

Submission to the ABS Pregnancy and Employment Transitions Survey 2011¹

Introduction

We welcome the ABS proposal to run a Pregnancy and Employment Transitions Survey in November 2011, along the lines of that run in November 2005 (ABS, 2005). It will provide invaluable information about women and their experience of work during pregnancy, maternity leave and on return to work.

As it is being run about 11 months after the start of the statutory paid parental leave scheme (PPL) on 1 January 2011, we would recommend that all survey respondents should be identified by whether they have given birth before or after 1 January 2011. We appreciate that the survey will not present a clear picture of the experiences of women eligible for the scheme particularly as many will be those with very young babies. Nevertheless, for women who gave birth in 2011, capturing some of their experiences relatively early in the life of the new scheme will be useful as it may identify policy issues to be followed up. For those who gave birth before the end of 2010, such categorisation will enable data broadly comparable to earlier surveys to be made available.

We also suggest employees without leave entitlements (casuals) be an explicit focus of the survey as there is some concern that they may not in practice receive their statutory entitlements (see PLAS, p.7).

We recommend:

- where possible survey respondents should be identified by whether they gave birth before after 1 January 2011 and the analysis in the standard output be provided accordingly, where this appears useful;
- employees without leave entitlements (casuals) be an explicit focus of the survey.

Our principal concerns in this brief submission are to make proposals which will assist in identifying:

- the numbers of pregnant women taking up paid parental leave (as opposed to the Baby Bonus);
- whether employers are supplementing it and how;
- the length of periods of leave from work taken by women in association with childbirth;
- women's awareness of their employment rights during pregnancy, maternity leave and on return to work;
- their experiences at work during pregnancy and on return after leave.

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Income during maternity leave

We recommend:

- the survey identifies proportion taking the Baby Bonus in place of PPL;
- where PPL is taken, the proportion who also received additional employer parental leave payments (including those who do not know if they did);
- where they do receive this additional payment and know they do, the proportion knowing if it was employer policy only or a legal entitlement under an enterprise agreement or other contractual arrangement (including those who do not know).

It will be useful for the survey to identify employment related income during maternity leave as in the previous survey, including the extent to which non-parental paid leave entitlements are used the time of the birth. The new information which we suggest is collected, will assist understanding the extent PPL is substituted for the Baby Bonus. It will also start to map the extent to which employers are improving on PPL and whether this is by way of a legal entitlement for employees or a discretionary one.

Duration and type of leave

We recommend:

- identifying duration of leave by the proportion of respondents taking various time periods (for example see PLAS, 2006,² Table 12) and by whether they were born before or after 1 January 2011;
- identifying the type of leave taken.

International evidence suggests that a minimum of 26 weeks and possibly up to 52 weeks parental leave is optimal for maternal and child health (Baird et al., 2009). From the perspective of employers and a woman's career prospects, around six months leave may be preferable (Jaumotte, 2003; OECD 2007), though Canadian evidence suggests up to 12 months leave still promotes employees' ongoing labour force attachment (Hanratty and Trzcinski, 2006). The Parental Leave in Australia Survey suggests and that many women would prefer longer leave than they currently have (of the 70% surveyed who had returned to work within 15 months after the birth of their child, well over half took less than nine months leave), with 9 to 12 months being the period when mothers are most satisfied with their return to work. Financial pressures are commonly the main reason why women return to work earlier than they wish to (as identified in PLAS, 2006 and PaETS, 2005).

Analysing leave duration in the way we recommend is preferable to providing average leave duration which does not provide a picture of the behaviour in practice of any individual or group of individuals. Identifying leave duration by whether a child was born before after 1 January 2011 may provide some initial indication of whether longer is being taken.

Whilst we understand difficulties which may be posed asking respondents to remember up to two years ago the types of leave which they took for maternity leave, we suggest a

² <http://www.polsis.uq.edu.au/parental-leave/level1-report.pdf>

question could be designed asking them to identify whether they took parental (in which case paid or unpaid) and/or other (in which case annual or long service) leaves, and for how long each instance, providing for those who cannot remember or do not know which leaves they took. It is feasible to obtain such material, it would assist in understanding how adequate parental leave is.

