



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

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1. Introduction

YMCA Australia welcomes this opportunity to provide our submission to the Productivity Commission Inquiry into Paid Maternity, Paternity and Parental Leave. We look forward to the outcomes of the Inquiry and the continuing debate on this important issue for Australian families and the broader Australian community.

“The path to our nation’s future prosperity and security begins with the wellbeing of all our children.”

YMCA Children’s Services

YMCA Australia is a community-based not-for-profit organisation that delivers programs and services to help build strong people, strong families and strong communities across Australia.

The YMCA operates in over 500 locations across Australia and during 2007 an estimated 2.2 million Australians accessed a YMCA facility or service.

For the purpose of this submission YMCA Australia has used the term ‘parental leave’ to describe leave which is applicable to a mother, father, partner or other primary care-giver at the time prior to and/or following the birth or adoption of a child.

2. Executive Summary and Recommendations

2.1 International parity: signing the Optional Protocol to CEDAW and ratifying ILO C183

YMCA Australia strongly believes that any discussion on the provision of a national paid parental leave scheme must ensure that Australia meets accepted international standards and that in developing and implementing such a scheme we move towards parity with other ‘like’ countries. Also critical in the development of a national scheme is that rather than adopting the minimum acceptable standard, we aim to develop a scheme and a range of supportive policies that reflect international best practice to achieve the best possible outcomes for Australian families.

Crucial elements of this process involve Australia signing the Optional Protocol to CEDAW and most importantly removing the reservation placed against article 11(2) (b) which provides for the right of women to paid maternity leave.

Additionally, the Australian Government must take all reasonable steps towards the ratification of International Labour Organisation Convention 183 Maternity Protection 2000 (C183) which provides a more detailed description of the rights of women to paid maternity leave and other supportive workplace provisions such as paid breast-feeding breaks.

2.2 Best practice standards of a national paid parental leave scheme

In making this submission, YMCA Australia is not intending to provide a detailed prescription of a national model, but rather outline some of the basic elements which we believe would constitute a scheme that reflects accepted international standards and best practice from existing schemes in 'like' countries.

YMCA Australia believes a national paid parental leave scheme should include 16 weeks leave at full-pay of which six weeks would be compulsory. There should be a degree of flexibility built into the scheme to allow parents to 'share' the leave provisions and to give parents the option to take a longer period of leave at a lower rate of pay. YMCA Australia believes the model would be best funded under a National Parental Leave Insurance Scheme which is contributed to by both Government and employers. A more detailed outline of this model is discussed in **Section 7** of this submission.

2.3 Fundamental Principles

YMCA Australia believes that the development and implementation of a national paid parental leave scheme must be underpinned by some key principles which will ensure that the scheme will be:

- non-discriminatory;
- situated within a broad range of family-friendly policies and workplace practices;
- promoted as and seen as part of the development of strong sustainable communities and increasing national economic productivity;
- developed within a rights-based framework that recognises the equal contribution of women in the labour force and acknowledges women's inherent differences from men; and
- be dedicated to giving each child the best opportunity for growth, development and wellbeing.

3. Strong People, Strong Families, Strong Communities

YMCA's mission is to work together, from a base of Christian values, to provide opportunities for all people to grow in body, mind and spirit. This includes valuing the dignity and intrinsic worth of all people regardless of age, gender, ethnicity, belief or other difference. We also value equality of opportunity and justice for all people.

At the heart of our mission is the belief that strong, resilient and supported families are the building blocks of a child's development and contribute to the future growth of Australian communities. This is particularly important during the early years of a young family and YMCA Australia has played an integral role in supporting parents and families over many years and in a wide variety of community settings.

Our support for parents and families involves a range of not-for-profit programs and services that includes, but is not limited to:

- Long Day Care
- Occasional Care
- In Home Care
- Family Day Care
- Extended Hours Care
- Creche and Preschool
- Before School and After School Care Programs
- Vacation Care and Holiday Programs
- Family Camps
- Parentlink – support and assistance for single-parent families
- Young Parent Support Programs

Across our broad range of other service areas, the YMCA also places great emphasis on integrated, family-focused programs that support parents, children and families in optimizing health and wellness, personal capacity building and social inclusion.

