



Submission
to the
Productivity Commission inquiry into Carer Leave

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Introduction

The Australian Education Union (“AEU”) makes this submission on behalf of over 198,000 AEU members employed in the public primary, secondary, early childhood and TAFE sectors throughout Australia.

The AEU supports expanding the National Employment Standards (NES) entitlement to unpaid carer’s leave to employees providing informal care to older people who are frail and living at home. The current scope of unpaid carer leave is inappropriately narrow, being limited to care or support for a member of the employee’s immediate family or household because of illness, injury, or emergency.¹

In support of this reform, and in encouraging further reform to support carers, this submission draws attention to the gendered nature of caring arrangements and its impact on the AEU’s predominantly female membership, who are financially disadvantaged due to their gender. Extending unpaid leave to workers with caring responsibilities for elders is positive in that it expands the choices available to the worker to manage their caring duties, but by only offering unpaid leave the reform does not address the issue of carers’ reduced incomes.

Overall, the proposed expansion of the NES carer leave entitlement is a necessary but insufficient reform. It is important that our workplace laws be amended to allow carers to take time off work to care for older persons. However, it is unfair that carers, whose role is critical to the functioning of families and communities, should be required to take *unpaid* leave, and be placed at a financial disadvantage for providing care to elders.

The social and familial burden of care continues to fall on women. As identified in the Productivity Commission’s Issues Paper in this Inquiry, most primary carers of elderly Australians are women, and themselves tend to be older.² The AEU’s membership is similarly composed of more women and older workers - according to Annual Teacher Workforce Data reports, average and median age of a teacher is 46 years, and 73% of teachers are aged between 30 and 59.³ Without access to leave to care for elders, workers must either perform their caring responsibilities in addition to their hours of remunerated work; change their working arrangements to alter or reduce their hours of work to account for their caring responsibilities; or, where neither option is possible, some workers must leave paid employment to perform their caring role. These options all have profoundly negative consequences for carers, disproportionately women, who must choose between performing ‘double shifts’ of work then

¹ S 102 *Fair Work Act 2009* (Cth) (“FW Act”).

² Productivity Commission, Carer Leave Issues Paper, July 2022, p 3-4, accessible [here](#).

³ AITSL, National Teacher Workforce Characteristics Report, December 2021, accessible [here](#).

care, or reducing their hours of work, or leaving employment. Accordingly, women's disproportionate role as carers has the effect of reducing their earning capacity, leave accrual, and superannuation accrual.⁴ The harm caused to women by unpaid caring responsibilities is well-documented, including in a recent Senate report:

Women are more likely to work in lower paid roles and lower paid fields, are more likely to work part-time or casually, and are more likely to take breaks from paid employment to provide unpaid care for others. Over their lifetimes, as a consequence, they will earn significantly less than men.⁵

Results from the AEU's annual State of Our Schools Survey indicate that AEU teacher members are already significantly overworked: the average hours of work for full-time teachers is 52 hours per week; the majority of teachers report that their mental health suffers as a result of high workloads; and most teachers report that they never or rarely have a satisfactory work-life balance. The proposed reform is a step in the right direction, but it nevertheless means carers, when taking unpaid leave, will continue to forego wages, forego superannuation, and reduce their accrual of some forms of paid leave.

To address this inequity, in addition to expanding the definition of unpaid carer's leave, the AEU recommends expanding the definition of *paid* carer's leave to employees providing informal care to older people who are frail and living at home.

⁴ Workplace Gender Equality Agency, 'Unpaid care work and the labour market', p 5, accessible [here](#).

⁵ Senate report, 'A husband is not a retirement plan: Achieving economic security for women in retirement', April 2016, overview and list of recommendations, accessible [here](#).