



Police Federation  
of Australia

The National Voice of Policing

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### **Fairer Paid Parental Leave Bill 2016**

Thank you for the opportunity to make a submission to the *Fairer Paid Parental Leave Bill 2016*. The Police Federation of Australia (PFA) is the national body representing the professional and industrial interests of Australia's more than 60,000 police officers, of which approximately one third are women, across all jurisdictions.

The nature of police work and the difficulties it poses for parents are unique. There is an unpredictability faced by police that is not faced by other workers in Australia. As outlined in our previous submission to the *Fairer Paid Parental Leave Amendment Bill 2015* the proposed Paid Parental Leave Scheme measures and revised arrangements will have a negative impact on mothers and babies as well as the wider community.

The PFA has been a long term strong supporter of the Paid Parental Leave Act 2010 (PPL Act). Our members have been able to access the 18 weeks' parental leave pay under that Act, on top of entitlements under the various state, territory and federal police enterprise bargaining agreements or awards. In fact, negotiations our members' branches have had with the various state, territory and federal governments and police forces in enterprise bargaining around paid parental leave (PPL) have always been predicated on our members also having access the PPL Act 18 weeks.

In addition to those 18 weeks, police are entitled to the following PPL entitlements across the country –

- VIC – 1 week paid leave in the first 12 months of service and 14 weeks of paid PPL after 12 months' service,
- AFP - 16 weeks,
- NSW - 14 weeks after 40 weeks' service,
- NT 14 weeks up to five years' service and 18 weeks with greater than five years' service,
- QLD – 14 weeks,
- SA – 16 weeks after 12 months' service and 18 weeks after five years' service,
- TAS – 12 weeks after 12 months' service,
- WA 14 weeks after 12 months' service.

As a direct result of the PPL Scheme, the Police Association of Victoria have confirmed an increase in the length of time away from the workplace taken by members after childbirth. Coupled with other leave arrangements including 14 weeks paid PPL under their enterprise agreement it has allowed most infants to be exclusively cared for by a parent for the first six months of life. We believe a like scenario exists in all other jurisdictions. This 2016 Bill will detract from that goal.

There is also evidence of increased workforce participation of women in the police frontline and greater retention of women of childbearing age following the birth of their children.

We estimate that the changes being proposed in the Fairer Paid Parental Leave Bill 2016 will result in a loss of \$11,500 per member, who are predominantly birth mothers. For some police officers this will mean a reduced amount of time on parental leave and for others a separation from the workforce entirely.

### ***Flexible Working Arrangements***

Police services do not have the same degree of work place flexibility found across other industries. There is also evidence that women in the police are clearly coming up against considerable discrimination in relation to accessing flexible working arrangements. This is highlighted in the 2015 Review conducted by the Victorian Equal Opportunity and Human Rights Commission, commissioned by the Victoria Police.

*"The Review amassed considerable evidence of women's experience of direct and indirect discrimination in Victoria Police in relation to starting families and accessing flexible working arrangements"<sup>1</sup>.*

The South Australia Police (SAPOL) commissioned the Equal Opportunity Commission (EOC) of South Australia to undertake a similar Independent Review into Sex Discrimination,

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<sup>1</sup> Victoria Equal Opportunity & Human Rights Commission. *Independent Review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police. Phase One Report 2015 P 197*

Sexual Harassment and Predatory Behaviour in South Australia Police. This 2016 Report clearly identifies similar issues.

*“Women felt particularly discriminated against when they were pregnant and on their subsequent return to work. Many felt they had to choose between being a parent and a rewarding career, often having to give up rank, pay and previously-held specialized roles in order to have their requests for part-time work accommodated on their return from maternity leave”<sup>2</sup>*

For women in the Australian Federal Police their story was no different from the above. As evidenced in the 2016 Report by Elizabeth Broderick, *Cultural Change: Gender Diversity and Inclusion in the Australian Federal Police*

*“For women in the AFP in particular, the need to combine work with family disproportionately impacts on their ability to progress through their career and access leadership opportunities. Unlike men, many women in the AFP believe they face a dual choice between a career and family”<sup>3</sup>*

Any reduction of Paid Parental leave could have a contributing effect on the discrimination and stress women already experience accessing flexible working arrangements.