Our support for a national scheme of paid parental leave is not only underpinned by our focus on supporting families and children, but also by our commitment to supporting our employees and our focus on being an ‘employer of choice’.

4. YMCA Employee Profile in brief

By providing a brief outline of our employee profile, YMCA Australia hopes to illustrate the relevance of a national paid parental leave scheme for our employees and our organisation, in addition to the importance of a scheme for our programs and service delivery to the Australian community.

In 2007 the Y employed:	7,600 staff 333 volunteer board members 3091 volunteers
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Of our staff:	66% were casual 20% part-time 14% full-time
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Ages of our staff:	44% aged 15 – 24 24% aged 25 – 34 17% aged 35 – 44
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The gender mix of our staff:	66% female 34% male
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5. YMCA policies and practice

As a federation with 36 independent Member Associations that are supported by a National Office, existing YMCA policies and practices with regard to paid parental leave vary across the organisation.

Paid parental leave provisions may differ according to the various State Awards for full-time, part-time and casual employees under which YMCA staff may be employed across a range of employment sectors. Other staff employed under Enterprise Bargaining Agreements will be subject to the parental leave provisions contained in those agreements as will a number of employees engaged under individual contracts or individual employment agreements.

The role of the National Office of YMCA Australia is to encourage and lead good employment practices by our Member Associations through the provision of support, training and resources. In addition to this, the National Office stipulates (through an internal audit process) that Member Associations adopt policies which adhere to relevant Federal, State and Territory legislative requirements in relation to employment conditions, employment agreements, equal opportunity and anti-discrimination measures.

6. Benefits of paid leave from the YMCA's perspective

6.1 As a provider of community services and programs

Delivering a broad range of services and programs to support parents, children and families, the YMCA engages daily with parents who are facing the many challenges of raising infants and young children.

As a service provider, the YMCA views paid parental leave as an important measure that sits within a wide range of supports for parents and families.

YMCA Australia supports the Human Rights and Equal Opportunity Commission's (HREOC)¹ assertion that the priority objectives of a national paid parental leave scheme should focus on:

6.1.1 Health and Wellbeing:

For Mothers: In acknowledgement of increased social and medical awareness about the causes and potential impacts of post-natal depression, a period of paid parental leave can alleviate a significant degree of anxiety and stress relating to financial concerns, in addition to providing time for women to psychologically adjust to their new role and emotionally bond with the newborn. In addition, a period of paid parental leave affords new mothers the time and opportunity to engage in playgroups, new mothers' groups, access occasional care and

¹ HREOC (Human Rights and Equal Opportunity Commission), (2008), Oral evidence provided by Sex Discrimination Commissioner Elizabeth Broderick, 20 May 2008, Public Hearing of the Productivity Commission Inquiry into Paid Maternity, Paternity and Parental Leave.

other programs which connect new mothers with their local community. YMCA delivers a range of these services which help to prevent a sense of isolation and ensure that new mothers have access to various points of entry into existing community support systems. For first-time parents, paid parental leave also provides valuable time to focus on the intense learning experience of becoming a parent and effectively managing and dealing with the related emotional and social changes.

A period of paid parental leave not only provides time for mothers to recover from the immediate physical effects of pregnancy and childbirth, but also affords women the time and opportunity to re-engage with fitness, sporting and/or other recreational activities that they may have been involved in prior to or during pregnancy. These activities may also involve group exercise, swimming or walking groups that bring new mothers together. In addition to the obvious physical health benefits, these opportunities can provide mothers with some valuable 'time out' from the demands of small infants and a healthy way of connecting with other mothers as a means of emotional support. The YMCA offers a range of these programs and many YMCA facilities incorporate childcare to further enhance the participation of new mothers.

Without paid parental leave, many women feel they have no other option than to return to work which can often mean that finding time and money for such health and recreational activities becomes increasingly difficult

For Babies: Not only does a period of paid parental leave allow time for babies to emotionally bond with their parents or caregivers, but it also optimises the capacity and ability of mothers to establish and maintain a positive breastfeeding routine.

