

AN INCLUSIVE, SHARED, GENDER-NEUTRAL APPROACH TO PARENTAL LEAVE

In a move to create more inclusive workplaces, many SAGE Subscriber Institutions have reformed their parental leave entitlements to remove the terms *maternity* and *paternity leave* in favour of the gender-neutral terminology of *primary* and *secondary carer leave*. This is clearly a win for non-heterosexual couples and for parents who do not identify with a binary gender.

However, it is clear that this language is still problematic for equity, setting up expectations that one parent, in many cases the gestational parent, is the 'primary' caregiver, with the other parent taking a 'secondary' role, rather than the childcare being equally shared. This can have the knock-on effect of positioning one partner's career as primary and the other's as secondary. In heterosexual relationships, this often disadvantages the woman, since men rarely take primary carer leave.¹

There are a number of ways Institutions can move towards a shared, gender-neutral, inclusive approach to parental leave, starting with recognising how significant a life event becoming a parent is.



Make it shared, call it shared

Moving from separate leave types to all-encompassing *parental leave* or *shared parental leave* policy can be both more equitable and inclusive for employees² and easier for HR.³

To recognise the different experiences of birthing and non-birthing parents, some organisations divide parental leave into leave for recovery from childbirth (available to the birthing parent only) and bonding leave (available to all parents).⁴

¹ Australian Bureau of Statistics (2017) [One in 20 dads take primary parental leave](#) [online document], ABS, accessed 20 May 2021.

² Parents at Work (2018) [Advancing parental leave equality and introducing shared care in Australia: The business case for action](#), PAW, accessed 20 May 2021.

³ Diemar E-L (2021) [Six features of a progressive parental leave policy](#), Australian Human Resources institute, accessed 20 May 2021.

⁴ Garfield L (2018) [Estée Lauder is now paying employees \\$10,000 to adopt and giving parents 20 weeks of paid leave](#), Business Insider Australia, accessed 20 May 2021.



Avoid hetero- and/or cisnormative assumptions or language

Removing the terms *maternity* and *paternity leave* is a good start, but further removing gendered terminology in policies and guidelines, and using non-gendered language in conversations with staff until they volunteer their preferred nomenclature, makes for a more inclusive workplace.

Some non-gendered terminology includes *pregnant person*; *gestational or birthing parent*; *breast/chestfeeding*; *lactation room*.^{5,6}

Make it explicitly inclusive of all genders and family types

As well as avoiding hetero- and cisnormative assumptions, an inclusive parental leave policy should **explicitly** include people of all genders, all family structures, and all forms of parenting.⁷ Where policies are not explicit, staff members, and their managers, can be unsure about whether policies are inclusive of their situation.

Likewise, when information about parental leave provisions, and support around parental leave, is communicated to parents-to-be, this must be explicitly inclusive of all genders, family structures, and forms of parenting.

Make it inclusive of all the ways in which families are formed

Progressive organisations will incorporate the needs of families formed in different ways, for example through adoption, fostering, kinship care, and surrogacy, by providing leave and flexibility to attend related appointments. Further, providing access to paid reproductive leave for IVF/fertility treatment recognises the needs of those undergoing such treatments.⁸

⁵ The 519 (n.d.) [Queer & trans family affirming language](#), The 519, accessed 20 May 2021.

⁶ ANU Gender Institute & ANU Centre for Learning and Teaching (2021) [Gender-inclusive handbook](#), ANU, accessed 20 May 2021.

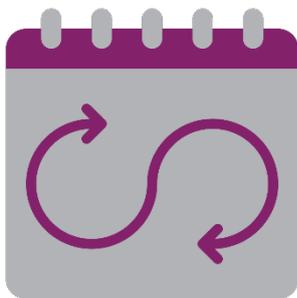
⁷ Grace Papers & Pride in Diversity (2021) [An inclusive approach to parenting: Exploring the intersection of care, career and sexual orientation](#), Grace Papers, accessed 20 May 2021.

