



The Mother of All Battles: Why Paid Maternity Leave is Overdue in Australia

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It is time Australia caught up with the rest of the world by introducing a policy of compulsory paid maternity leave. Paid leave should be publicly funded and available to all women in the workforce. Unfortunately for women in Australia, however, the oppressive traditional view that reproduction is a woman's duty prevails in Australian culture and society. While women in Australia are free to pursue an education and career in place of their former childbearing role, their choice to do so normally requires them to sacrifice or delay starting a family. This is owing to the social attitude that still sees women as being responsible for reproductive labour reflected in and perpetuated by an absence of policies that would allow this to change. As a result, the workforce continues to be structured to specifically accommodate men and productive and reproductive labours are kept separate. Overall, the workplace is not designed to accommodate women's childbearing capacity and women are therefore denied the option of pursuing both a career and a family, as men are able to. By moving the burden of reproductive labour from the private into the public realm and incorporating it into the overall economy, publicly funded paid maternity leave would pave the way to a more progressive view of reproduction as a *social* responsibility, rather than an individual responsibility of women. It would thereby alleviate women of that burden, allowing them greater freedom to pursue a life beyond the household at the same time as having a family. Additionally, it is arguable that in absence of the sacrifices women are currently expected to make in order to have a family, access to paid maternity leave would make many women more inclined to have children.



Some critics argue reproduction should be seen as being a private consumer choice for which the community overall should not be expected to take responsibility (*Sydney Morning Herald* 2002). Such a view, however, ignores the benefits paid maternity leave would offer the overall community. For example, the overall economy would benefit from lower numbers of highly skilled female employees leaving the workforce. It would also make Australia a far more attractive environment to start a family and thus, may also increase Australia's currently low birth rate, in turn improving economic growth and the problem of an aging population.

Currently in Australia, paid maternity leave is understood as "a payment made to women that compensates for lost income at the birth of a child" (HREOC 2002: 1) and it is not compulsory, although some employers do choose to provide it. This creates conditions of inequality where some women – mostly those employed by the Government or wealthy companies – can access paid leave while the majority cannot (*BPW Australia* 2002: 4). Most advocates of paid leave argue the Government should pay, arguing that employers would be less likely to employ women if they were required to pay and that many small businesses would not cope with the burden. Those against government-funded paid leave tend to argue taxpayers should not be expected to pay for women's individual choices to have children and that the situation should be left as it currently stands, where the provision of paid leave is not compulsory but is up to the discretion of individual employers. An article in *The Age* newspaper, for example, reported that a survey of businesses found 63 percent of executives were 'not at all agreeable' to the idea of publicly funded paid maternity leave. It is worth noting, however, that when giving reasons for their position, most



of these executives made no mention of what should be the heart of the issue – women and how paid leave would affect them – but disapproved of the scheme on the grounds that they would have to pay more tax. Of the 406 businesses surveyed, over 85 percent admitted they did not offer their staff paid maternity leave (Gordon 2002: 1). Some Christian groups have also rejected the idea on the grounds that it would discriminate against women by *obliging* them to return to work. According to the Christian group Salt Shakers, the role of homemaker was ‘the best situation for mothers’ and the majority of women would prefer to stay at home’. The following quotation is an extract from the group’s submission to the Senate enquiry into paid maternity leave:

Our belief is that taxpayers and the government should not fund paid maternity leave. If employers, or the women themselves, wish to provide such schemes that is another matter altogether, although we believe it is not in the best interests of the Australian family...[The concept of paid maternity leave] discriminates against women who sacrifice advancement in their careers to give their babies the much needed bonding they deserve (Salt Shakers 2002: 1).

Conversely, it will be argued in this essay that the real problem of discrimination against women derives from their traditional reproductive role and that the introduction of paid maternity leave should be introduced as a means to transform this traditional role. To argue this, it should first be shown why this role is in fact discriminatory and in need of changing. Indeed many would hold the view that no such change is necessary. It is my view that the traditional social role of women is oppressive to women and, since that role is not an inherent result of biology, there is no reason to justify its continuation. Feminists have long recognised that the traditional view of women’s role in society is an oppressive one. Shulasmith Firestone’s declaration that “the heart of women’s oppression is her childbearing and childrearing roles” (Allen 1986: 92) expresses a commonly held view amongst



women's liberation advocates. Throughout the past three centuries, feminists have compared women's established role to slavery. John Stuart Mill, for example, famously declared in *The Subjection of Women* that "there remain no legal slaves, except the mistress of every house" (1970: 217). In her book, *The Sexual Contract*, Carol Pateman traces women's socialised household role back to the domestic labour contract. In the days of slavery, the husband of every household was the legal master of his slaves, children and wife. When production moved from the private realm to the public realm of capitalist enterprise, the male household labourer became the wage labourer and was thereby liberated from the domestic contract (Pateman 1988: 177).