The Australian Government has long supported the recommendation of the World Health Organisation (WHO) that to ensure the maximum health benefits to babies, breastfeeding should be the exclusive form of feeding for the first six months. The Australian Dietary Guidelines recently released by The National Health and Medical Research Council (NHMRC) also support this recommendation. The Australian Breastfeeding Association (ABA) also recommends that in addition to solid food which is introduced at 6 months, breastfeeding should ideally continue until at least 12 months of age to provide infants with the necessary nutrition essential for optimal growth and development.

Without access to paid parental leave, women needing to return to work who want to breastfeed according to the above guidelines are often unable to and the pressure to express breast milk in order to return to work can often be a highly stressful process that is difficult to maintain for an extended period. As a result, for many women the need to return to work means that a breastfeeding routine is ceased early or is not established in the first place.

Despite these broadly accepted recommendations of WHO, NHMRC and ABA, the majority of Australian workplaces have been slow to implement strategies that maximise the opportunity for working women to establish and maintain positive breastfeeding routines with only 54 Australian workplaces currently accredited as breastfeeding friendly². The lack of progressive

² Australian Breastfeeding Association, Breastfeeding Friendly Workplace Initiative Website, <http://breastfeedingfriendly.com.au>

Government and workplace policy in this area is also a continuing barrier to the implementation of positive workplace practices to support new mothers.

Paid parental leave in addition to the implementation of innovative workplace practices will have a positive and lasting impact on the health and wellbeing of new mothers and babies and also ensure that parents have continuing attachment to the workforce.

For Fathers or Partners: In supporting families in a holistic framework, YMCA Australia acknowledges the significant role that fathers or partners play in supporting the family in a financial sense and also the emotional support provided to mothers and the family as a whole. Any discussion about paid parental leave must include recognition of this contribution and the importance of opportunities for fathers or partners to bond with their child.

In order to compensate for the loss of their partner's income following the birth of a child, many fathers and partners work longer hours, take overtime or explore additional employment opportunities all of which result in increased hours away from the home and the family. A period of paid parental leave (whether this is taken up by the mother or father or a combination of both) would play a substantial part in easing the income-generation pressure on fathers and enhance opportunities for family bonding.

Paternity or partner's leave is not universally available and many fathers or partners take periods of annual leave, accrued sick leave or personal leave at the time following the birth of a child. Not only does this fail to acknowledge the significance of the role of fathers or partners, but this also eats into other forms of leave which the family may rely on at a later point.

6.1.2 Economic security for parents and families

A period of paid parental leave increases the financial security for families at the time of the birth of a child and also throughout the lifecycle of the mother and family.

A 1999³ study showed that for the birth of a first child a woman will lose between \$167,000 and \$239,000 in earnings and that time away from the workforce has a disproportionately negative impact on superannuation savings. Results of a 2002 study by Curtin University⁴ projected that women who were absent from the work force for a period of time to raise young children experienced a reduction in their superannuation savings of up to 30% (returning to full-time work) and up to 50% (returning to part-time work). The study also projected that a period of 3 months paid maternity leave will increase the rate of superannuation by up to 1.5%.

Paid parental leave will reduce the anxiety and uncertainty regarding household finances that young families frequently experience following the birth of a child and will also assist in

³ Chapman, B., Y. Dunlop, Gray, Liu and Mitchell. (1999). *The foregone earnings from childrearing revisited*: Discussion paper No. 47. Canberra, Centre for Economic Policy Research, Australian National University.

⁴ Siobhan Austen, Therese Jefferson & Alison Preston, (2002), *Women and Australia's Retirement Income System*, Women's Economic Policy Analysis Unit (WEPAU), Curtin University of Technology

reducing the impact that taking time away from the workforce to raise young children has on the lifelong earnings and retirement funding for women.

6.2 As an employer

6.2.1 Improving Productivity

Employing large numbers of people across a diverse range of employment circumstances, the YMCA believes and understands that a flexible, family-friendly workplace which fosters and encourages a positive work-life balance will ensure higher levels of employee morale, greater staff retention and improved productivity. Our commitment to ensuring the YMCA continues as a family-friendly workplace is also an important reflection of our mission, our commitment to the broader Australian community and our support for the strengthening of Australian families.

6.2.2 Labour Force Attachment: Retention and Attraction of Staff

Paid parental leave is an integral component of a suite of public policy and social policy measures to ensure that families are appropriately supported in dealing with the challenges of raising young children and optimizing the engagement of mothers, fathers or other primary carers with the labour force.

