with paid maternity leave established and the length of leave extended) and some improvements for Australian working carers through baby payments, some remediation of the high effective marginal tax rates applying to second earners, and increased childcare places (though demand continues to outstrip supply).

32. Jaumotte goes a step further and simulates what improving various work/care supports³ would do to labour supply, concluding that this improvement would increase the labour force participation rate of women by an average of 10 per cent in OECD countries (around 8 percent in Australia with positive benefits especially flowing from increased spending on childcare and better tax incentives to share market work) (Jaumotte 2004: 12- 15).

33. Her analysis confirms what a number of Australian analysts have been arguing for some time: that Australia currently exhibits an inferior policy and regulatory regime for working mothers, and that this inhibits their labour market participation. Paid maternity leave is a significant element in this story: improvements in paid leave are revealed as likely to lead to improvements in labour market participation rates.

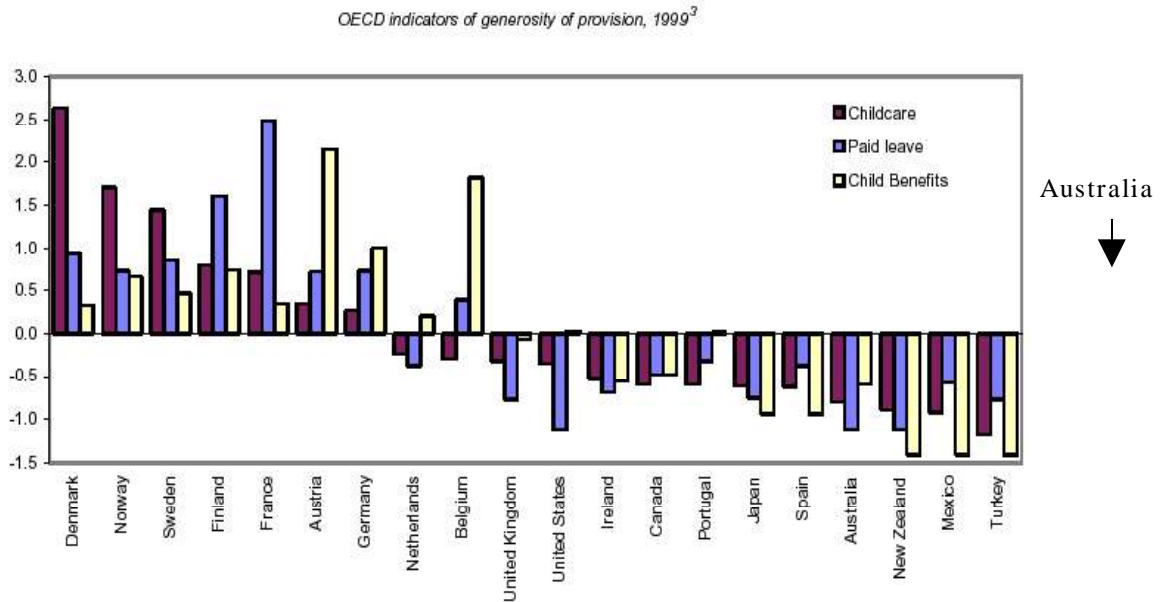
34. South Australia is facing significant shifts in demographic patterns especially general population and fertility declines (ABS, 2004, Cat. No. 3201.0). These may well lead to tightening labour markets and higher dependency ratios. These changes make increases in labour

³ ie a neutral tax treatment of second earners, high tax incentives to share paid work between spouses and an increase in public childcare spending per child to the highest level in the OECD.

force participation rates amongst existing residents of particular policy interest, and create strong arguments for considering measure like extended PML to stimulate women's participation.

Figure 3: Comparison of Various Provisions in Support of Working Carers, 1999

7.



1. *Childcare* subsidies per child (in 1995 PPP-US\$) are calculated as total government spending on formal day care and preprimary school in 1999, divided by the number of children of age lower than the age of entry to primary school. Non-refundable tax allowances and credits for private formal daycare expenses are not included. However they constitute a relatively small part of total spending. *Paid leave* refers to the maximum number of paid leave weeks a woman is entitled to by the national legislation on account of maternity, parental and childcare leaves for the birth of a first child. The number of leave weeks is the sum of leave weeks, each multiplied by the corresponding statutory income replacement rate. Means-tests are not taken into account. *Child benefits* denotes the percentage increase in household disposable income between a family with two children and a childless couple, where the husband has gross earnings of 100 per cent of APW, and the wife 33 per cent of APW.