The wage labourer now stands as a civil equal with his employer in the public realm of the capitalist market. A (house)wife remains in the private domestic sphere, but the unequal relations of domestic life are 'naturally so' and thus do not detract from the universal equality of the public world (Pateman 1988: 177).

From this theory of women's oppression it would seem that the solution would be to be to move reproductive labour into the public realm. However, the problem with unequal relations between men and women is that they are considered 'natural' and therefore inevitable.

[The] emphasis on reproduction (primarily biological, but also social reproduction) privileges the mother-child relationship. The biological component of this relationship contributes to the sense of "naturalness," so that little by little, with the amplification of socialization as part of the process, naturalness comes to encompass all of the activities related to the reproduction of the domestic unit... an internal sexual division of labor is created; the father as provider of the material means of subsistence the mother as biological and social reproducer (Narotsky 1990: 73).

If considered natural, women's subjugation cannot be seen as oppressive. In other words, if "the broad features of human society flow from innately programmed preferences of men and women, these features are not the product of oppression" (Levin 1987: 31). Traditionally, the responsibilities of reproduction were seen to



belong to women due to their 'distinct nature'. This nature, including such qualities as the 'maternal instinct' and the tendency to nurture, meant women were biologically suited for reproductive labour. However, feminists have disputed the traditional view, arguing it is a cultural construct and not the inevitable result of biology at all. Nancy Holmstrom argues that the theories of women's distinct nature have served as a justification for the subjugation of women for thousands of years. The very phrase 'distinct women's nature', she argues, carries a sexist bias that constructs men as the subject and women as the object or "the other" as Simone de Beauvoir first observed.

Most of these theories have been exposed by feminists as pseudo-scientific rationalizations for cultural prejudices. Not only has a distinct women's nature not been established, feminists argue, but even if it had, no normative implications would follow automatically (Holmstrom 1986: 51).

In *The Second Sex*, Beauvoir questions the notion that women have a 'maternal instinct.' In reality there is no such thing, she argues – a mother's attitude towards a child "depends on her total situation and her reaction to it" (1972: 525). She points to various examples to demonstrate where women's feelings and behaviour towards their children are influenced by external conditions. These conditions include the mother's relationship with the child's father, the father's attitude towards the child, the way the mother was treated by society as a result of having a child and so on, showing there is no predetermined way in which a mother relates to her child. Indeed, Beauvoir mentions that in France at the time when she wrote, many unmarried women preferred suicide or infanticide than to suffer the social scorn attached to illegitimate motherhood (1972: 505). Maternal love, Beauvoir maintains, "is a sentiment, a conscious attitude, not an instinct... a woman may feel maternal love for an adopted child, for one her husband has had by a former wife, and so on" (1972: 522). Since women's traditional situation of subjugation is not an inescapable



fact of biology, it must be recognised as oppressive and all attempts should be made to change the conditions that perpetuate it. Provided paid maternity leave would contribute to such a change, its introduction is well justified.

It is true that Australian women today enjoy far greater freedoms than their mothers and grandmothers, however the notion that reproduction is a woman's responsibility still pervades Australian culture and society. Due to the legal and political structures within Australian society, "women still bear most of the family and child-care responsibilities" (WEL 2002: 1). While it is at least generally recognised that women have the right to pursue an education and a career, practically they are still most often required to sacrifice being a mother in order to do so. While levels of employment are high among very young women and older women, these levels drop off significantly for women of childbearing age (ABS 1998), indicating that the majority of women still leave work once they decide to have children. A study by the Australian Institute of Family Studies of two-parent families with dependent children found that

nearly all employed men with dependent children (97 per cent) were in full-time employment compared with just over 40 per cent of employed women with dependent children... one of the main ways in which two-parent families juggle work and family life is by the woman dropping her working hours to part-time after the first birth (Glezer 1991: 2).