⁸ Ibid.



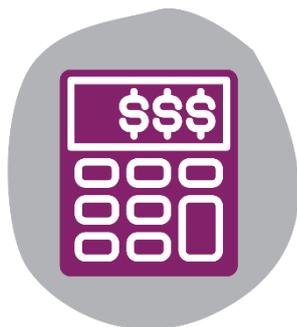
Make it inclusive of pregnancy loss at all stages

The Fair Work Act entitles parents of stillborn babies unpaid parental leave up to 12 months,⁹ and many SAGE subscriber organisations extend paid parental leave provisions to gestational parents in such situations. Fair Work also provides for unpaid special maternity leave in cases of pregnancy loss after 12 weeks.¹⁰ In June 2021, the federal government introduced legislation to include miscarriage under the compassionate and bereavement leave entitlement, providing two days of paid leave to those who miscarry before 20 weeks as well as their partners.¹¹



Make it flexible

Allowing families the flexibility to use parental leave as best suits their circumstances is becoming more common in the private sector.^{12,13} Allowing parents to take the leave simultaneously or consecutively, in one chunk or many, full-time or part-time over a longer period, in all cases up to the maximum leave entitlement of course, has been shown to increase the uptake of parental leave among men.¹⁴



Make it financially viable for parents to take leave

One of the barriers to men taking parental leave has been found to be the fact that the government-funded Dad and Partner Pay is paid at only the national minimum wage.¹⁵ Ensuring that there is no financial penalty for taking a period of parental leave, by paying the leave at the employee's base salary,¹⁶ improves inclusivity.

⁹ Fair Work Ombudsman (n.d.) [Parental leave for stillbirth, premature birth or infant death](#), FWO, accessed 20 May 2021.

¹⁰ Fair Work Ombudsman (n.d.) [Parental leave & related entitlements](#), FWO, accessed 20 May 2021.

¹¹ Borys S (24 June 2021) '[New law validates pregnancy loss by granting compassionate leave for grieving parents](#)', ABC News, accessed 24 June 2021.

¹² Parents at Work (2019) [Medibank case study: Parental leave policy](#), PAW, accessed 20 May 2021.

¹³ Parents at Work (2019) [Deloitte case study: Parental leave policy](#), PAW, accessed 20 May 2021.

¹⁴ Parents at Work (2019) [Medibank case study: Parental leave policy](#), PAW, accessed 20 May 2021.

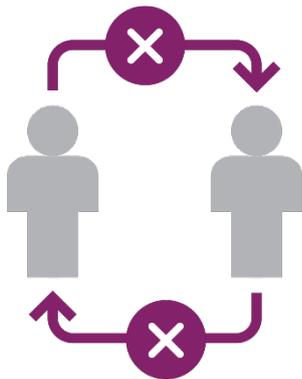
¹⁵ Borgkvist A (2021) SAGE webinar - Fathers and flexible work arrangements in Australia. 7 May 2021.

¹⁶ The current Workplace Gender Equality Agency's (WGEA) Employer of Choice for Gender Equality (EOCGE) citation requires permanent employees to be provided with paid parental leave at full pay (8 weeks/2 weeks for

Some organisations now offer return-to-work arrangements on reduced hours at full pay. For example, REA allows employees to work 75% of their normal load at full pay for four weeks after returning from primary carer leave.¹⁷

In Australia, there is no legislated requirement to make superannuation contributions on the employee's behalf during parental leave. This can contribute to the gendered inequity often seen in superannuation at retirement.¹⁸ In the private sector, some organisations now maintain super contributions throughout the parental leave period;¹⁹ this approach is supported by the Workplace Gender Equality Agency (WGEA).²⁰

Similarly, there is no requirement to recognise unpaid parental leave for long service leave purposes; some private sector organisations, however, do recognise it.²¹