In October 2016, the PFA embarked on a comprehensive Survey investigating the *Flexible Working Arrangements for Police Officers in Australia and New Zealand*<sup>4</sup>. At the time of writing this submission we have had over 10,000 completed survey responses, with a final report due February 2017. Around 16% of all female police officers have responded to this extensive survey.

Preliminary unpublished findings from this survey indicate that over 40% of female officers aged under 50 years who are currently employed part time or in some other flexible work arrangement would have accepted a regular full time position if they had other, viable child care options such as 24-hour child care providers or subsidised home-based care (nanny, au pair, etc). Extrapolating the survey data almost 2,100 female officers currently working part time or in a flexible work arrangement would have remained in regular full time work had viable child care options been available to them. From these responses, we estimate that access to flexible and affordable childcare remains a massive issue for our members and this is also heavily reiterated throughout the open text survey responses.

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<sup>2</sup> South Australian Equal Opportunity Commission. *Independent Review into sex discrimination and sexual harassment, including predatory behaviour in South Australia Police*. P6

<sup>3</sup> Elizabeth Broderick. *Cultural Change: Gender Diversity and Inclusion in the Australian Federal Police*. Report 2016. P8

<sup>4</sup> *Police Federation of Australia Flexible Working Arrangements for Police Officers in Australia and New Zealand Survey 2016*. \*Preliminary unpublished findings as at 09/12/2016

The PFA *Flexible Working Arrangements for Police Officers in Australia and New Zealand Survey* also indicated that more than 60% of female police officers under 50 years of age (approximately 8100 female officers) find their current work roster interferes with important aspects of their life outside of work either to a moderate or major degree. Further, with more than 58% of this cohort reported working nonstandard hours of work.

The challenges of accessing flexible working arrangements, inadequate access to flexible and affordable childcare and the nonstandard patterns of police work, coupled with the proposed PPL changes in this Bill will leave mothers and prospective mothers very limited choices and without the support they need to return to policing. We also know that for many police families both parents are members of the police. This again reduces the flexibility available within families to juggle carers responsibilities, careers and financial pressures.

### ***Not fair to babies***

The Coalition's previous parental leave policy stressed the value of giving every new mother 26 weeks off with paid leave, saying:

*a primary objective ... is to support women to have the best chance to breastfeed and bond with their infant for the six-month period recommended by international and Australian health experts.*

Australian guidelines recommend that infants are fed nothing but breast milk for their first six months of life and continue to be breastfed into their second year.<sup>5</sup> These recommendations flow from extensive research indicating that breastfeeding is important to the health, growth and development of children. The way infants are fed has short- and long-term impacts that is well documented in national and international research.

Breastfeeding is a time-intensive activity. It can be difficult for mothers to maintain breastfeeding while they are working. The unpredictability of police work combined with nature of shiftwork make it extremely difficult for women. Reducing the paid parental leave period will mean that breastfeeding will cease.

### ***Not fair to women***

The impact of shorter paid parental leave is not limited to infants. Mothers also suffer when they do not have enough leave available to them. Negative outcomes of an early return to work include poorer physical health and well-being, feelings of stress and poorer mental

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<sup>5</sup>National Health and Medical Research Council. *Infant Feeding Guidelines Information for health workers*. Canberra: NHMRC, 2012.

health.<sup>6</sup> Mothers also need time to recover from childbirth. Paid maternity leave can assist by ensuring that women are able to take an adequate recovery period out of the workforce following birth. By reducing the paid parental leave period some women may find it necessary to return to the workforce earlier which may be detrimental to either their health, the child's or the family unit as a whole.

In most police jurisdictions, there is an ongoing requirement for operational safety training qualifications. Coupled with the physical demands of frontline policing, birth recovery and operational readiness provides an extraordinary burden on women police to be fit for duty. The reduction in the time for maternal recovery will compromise the ability to return to frontline duties.

Taking away the additional weeks of paid parental leave, albeit at the minimum wage, is enough to make a real difference to mothers. Frontline police work combined with nature of shiftwork makes policing an occupation where the reduction of available paid parental leave will have an extraordinary impact on women.

