



**2013**

# Supporting Working Parents: Pregnancy and Return to Work National Review

## NATIONAL REVIEW FACTSHEET

### National Review to identify discrimination in relation to pregnancy and return to work after parental leave

Despite laws and policies in Australia protecting pregnant employees and women and men returning to work from discrimination in employment many women are often demoted, forced to resign or receive unfavourable treatment when they become pregnant or on return to work from parental leave. The Commission continues to receive a significant number of complaints concerning discrimination based on pregnancy as well as related grounds such as family responsibilities and breastfeeding.

Given this ongoing problem, the Attorney-General's Department has funded the Australian Human Rights Commission to conduct a National Review to identify the prevalence, nature and consequences of discrimination in relation to pregnancy at work and return to work after parental leave.

### Some background

In 2011 to 2012, 21% of complaints under the Sex Discrimination Act received by the Commission related to pregnancy discrimination and family responsibilities<sup>1</sup>. Similarly, 21% of the complaints investigated by the Fair Work Commission in 2011-12 related to an allegation of pregnancy discrimination<sup>2</sup>.

The ABS 'Pregnancy and employment transitions 2012' data reveals that approximately 67,300 women employees (19%) perceived experiencing some level of discrimination in the workplace while pregnant. The most common kinds of treatment women reported in the survey included: 'Missed out on opportunity for promotion' (34%); 'Missed out on training or development opportunities' (32%); and 'Received inappropriate or negative comments from their manager/supervisor' (28%)<sup>3</sup>.

These statistics indicate that discrimination in relation to pregnancy and return to work after parental leave is a continuing problem in Australia. Unfortunately there is no comprehensive prevalence data currently collected on the magnitude of the problem. There is a need to undertake rigorous research to identify the prevalence, nature and consequences and to analyse the adequacy of the current legal and policy framework.

## Aims of the National Review

The objectives of this National Review project include:

- To provide national benchmark data and analysis on the prevalence, nature and consequences of discrimination at work related to pregnancy and during, or on return to work after parental leave;
- To engage stakeholders including government, industry and employer groups, unions and workers to understand perspectives and experiences, and consider the prevalence data and its implications;
- To identify leading practices and strategies for employers supporting pregnant employees and men and women returning from parental leave; and
- To provide recommendations for future actions to address the forms of discrimination identified through the project.

See [Terms of Reference](#)

## Methodology

The National Review will involve collection of quantitative and qualitative data.

Quantitative data on the prevalence of discrimination will be collected through a national telephone survey.

The qualitative research will gather data through consultations on the nature and consequences of discrimination for affected women and men, including Aboriginal and Torres Strait Islander people, culturally and linguistically diverse people and single parents. The qualitative research will also look to identify the challenges for employers and leading practices and strategies for addressing these challenges.

Consultations will be conducted through online submissions, group discussions and interviews.

A national roundtable will also be conducted with relevant stakeholders.

The project will also involve desktop research on the current legal and policy framework.

## Reference Group

The National Review Reference Group will provide counsel on the research methodology, analysis of the findings and the final report and recommendations.

The Reference Group consists of 7 members representing business, community groups, unions and academics. The Reference Group will be chaired by Elizabeth Broderick, Sex Discrimination Commissioner. The members include:

- Elizabeth Broderick, Sex Discrimination Commissioner
- Innes Willox, Australian Industry Group
- Peter Anderson, Australian Chamber of Commerce and Industry
- Ged Kearney, Australian Council of Trade Unions
- Therese Bryant, Shop Distributive and Allied Employees Association
- Marian Baird, University of Sydney
- Anna Davis, Working Women’s Centre, NT

## Timeframe

National telephone survey	2013
Consultations	2013
National roundtable	Early 2014
Final research report	June 2014

## Contact details

Details on the consultation process and further information about the National Review can be found at: <http://www.humanrights.gov.au/pregnancy-discrimination>. If you have any queries or would like to contact the National Review team please email: [pregnancyandwork@humanrights.gov.au](mailto:pregnancyandwork@humanrights.gov.au)

The *Sex Discrimination Act 1984* (Cth) (the SDA) makes it unlawful to treat a person unfairly because of their sex, family responsibilities or because they are pregnant. The SDA can also provide some protections to people wanting to return to work after parental leave. If you would like more information about what might be covered by the SDA or you would like to make a complaint to the Australian Human Rights Commission, you can contact our Complaint Information Service on:

Complaint Info Line: 1300 656 419  
Email: [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au)  
Fax: 02 9284 9611  
TTY: 1800 620 241  
NRS: 133 677

If you need an interpreter you can call 131 450 and ask to be connect to the Australian Human Rights Commission.

You can make a complaint online by going to <http://www.humanrights.gov.au/complaints/lodging-your-complaint>.

<sup>1</sup> Australian Human Rights Commission (2012) *Annual Report 2011 – 2012*

<sup>2</sup> Information provided by Fair Work Ombudsman as of 30 May 2013

<sup>3</sup> Australian Bureau of Statistics (2012) *Pregnancy and Employment Transitions*, Cat. No. 4913.