Make it individual and non-transferable

Individual, non-transferable parental leave quotas (i.e. 'use it or lose it' provisions) have been shown to encourage shared childcare and have increased parental leave use among fathers in Iceland.²² There is a link between men's use of parental leave and their subsequent use of flexible work arrangements.²³

It has also been shown that paid parental leave may assist in reducing some of the risk factors for postnatal depression.²⁴ While we often associate these with new mothers, all new parents are at risk of developing perinatal anxiety and depression.²⁵ Ensuring your EAP has counsellors specialising in peri- and postnatal health, and that this is communicated to staff, is also useful.

primary/secondary carers). WGEA (2018) [Developing a leading practice parental leave policy: A guide for employers](#), WGEA, accessed 20 May 2021.

¹⁷ Alexander L (n.d.) [How a great parental leave program can help your business stand out](#), Seek, accessed 20 May 2021.

¹⁸ Women in Super (n.d.) [Why is it so important to receive super while on parental leave](#), WiS, accessed 20 May 2021.

¹⁹ NB. For 'primary carers' only. Parents at Work (2018) [Case Study: Dexus](#), PAW, accessed 20 May 2021

²⁰ WGEA (2018) [Developing a leading practice parental leave policy: A guide for employers](#), WGEA, accessed 20 May 2021.

²¹ Alexander L (n.d.) [How a great parental leave program can help your business stand out](#), Seek, accessed 20 May 2021.

²² Parents at Work (2018) [Advancing parental leave equality and introducing shared care in Australia: The business case for action](#), PAW, accessed 20 May 2021.

²³ Borgkvist A (2021) SAGE webinar - Fathers and flexible work arrangements in Australia. 7 May 2021.

²⁴ Human Rights and Equal Opportunity Commission (2002) [A time to value: Proposal for a national paid maternity leave scheme](#), HREOC, accessed 20 May 2021.

²⁵ Parents at Work (n.d.) [Supporting employees through perinatal anxiety and depression](#), PAW, accessed 20 May 2021.



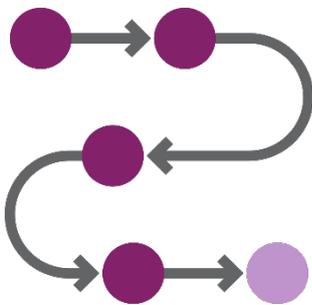
Make it long enough

To support parents in their caring roles, 16 weeks is suggested as the minimum period of parental leave required.²⁶ Providing this to both parents assists in developing equity in caregiving and household labour.²⁷



Make it the norm

It is vital to build a workplace culture that makes policies visible and accessible; actively encourages, facilitates and supports all parents to use their parental leave entitlements; and shows that taking parental leave is expected regardless of gender or role. Senior leaders and line managers must be trained to support staff to access entitlements, and to identify and remove the actual and perceived barriers to using them. People should feel supported to communicate openly about their family life and needs.



Make it structured

To make the transition into parenthood easier, a structured approach is needed to support parents-to-be as they prepare for, go on and return from parental leave. That said, a structured yet flexible approach will best support new parents. Create a workplace culture where open communication is encouraged and arrangements can be made to best suit individual circumstances.

Having clear transition processes, points of contact, guidelines and checklists, and, importantly, having managers who are trained and enabled to effectively manage the whole parental leave process, allows for a transparent, structured approach to taking parental leave.²⁸

²⁶ Parents at Work (2018) [Advancing parental leave equality and introducing shared care in Australia: The business case for action](#), PAW, accessed 20 May 2021.

²⁷ Almqvist AL & Duvander A-Z (2014) '[Changes in gender equality? Swedish fathers' parental leave division of childcare and housework](#)', *Journal of Family Studies*, 20(1):19-27.

²⁸ Parents at Work (2018) [Advancing parental leave equality and introducing shared care in Australia: The business case for action](#), PAW, accessed 20 May 2021.