Thus, while conditions in Australia have changed to allow women to enter the workforce, it would appear that women are still the ones who make sacrifices when it comes to accommodating a family. Seldom, if ever, are men placed under the pressure women face to choose between family and career. Men's role as a worker is constructed under the presumption that his wife will carry out all subsistence labour while he works. Thus, for men, the decision to start a family carries comparatively little professional sacrifice. A man is almost never expected to give up his job, his



interests and all that was his life before children. However, a woman who wants to seriously pursue a career finds conditions are extremely hostile to this decision if she decides to have children at the same time.

Not only must women make the choice between family and career, to make matters worse they face difficulties as the result of whichever choice they make. Those who decide not to have children in order to pursue a career are often accused of being cold, hard and selfish. However, this seems minor in comparison with what those suffer who give up their career for a family. To begin with, a woman who chooses a family suffers the subordination of her reproductive labour to the productive labour of her husband (Narotzky 1990: 73). She suffers the financial loss of having to cut her hours to part time or leave work and must therefore rely on her husband's income to make up the loss – that is provided she is not single in which case conditions are even harder. In addition, the fact that reproductive labour is not remunerated devalues it and adds to the view that it is not 'real work.' As a result, women may suffer a loss of self-esteem involved with having to give up their professional life. A study by Kristen Luker found that women who chose to stay at home "had internalized their loss of status as housewives" (1984: 202). Among other things, it was noticed that many of the women interviewed, while not having worked professionally for many years, still referred to themselves in terms of their former career. "I'm a social worker," "I'm an accountant". It is noteworthy that no one used the past tense as in "I used to be a social worker" (1984: 203). This seems to indicate that housewives have a low sense of self-worth because they feel their household role lacks the status of a professional career. It is little wonder so many women in Australia avoid motherhood. In light of sacrifices they must make to do so they can hardly be blamed for deciding not to have children.



However, the fact is that women *are* blamed for making this choice. Every year in Australia, fewer women decide to have children - the average age for women having their first child is now 29.8 years (Goward 2002: 1). This has serious implications for Australia since its continually decreasing birth rate, which currently sits at 1.75, below the replacement rate of 2.1, means Australia is “literally becoming a society without a future generation” (2002: 3). At the turn of the last century, a precipitous decline in birth rates first caused panic in the western world. Since then, most have been quick to blame the “selfishness” of educated, middle class women for the problem (Mackinnon 1997: 16). Women who chose to avoid their ‘duty’ of reproduction and motherhood in order to pursue individual interests have historically been accused of irresponsibility and immorality. A report from the Royal Commission in 1904 declared the cause of declining birth rates to be to be women’s “dislike of the interference with pleasure and comfort involved in childbearing and child-rearing... and a love of luxury and social pleasures” (1997: 22). The women’s rights movement was blamed for women’s immoral and unnatural desertion of maternity since its promotion of higher education for women raised their awareness of reproductive rights and caused them to pursue the individuality and social positions traditionally belonging to men (1997: 33). “Highly educated women thus stood accused” (1997: 35).

Indeed, women with higher education levels have been observed to be having fewer children than their less-educated counterparts. One explanation is that education gives women a greater knowledge of their reproductive rights and awareness of the oppression of traditional feminine roles. Educated women therefore tend to be more critical of traditional gender roles, to place higher value on reproductive freedom and



be likely to have fewer or no children. From an economic perspective, that educated women have fewer children can be seen as the result of their greater earning power. Wanting to get a return on their investment, they choose to delay or avoid having children in order to make the most financially of their qualifications. Due to their greater earning capacity, women with higher education have a lot to lose by having children. "Young women in particular are increasingly reluctant to forego the investment they have made by withdrawing from the workforce in order to have children" (Goward 2002: 2). However, this does not mean educated women are at fault.

Whether women's motives for not having children are social, economic or a combination of both, it is entirely unjustified to regard them as selfish for opting out of motherhood or to blame them for the birth rate problem. There are certainly no more logical grounds to blame the problem on women's selfishness than on men's selfishness. To do so is only to reiterate the view that only men and not women have the right to pursue a life beyond the household. Rather, what should be seen as the cause of the problem is not women's selfishness but their lack of options. The real problem underlying birth rate decline is the absence of policies that accommodate working mothers. "Women continue to face workplace disadvantage as a result of their role as bearers of children" (Goward 2002: 1). Under Australia's current system, would-be mothers who are educated about reproductive rights and professionally qualified, have both social and economic reasons to opt out of motherhood. The threat of being labelled selfish and immoral hardly seems a disincentive when compared with the sacrifices brought by childbearing. Thus, for many women there might as well not be a choice at all.