2. For countries for which data was not available for 1999, the closest available year was used. See Jaumotte (2003) for country notes.

3. Each indicator is calculated as the deviation from its OECD mean and is expressed in multiple of its OECD standard deviation.

Sources: For government spending on childcare (i.e., formal day care and pre-primary school): OECD Education database; OECD social expenditures database; Eurostat; various sources. For parental leave: Gauthier and Bortnik (2001) and "Social Security Programs Throughout the World" from the United States Social Security Administration. For child benefits: OECD database "Taxing Wages". See Jaumotte (2003) for details.

Source: Jaumotte, 2004: p. 10.

PART 4: Statement in Support of Improving Paid Maternity Leave in the South Australia Public Sector

35.A number of South Australian Governments have prided themselves on providing exemplary conditions for their employees. The state is currently widely advertised interstate as providing an environment that supports family-friendly living and working. However, the state is well behind in terms of a key working

- provision for its own employees: PML. It has the stand- out status of being the national laggard in providing paid maternity leave to its own employees - in a country that is an international laggard on this issue.
36. In sharp contrast, South Australia led the nation in terms of its provision of long service leave, and Australia in turn leads the world in its recognition of the role of long service leave as reward for long and loyal service (Burgess, Sullivan and Strachan, 2002).
37. Whatever explains the difference between the state's lagging performance on the one form of leave (especially affecting prime aged women), and its leadership on the other (especially affecting long- serving workers), the arguments for redress are powerful.
38. The feminisation of the labour force, and the need to increase labour force participation rates in an environment of population and fertility decline, create strong pragmatic reasons to remedy this institutional unevenness. Equal opportunity and maternal and child welfare add their weight in the form of strong justice and welfare arguments in the affirmative.
39. I lack sufficient personnel data to make an accurate approximation of the payroll cost of extending the quantum of paid leave from 4 weeks to 14 weeks for women in the South Australian public sector⁴. However, assuming a rate of childbirth for women in the public sector that is close to that for women in South Australia as a whole⁵, and that they were paid the average total weekly wage paid to all women in South Australia in May 2003⁶, the net increase in costs is less than a fifth of one per cent of total estimated payroll. Applying average total weekly wage data this would amount to a net increase over the existing cost of 4 weeks leave of less than \$5.8 million ⁷. I stress, however, that this is an approximation

⁴ This should be quite easily and accurately done by the employer, however.

⁵ I have calculated these in an approximate way by applying the age- appropriate birth numbers in 2001 (ABS *Demography, SA, 2001*, Cat. No. 3311.0, South Australia, 2001, data cube) to the population figures for these age categories in 2003 (ABS *Population by age and sex, states and territories*, June 2004, Cat. No. 3201.0) to arrive at a birth rate for 5 yearly age groups for women 15- 50 in the public sector. I arrive at an estimate of total births to the 26,243 ongoing and long term contract women in the SA public sector aged less than 50 in 2003, of 1122 a year.

⁶ This rate includes all earnings. It also includes all women who work full-time and part-time.

⁷ Assuming that men in the public sector in SA are paid the average total weekly wage rate applying to all men in the state in May 2003 and women are paid the average total weekly rate applying to all women in the state at this date (ABS *Average Weekly Earnings*, Cat. No. 6302.0, August 2004).

applying state average data for wages and demographics.

40. In industrial life it is often difficult to win conditions like paid maternity leave because they confer benefits that are rarely used and are not available to large proportions of employees (in this case, all men, and women who do not have children). This means they are sometimes an issue that divides constituencies, weakening industrial momentum in their favour. For this reason, it is often the case that leaders – whether employers, unionists or industrial decision makers – must exercise leadership to ensure their adequate provision. Such leadership is long overdue in relation to a proper quantum of paid maternity leave for women employees in South Australia’s public sector, based on the national and international evidence.

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