As discussed by Barbara Pocock (2007)⁵, employers as well as governments have begun to acknowledge the benefits of family friendly practices such as paid parental leave which include long-term savings for employers in relation to costs of re-hiring and re-training staff in addition to bringing other advantages such as higher rates of staff retention, greater productivity and enhanced staff morale. Furthermore, a growing number of large companies are adopting policies of paid parental leave in recognition of evidence from Australian employers that providing paid parental leave in conjunction with a range of family-friendly workplace practices results in increased rates of return to work⁶.

From the YMCA's point of view as an employer, implementing a scheme of paid parental leave is not only advantageous in terms of retaining skilled and experienced staff, but is also integral to our capacity as an organisation to attract staff in an increasingly competitive environment. Both at a time of skill shortage and with a growing number of employers in the public and private sectors offering paid parental leave, introducing a policy of paid parental leave will ensure the YMCA can remain competitive and will continue to be seen as an employer of choice.

⁵ Pocock, B. (2007), *A Time to Act: Paid Maternity Leave for All South Australian Women*, Supplementary Submission to the Select Committee on Balancing Work and Life Responsibilities, August 2007, Centre for Work + Life, Hawke Research Institute, University of South Australia, Discussion Paper No. 4/07.

⁶ Financial Services Union (FSU), (2002), Submission to the Senate Employment, Workplace Relations and Education Legislation Committee, Inquiry into the Workplace Relations Amendment (Paid Maternity Leave) Bill, August 2002.

6.2.3 Addressing workplace disadvantage and gender equity in the workplace

Pocock (2007) and others, have suggested that paid parental leave should fundamentally be viewed as an anti-discrimination measure in the workplace that supports women's ongoing paid employment and equality in the labour force while also acknowledging their differences from men.

YMCA Australia believes strongly in promoting gender equity in the workplace and ensuring that workplace disadvantage affecting women is addressed. With an overall gender division in the YMCA workforce of 66% female and 34% male employees, YMCA Australia is acutely aware of the need to implement policies which support the contribution of women to the workforce and also support women and families in the life choices they make in relation to having children. A paid parental leave scheme which is situated within a range of family-friendly policies and workplace practices is a practical initiative to address gender inequity and gender-based workplace disadvantage.

The introduction of a paid parental leave policy, in addition to other family-friendly workplace policies would also enable YMCA Australia to be recognised as an EOWA Women's Employer of Choice.

6.3 Towards parity with international standards and practice

YMCA Australia is cognisant of the fact that while the Australian Government provides a range of supports and benefits for young families, our approach to paid parental leave as a social and economic capacity-building tool has not kept pace with international standards.

In addition to acknowledging recommendations by both the World Health Organisation and the International Labour Organisation for a period of 16 weeks and 14 weeks of paid parental leave respectively, YMCA is heartened by the Government's focus on drawing comparisons with paid parental leave provisions in other "like" countries.

Existing international standards relevant to paid parental leave include:

- 1979 United Nations Convention on the Elimination of Discrimination Against Women (CEDAW); Australia ratified CEDAW in 1983, but has not signed the Optional Protocol and placed a reservation against article 11(2) (b) refusing to provide paid maternity leave.
- ILO Convention 183 (C183), Maternity Protection 2000 (with associated Recommendations); and Australia has not ratified
- ILO Convention 156, Workers with Family Responsibilities, 1981, (C156 and Recommendations). Australia ratified in 1990

6.3.1 UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

On the 23rd May 2008, the Australian Government indicated it would commence national consultations on signing the Optional Protocol to CEDAW which will enable women to submit complaints directly to the UN Committee with the responsibility of overseeing States parties compliance with CEDAW (if all domestic remedies have been exhausted). While this is a welcome re-engagement with a critical international instrument toward the ongoing protection of women's rights, an issue of great concern is the existing reservation placed against article 11(2) (b) which spells out the right of women to paid maternity leave. At the time of ratification, the Australian Government refused to accept this article placing a reservation meaning that the Australian Government could not be bound the provisions contained in CEDAW in relation to the right to paid maternity leave.

At the time of their ratification of CEDAW, the United Kingdom and New Zealand also placed reservations against article 11, but both countries have since introduced legislative changes in relation to paid maternity leave which may enable a review of their status in relation to article 11 of CEDAW.