Eligibility: awareness and take-up

We recommend:

- the level of awareness of respondents as to (a) the rights to PPL and unpaid parental leave and the job guarantee generally be tested and of (b) their own eligibility for these rights;
- analysis of awareness should be undertaken by employment status and by whether they are eligible/ineligible for these rights and by take-up levels;
- as eligibility for the new rights to request a further 12 months unpaid parental leave and to request flexible working arrangements on return to work are the same as for unpaid parental leave and the job guarantee, awareness of these rights and respondents' own eligibility also be tested (if feasible).

Eligibility criteria differ for paid parental leave on the one hand and unpaid parental leave and job guarantee on the other. It will be important to understand the extent to which women know their different Legal entitlements. If any particular lack of awareness is identified, this would be particularly relevant to policy development.

Difficulties during pregnancy

We recommend:

- this question is expanded to include as difficulties dismissal/redundancy/feeling obliged to leave and whether the negative comments they suffered were from colleagues or managers;
- the question remain as in the 2005 survey i.e. about difficulties experienced but if feasible, a separate one be asked as to whether the respondent perceived any reported difficulty as a type of unfair treatment connected in some way with her pregnancy or maternity leave.

This is an important question given that 22% reported difficulties in the 2005 survey. Although not the most frequent difficulty faced during pregnancy, international evidence indicates that pregnancy discrimination dismissals are not rare and it would be valuable to identify them in this survey. With regard to negative comments, again it would be useful to understand whether these are coming from colleagues or managers. The implications for the respondent (and for policy development) would differ according to the result.

We also recommend that the question remains as in its previous format, neutral as to whether any difficulties experienced are due to the respondent's pregnancy. A separate question could then be asked as to whether the respondent would identify the cause of reported difficulties as due to her pregnancy, i.e. unfair treatment or discrimination. Employees may be reluctant to identify their treatment as such or not understand that

particular forms of treatment may be discriminatory. If only treatment which the respondent received as discriminatory was reported, the picture provided by the survey of what is occurring in the workplace when women become pregnant would be diminished. On the other hand, understanding how respondents see such behaviour will be useful information to have, e.g. it may affect their return to work behaviour or their understanding of whether they have legal remedies for it.

Experiences after childbirth relating to employment

Reasons for not working after the birth

We recommend:

- the question about the availability of part-time hours be expanded to refer to flexible working generally (with definitions provided);
- where the response to the question about the availability of flexible working is a negative, a supplementary question be asked as to whether the respondent had requested their employer for such arrangements;
- that respondents are asked whether or not they had the statutory right to return to the job they had previously;
- that they be asked whether any difficulties experienced during pregnancy or maternity leave affected their decision.

We suggest that the above will give a fuller picture of mothers' reasons for not working after the birth.

Experiences where there is a return to work

We recommend:

- that in the overview of findings (the standard output from the survey) information is presented tracking occupational moves up and down after return to work, including by whether respondents have changed employer and/or changed hours and/or by employment status;
- questions be adapted to ask respondents in general terms about whether their pay had improved or declined on return to work and how they perceived their future career opportunities.

The previous survey asked about hours, occupation, industry and employment status (permanent or casual) in jobs while pregnant, in the first main job after birth and in the job held at interview. It is also identified whether the woman has returned to her pre-birth employer. We hope therefore that the information suggested in the first recommendation above will be straightforward to provide.

Evidence internationally (EOC, 2005; Connolly and Gregory, 2008) indicates that women undergo substantial occupational downgrading on return to work after maternity leave. This has implications for women's pay and career prospects and retirement income. There are some indications that this is also occurring in Australia (PLAS, 2006; Chalmers and Hill, 2008). It would be helpful for material from the survey to feed into this developing public policy debate. Our second recommendation would expand on the data

available for analysis on this issue using questions from PLAS which were found to produce informative data.

Birth order of the child regarding whom the respondent answers the survey questionnaire

We recommend:

- that the birth order of the child regarding whom the respondent answers the survey questionnaire be identified.

Data from PLAS 2006 and international evidence indicates that behaviours on a range of issues (length of leave taken, return to work) vary significantly depending upon the birth order of the child. US research claims experience of a firstborn typically reflected a time of 'maximum conflict' for mothers. However, it could be that this conflict is experienced in regard to the second child. Information from such a question would contribute to the policy debate in this area.

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