Australia needs policies that allow women to simultaneously pursue a career and a family. A paid break from work at the time of childbirth would lessen the interference with women's professional lives. It would provide women with greater choice about when to have children and would allow them to retain ties with the workforce once they became mothers (Goward 2002: 4). No person even remotely committed to women's liberation would dispute that the ability for women to access education, equal pay and reproductive choices are positive achievements for women and for society overall. Short of reversing these achievements and reverting to former oppressive conditions of patriarchy, the introduction of paid maternity leave is the only way in which it can attempt to solve its low birth rate problem.

Another important way in which compulsory paid maternity leave would benefit Australian society overall is by reducing the economic impact of the female 'brain drain' when skilled and professional women are forced out of the workforce once they have children. According to the Australian Human Rights and Equal Opportunity Commission, 70.8 percent of women aged 25-34 in Australia work (2002: 2). Statistics show that women make up approximately 43 percent of the total workforce, but that these numbers decrease in childbearing years (ABS 1998). These figures give some indication of the enormous loss of human capital the Australian economy currently experiences as a result of relinquishing its female workforce. By enabling women to retain ties with the workplace, the introduction of a paid maternity leave policy would decrease this loss and promote the continuation of female employees' valuable contribution to the economic, intellectual and social wealth of Australia.



More important than these indirect benefits, though, is the direct benefit to women. Women could take the necessary time required to recover from childbirth in the knowledge of financial and job security. Thus, by allowing women to simultaneously pursue both a career and a family, paid leave would set them on a more equal footing with men in the workforce. While this might not immediately reverse social attitudes towards women's role that contribute to their oppression, it would provide the mechanisms to allow such a change. A policy decision to introduce paid maternity leave is effectively a collective decision to consider reproduction a social responsibility.

By society accepting some of the cost of reproductive labour, this labour is in a sense shifted from the private into the public realm and incorporated into the broader economy. In this way, women's reproductive labour that was previously taken for granted would finally be recognised and accounted for. This is an important point since many feminists have drawn attention to the fact that the structures of capitalism do not allow this to occur – the oppression of women is perpetuated when women's reproductive labour is excluded from the overall economy. Their work remains in the private realm, unrecognised as real work and therefore subordinated to men's wage-earning work even though it supports it. In supporting men's role as wage earners, women's reproductive labour replicates the overall capitalist structure of society (Glazer 1990: 144). In Australia, the public realm of work is still designed according to the assumption that workers are male and have a wife to take care of subsistence labour. The absence of paid maternity leave means the public realm of work still really only caters for men. Since there is no place for child bearers, women must profile men by renouncing and abandoning their childbearing faculty if they are to survive in the workforce. Thus, reproductive and productive labours are still



segregated in Australian policy. A vital part of freeing women from their former household roles is the restructuring of the public realm of work to accommodate women. The introduction of government-funded paid maternity leave would publicly recognise and account for women's reproductive labour that was formerly unpaid and ignored. Women's childbearing capacity would no longer make them incompatible with the social construction of work. Women could finally participate in the workforce as *women* – that is, as potentially pregnant beings.

Critics of paid maternity leave often argue that reproductive labour should remain in the private realm. According to this view the decision to have children is an individual choice for which taxpayers should not be expected to pay. It is argued that paid leave would create "resentment among men and women who prefer to remain childless [and] women who have already left the workforce to have their children" (*Quadrant* 2002: 2). Further, that government-funded leave "would come up against resistance to further rises in the level of taxes, which are inexorably rising anyway to pay for an aging population, increasing medical and hospital costs... and so on" (2002: 1). It is worth noting that there is an element of hypocrisy here in that the statement is in one a complaint that tax payers should not have to pay for provisions that would be likely to increase birth rates as well as an acknowledgement that an aging population (caused by birth rate decline) increases taxes. Many factors of public concern such as population size and age, economic growth and so on, are influenced by birth rates, giving reason for reproduction to be considered a public responsibility. Furthermore, the number of children a family has is not always a rational, intentional decision. Often there is little choice involved. A family "can desire three children and be unable to have fewer than five" (Beckar 1976: 178).



That children should be considered entirely a personal responsibility for those who have them is thus questionable.

More importantly, the oppression suffered by individual women can only be changed in the public realm. This is because the attitudes that cause this oppression are socially and publicly constructed, as is the entire social and political structure of laws and policies that supports them. Only by reconstructing these can the lives of individual women be improved. Those who consider reproduction to be a private concern seem to forget that external conditions can have a profound effect on private decisions, sometimes by preventing there from being a choice at all. The same people might, for example, also consider a woman's decision to become educated a private, individual one. However, an individual woman could hardly decide to go to university if all universities had a no-women policy. In the same way, a woman cannot simply decide to become free of her socialised burden of reproduction if no mechanisms exist to enable her to do this. This can only occur once external conditions allow it. By accepting the cost of women's formerly unpaid labour, the society overall accepts responsibility for improving the situation of women.