The current Government's move towards signing the Optional Protocol to CEDAW provides a perfect opportunity to review the reservation against article 11(2) (b) and re-affirm our commitment to the provision of paid maternity leave.

6.3.2 International Labour Organisation (ILO) Convention 183 (C183)

The ILO Convention 183 (C183) Maternity Protection which Australia has *not* ratified provides for a period of maternity leave of no less than 14 weeks and period of at least 6 weeks compulsory leave. This Convention goes a great deal further in outlining the rights to maternity leave than that which is contained in ILO Convention 156 (C156) which makes provision for the protection from discrimination for workers who are required to meet various family responsibilities (relating to the care of dependent children and other dependent family members). Additionally, Recommendation 191 (R191) of ILO Convention 183 goes further and extends the duration of paid leave to 18 weeks and raises the benefit to the full amount of the woman's previous earnings.

Currently, Australia does not comply with a number of key elements contained in C183 including⁷:

- access to maternity leave for all employed women (including those in "atypical forms of dependant work");
- a minimum of 14 weeks maternity leave, of which 6 weeks should be compulsory;
- the delivery of paid leave; and

⁷ Department of the Prime Minister and Cabinet, Department of Employment and Workplace Relations & Department of Family and Community Services (2002), Joint Submission to the Senate Employment, Workplace Relations and Education Legislation Committee, Inquiry into the Workplace Relations Amendment (Paid Maternity Leave) Bill 2002. Commonwealth of Australia, 2002.

- access to paid breast-feeding breaks.

To date, 13 countries have ratified ILO Convention 183.

As stated by Barbara Pocock (2007), *“these standards reflect the international view that family friendly measures...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.”*

YMCA Australia urges the Australian Government to continue progress towards signing the Optional Protocol to CEDAW in addition to withdrawing the current reservation against article 11(2)(b). We would also encourage the Government to consider ratification of ILO Convention 183 Maternity Protection as an additional mechanism through which the rights of working Australian women can be realised.

7. What could constitute a model for paid parental leave?

In making the following recommendations regarding a national model of paid maternity, paternity and parental leave, YMCA Australia consulted with and draws upon the expertise of experienced personnel within our national movement. We are also drawing on internationally recognised standards and the expert opinion, research and thinking of leading commentators and organisations in the fields of women's rights and employment rights.

	Recommendation	Notes
Eligibility	Permanent employees: full-time and part-time	Eligible
	Contract staff	Consideration needs to be given to staff employed under contracts of duration 12 months or longer (and also dependent on the nature of benefits associated with the contract)
	Fathers or partners	Eligible
	Single-parent families	While it recognised that single-parent families face particular challenges, there are a number of existing social security benefits available. In this respect single-parent families should be afforded the same duration of paid parental leave as other families, but no greater paid parental leave entitlement.
	Same-sex couples	Eligible
	Adoptive parents	Particular consideration should be given to the immediate pre- and post-adoption periods
	Foster parents	Consideration should be given to the provision of paid parental leave for parents fostering infants, young children or those requiring complex case support.
Rate of payment	Full pay	Or proportion of full pay if longer period of leave is taken.

Duration	<p>16 weeks paid 6 weeks compulsory paid</p> <p>2 weeks paid for fathers / partners Also optional for fathers /partners to take any unused portion of mother's 16 weeks leave</p> <p>Total leave (paid and unpaid) up to 12 months, with the option to negotiate an additional 12 months with employers.</p> <p>There should also be flexibility about how paid leave is taken. For example 16 weeks could be taken over 32 weeks at half-pay. The length of pre-natal leave should be determined by the individual. Any period of pre-natal leave would be included in the 16 week total</p>	<p>In line with WHO and ILO standards</p> <p>This would provide an option for parents to 'share' leave arrangements and provide for greater equity in caring responsibilities in the home.</p>
Funding	<p>Government and Employer co-contribution scheme.</p>	<p>A potential model could be a National Parental Leave Insurance Scheme to which all employers provide a compulsory contribution (under a similar model to the Workers Compensation Fund), that is also matched by Government.</p>