### ***Not fair to the community***

It is also important that police services are reflective of the communities they serve. The reduction of police women on the frontline will also impact on communities they serve. The advantages of women on the frontline are well documented. Currently, the community and Governments are attempting to tackle issues of domestic violence. Our members are first responders in those situations. Reducing the parental leave entitlements will have a flow on effect on the number of police women on the frontline to assist victims of domestic violence. In the past, police jurisdictions have obtained exemption under equal opportunity legislation to ensure that they can deploy police women only in areas such as sexual assault and child abuse units. Police of childbearing age fulfil valuable roles including dealing with victims of sexual assault and child abuse. Community access to those police officers should not be compromised.

The PPL scheme is one of a range of measures required to support police parents balancing family commitments with the important and unique job of protecting the welfare of the community.

### ***Placing women at risk***

The proposed changes have the potential to leave women, including police women, more vulnerable to experiences of family violence. Indeed, research has demonstrated that economic stress and hardship increases the likelihood of family violence.<sup>7</sup> One such study found a family violence incidence rate of 9.5% for those reporting a subjectively high level of financial strain, compared to a rate of 2.7% for those reporting a subjectively low level of

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<sup>6</sup> Paid Parental Leave Evaluation: Phase 1, Department of Families, Housing, Community Services and Indigenous Affairs, 2012

<sup>7</sup> Renzetti, C (2009) Economic stress and domestic violence. Harrisburg, PA: VAWnet. At <http://www.vawnet.org>

financial strain.<sup>8</sup> It must also be noted that a lack of access to adequate economic resources inhibits a victim/survivors ability to leave, and commence recovery from, experiences of family violence, with access to vital services severely limited by inadequate income.<sup>9</sup> In this context, expenses associated with medical and mental health care, legal representation and safe housing may be ongoing or protracted.<sup>10</sup>

**We urge the Committee to not support the measures in the proposed Bill that will adversely affect many police officers as well as others in the community in relation to PPL.**

**We urge the Parliament to continue to ensure police are supported adequately across all stages of caring for children including continued access to provisions in the Paid Parental Leave Act 2010 that allow our members to access 18 weeks PPL on top of what is available under their respective entitlements under awards or enterprise agreements.**

**The paid leave of absence for women during childbearing age is one of the suites of measures necessary to increase participation of women in police forces and indeed the higher ranks/leadership roles. The PFA Branches have fought long and hard to achieve paid parental leave in industrial instruments as part of the gender equity in the police forces. By removing the PPL from them is pushing the police members away and indeed taking a backward step in achieving gender equity in policing in Australia.**

The PFA would like to note that we do recognise that the minor amendments below would be the **only** changes we would support and recognise that these minor amendments would be of benefit to some of our members.

#### Minor amendments to the Paid Parental Leave scheme

- Providing more flexible backdating provisions so that the four-week backdating rule will apply to parents who complete their claim process more than four weeks after the birth of their child.
- Paid parental leave work test will be amended to take into account the circumstances of pregnant employees who are unable to continue in their job because the hazardous nature of their employment presents a risk to their pregnancy and there is no safe job alternative available.

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<sup>8</sup> Benson, M., & Fox, G. (2004) *When violence hits home: How economics and neighbourhood play a role*. Washington, DC: Department of Justice, National Institute of Justice.

<sup>9</sup> Braaf, R., & Meyering, I. (2011). *Seeking security: Promoting women's economic wellbeing following domestic violence*. Sydney: Australian Domestic and Family Violence Clearinghouse.

<sup>10</sup> Cortis, N., & Bullen, J. (2015) *Building effective policies and services to promote women's economic security following domestic violence*, Sydney: ANROWS, p. 8.

- The permissible break in the paid parental leave work test will also be extended to allow parents to have a gap of up to 12 weeks between two working days and still meet the paid parental leave work test. This change will enable more working parents, particularly those in irregular employment, to be eligible for paid parental leave.

The PFA would be happy to provide further information to the Committee if that was required.

Sincerely yours

Mark Burgess APM  
Chief Executive Officer