Another common argument made by critics of paid maternity leave is that it would increase discrimination against women. Employers would prefer to employ men rather than women of childbearing age for fear that women would be absent from work at crucial times, necessitating extra retraining of employees taking over while women are away. A recent editorial in *Quadrant* magazine declared: "Only the irrational simply believe that it is possible to legislate for paid maternity leave funded by employers without causing immense disruption and resistance to the employment



of women of child-bearing age" (2002: 2). Many of those who oppose paid leave are small business owners who fear they will be the ones to foot the bill (Kirkham 2002: 2). This is a valid potential problem and worth consideration. However, that the survival of many small businesses would be at risk if forced to cover the cost of paid maternity leave is not a basis for denying women paid leave. It does, however, provide good reason for the leave to be government-funded. Another reason for leave to be publicly funded is that women who run their own businesses, especially small businesses, would miss out on paid leave if employers had to pay (*BPW Australia* 2002: 4). Many smaller employers also worried about the cost of extra administration, training and the employment of temporary workers while women were away on leave (Glezer 1988: 126). Paid maternity leave would make women more likely to simultaneously pursue a career and family, thus increasing the inconvenience and cost to employers of workplace reorganisation and retraining. Even under a government-funded system, then, some employers might still discriminate more against women of childbearing age if paid maternity leave were introduced.

Aside from this possible disadvantage, paid maternity leave clearly provides many benefits for women as has been argued. Ideally then, solutions to the problem of employer discrimination should be sought that do not deny women these benefits. One such solution might be to make the leave available to both men and women. This would have the double benefit of encouraging fathers to play a greater role in child raising while also giving employers less reason to prefer men as employees since if men had a family, they too would have ensuing responsibilities that sometimes affected their work responsibilities. Indeed, an important part of reproduction becoming a social responsibility and traditional women's work being



reintegrated into the public realm is that employers also accept the fact of reproduction and learn to accommodate this.

The more progressive approach, then, might be an arrangement such as 'paid parental leave' where a certain amount of paid leave was provided for each new child. This time could be divided between the child's parents. For example, the mother would take leave in the first months of the child's life and the father might then take over as the infant's carer. In Sweden, for example, government policy promotes paternal involvement through the provision of two types of parental benefits. The first provides 180 days of leave in a child's first nine months at 90 percent of salary and can be used by either parent. The second allows 180 days during the child's first four years. Additionally, Swedish fathers are allowed ten days of leave at the time when the mother gives birth in order to help with the mothers' recovery. Data shows that around 85 percent of Swedish fathers take an average of 7.5 days of leave at the time of a child's birth through this ten-day benefit. A study of parents using this system showed almost all parents found paternal leave to be a positive experience and many fathers said they had gained a new appreciation for the difficulty of infant care (Pleck 1988: 184).

Australia's policies affecting maternity are amongst the world's most regressive. "Out of the 25 wealthy members of the Organisation for Economic Co-operation and Development (OECD), Australia and the US are the only two nations to continue to ignore the benefits that paid maternity leave can provide. The developing nations of Swaziland, Lesotho and Papua New Guinea are the only other nations aside from Australia and the US not to adopt maternity leave policy" (Kirkham 2002: 4). Paid maternity leave is internationally recognised to be a workplace right. International



instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Labour Organization's *Maternity Protection Convention, 2000* have acknowledged the importance to women of the provision of paid maternity leave (HREOC 2002: 2).

It is time Australia caught up with the rest of the world and introduced a policy of paid maternity leave. This would signify a progressive public decision to take collective responsibility for reproduction rather than perpetuating the oppressive view that reproduction belongs to the private realm and is women's responsibility. Such a policy decision, while it might not immediately reverse the public attitudes that contribute to women's oppression, would pave the way for the emergence of new social norms in the way reproduction is viewed in Australia. In effect, women would be able participate more equally in the workforce since they would no longer be forced to compromise or relinquish their public roles in order to become parents. Additionally, the introduction of paid leave may carry the secondary advantage of improving the country's birth rate since women would be more likely to have children once this no longer involved the subjugation and sacrifice it presently does.

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