7.1 Additional points of consideration

- Special consideration should also be given to providing alternative leave arrangements for couples utilising **in-vitro fertilisation (IVF)** during the pre-natal or pre-conception phase due to the intense treatment schedule. Such consideration would acknowledge the often emotionally difficult process of IVF and ensure that couples are not discriminated against because of their reproductive choices. The provision of alternative paid leave arrangements may also assist in alleviating some of the financial pressures associated with IVF.
- Greater consideration should be given to the changing nature of the employment status of Australian workers. People employed under **casual or contract employment** arrangements are forming an increasingly greater component of the Australian workforce. The hours and period of employment for many casual or contract employees often mirrors that of permanent employees and while other employment benefits may

in some part compensate for the lack of paid leave arrangements, these benefits do not address the critical issue of maternal and child health and wellbeing in the first 6 months after birth.

- Similarly, greater consideration needs to be given to the circumstances of parents preparing for the **birth and care of second, third or subsequent children**. If women do chose to return to work following the birth of their first child, they often return on a part-time or casual basis which will often significantly limit their eligibility for any paid or unpaid leave associated with the birth their second or subsequent children.
- Some consideration also needs to be given to employers with higher than average **numbers of female employees** as they will experience a greater burden in terms of cost and staff replacement than employers with relatively few female workers. For example the YMCA of Perth, while highly supportive of a paid maternity leave scheme also raised concerns about the cost implications with a workforce that is 77% female. The YMCA of Central Australia employs a smaller number of people, but with a far higher proportion of female employees (89%). A paid parental leave scheme for this YMCA may pose some significant issues, not only in terms of financial viability but also in terms of attracting maternity-leave replacement staff in a regional area. Despite the obvious cost implications for these YMCAs, the positive outcomes of a paid parental leave scheme are seen to offset any immediate or short-term cost implications.
- One of the key issues raised by YMCA Children's Services is the difficulty in finding qualified childcare staff which directly relates to the number of childcare places available. While a national paid parental leave scheme may present an initial **implication for childcare providers** of a reduction in demand for childcare places, a broader consequence of directing government funding into paid parental leave, an investment made into children and families, will allow parents the opportunity to have choice. Maximising the opportunity for parents to stay at home with their children may have the effect of increasing access to existing childcare places for those parents who are returning to work.

7.2 Additional family-friendly work practices

YMCA Australia acknowledges that many Australian employers, both in the public and private sectors have successfully implemented a range of innovative and progressive family-friendly policies and work practices including flexible working hours and facilitating 'work from home' arrangements. In developing and implementing a national paid parental leave scheme, YMCA Australia recommends the inclusion and further promotion of some existing initiatives which would work together with paid leave arrangements in maximising the participation of mothers in the workforce.

- 'Staying in Touch' programs can provide a mechanism for employees to remain connected with events, changes and activities in the workplace. This enables a greater ease of re-integration into the workplace following a period of extended leave.
- Breast-feeding friendly workplaces. It is unlawful to discriminate against someone because of their breast-feeding status and ensuring that paid breast feeding breaks are included as an option in return to work arrangements and that a clean, comfortable

and private room (not a bathroom/toilet) is provided ensures that both mother and baby continue to have the opportunity to benefit from breast-feeding. The Australian Breast Feeding Association offers an education and training program for workplaces to receive a Breastfeeding Friendly Workplace Accreditation.

- Subsidised or Employer-Sponsored Childcare may include an employer-run child care centre which is on-site or off-site, may involve an employer prioritising or reserving child care places at an external facility or may involve the employer paying for or partially subsidising the cost of child care. For many employers, the provision of such assistance with child care may be one of the key policies to ensure the attraction and retention of staff.

8. Conclusion

YMCA Australia believes that a socially inclusive Australia is one which will foster the full participation of women and parents in the labour force while at the same time creating the opportunity for parents to have the most optimal period of time to provide care for their children without compromise because of pressures (financial or otherwise) to return to work.

Enabling parents to exercise freedom of choice in the decisions they make regarding the wellbeing of their family is a critical aim of a national paid parental leave scheme.

YMCA Australia commends the Australian Government in examining the issue of paid maternity, paternity and parental leave and believes a national scheme which meets accepted international standards and reflects world's best practice will ensure that Australia remains economically productive, socially inclusive with strength and resilience in Australian families and communities.