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Inquiry into Paid Maternity, Paternity and Parental Leave
Productivity Commission
GPO Box 1428
CANBERRA CITY ACT 2601

**Submission to the Productivity Commission
Inquiry into Paid Maternity, Paternity and Parental Leave**

The Office of the Commissioner for Equal Opportunity

The Equal Opportunity Commission has a dual role, both assisting people to resolve complaints of discrimination, and providing employers with training and policy development to prevent discrimination occurring.

Let me say at the outset that like my Federal counterparts at the Human Rights and Equal Opportunity Commission, I strongly support the need for a federally funded paid maternity leave scheme. However, I do not have the expertise to advise on how that scheme should be constructed.

I am of the view that employer funded maternity leave will provide an incentive for employers not to employ women of child-bearing age, and such schemes could therefore result in an increase in sex discrimination cases.

I can say from my experience that although there are some business that understand their legal obligations and are keen to retain staff by providing paid or unpaid maternity leave, others do not.

We have experience of employers signalling to women when they become aware of their pregnancy that they are keen to move them on and are certainly unwilling to provide flexible options for return to work and subsequent child care.

Employees often have difficulty accessing working arrangements that allow them the flexibility to care for children, family members and elderly relatives.

We often receive enquiries from women who find their employment hours have been reduced upon telling their employer that they are pregnant, or being unable to return to their position after they have taken maternity leave.

I would like to take this opportunity to inform the Commission about some of the typical complaints we encounter around pregnancy and maternity leave.

Problems while pregnant

Many women are simply not accommodated in the workplace when they inform management they are pregnant. We have a raft of complaints about women who are fired, or have their shifts cut when they announce they are pregnant.

One woman was not provided with further work as a casual administration assistant after she told her employer she was pregnant. She was told the workload had decreased, but the employer hired another worker to cover her duties.

We have had a number of cases where women were simply fired upon informing their employer of their pregnancy, with the employers in each case citing the pregnancy as the reason for the dismissal.

We also have several cases where women have been denied a promotion after announcing their pregnancy.

In one example, the woman was an acting manager, and when three managers positions were advertised, she found less experienced people were promoted into them. She received a settlement of over \$10 000.

In another case, a woman who was promoted to a management position was actually demoted on announcing that she was pregnant, the employer confirming in writing that it was because she was pregnant and would “need time off work”.

Sometimes employers discriminate against pregnant women in a more subtle way, but again, designed to encourage them to leave the workplace.

In one example, a woman working as a casual in a small book store informed her manager that she was pregnant. She continued working as normal, but needed to attend a doctors appointment at a time she was scheduled to work. She arranged to swap shifts with another staff member. She was subsequently fired as “she needed to be available all opening hours of the store”.

Similarly, we have had other women complain that when they had to take time out to manage morning sickness, they were told not to bother coming back to work, as their bosses only wanted someone “reliable” who “could work all day”.

Another woman complained of having her shifts cut from 35 hours a week to one shift of 8 hours a week when she announced her pregnancy. A different woman complained of her shifts in a hairdressing salon being changed without notice.

Problems attempting to return to work

Many women also experience problems when returning to work from maternity leave.

A prevalent experience is difficulty returning to the same position they held prior to taking maternity leave. This is especially the case for women in senior positions.

In one example, a woman who worked as a team leader in a call centre returned to work from maternity leave, working 4 days a week. After several weeks, she was told by her employer that if she wished to retain her role as team leader, she would need to work full time, and if she wished to work part time, she would have to move to a lesser position.

We received another complaint from a lawyer - an equity partner in her law firm. She returned from maternity leave as her contract as an equity partner was to be renewed. Inexplicably, it was not. She said there were no performance issues.

Another woman, who had been employed full time as a receptionist, received a letter from her employer while on maternity leave, saying her previous job didn't exist any more, and she could either be employed only three days a week, or she could have a book keeping job full time, but she would need to undertake the training for that job at her own expense and in her own time.

Women are also typically not consulted about changes to the workplace while they are on leave. This varies from not being informed of promotion opportunities, to not being consulted about major shift restructures.

Another common problem is women who would like to return to work on a part-time basis. Many women are shocked to learn that they don't have a right to return part time.

Even where women have negotiated to return to work part time prior to going on maternity leave, some women have discovered that their employer has reneged on that agreement.

Fathers experiencing discrimination

Many fathers can and do encounter discriminatory views when they seek to have their parenting responsibilities taken into serious account; like in situations where they ask for extended leave to care for a child.

As an example, one family arranged for the mother take 12 months unpaid maternity leave after the birth of their first child. The father planned to take a year off work to stay at home and raise their child when his wife returned to work after maternity leave.

Unfortunately, the father faced strong criticism and ridicule from his work colleagues, who did not view this as 'the thing for a man to do'.

Old fashioned ideas about the role of fathers as providers, not caregivers, are still around. Men are more likely to be seen as not being committed to their job and future career if they take time off to be with their children.

Increasingly though, a trend has been noted at the SA Equal Opportunity Commission for young male partners of pregnant women who are being discriminated against at work, to call seeking assistance. This suggests that the struggle for young families to balance work and child rearing responsibilities is starting to be viewed in the community as a concern for all parents – it is no longer seen exclusively as a 'women's issue'.

Conclusion

We know that South Australia has the lowest workforce participation rate in the country, for both men and women.

Women are now a vital part of the workforce across many industries. Women have made a huge contribution to economic growth by working and it is of societal and personal benefit that they continue to do so. The Australian economy cannot afford to under utilise women.

There is an increasing need for a more highly skilled workforce than ever before. The more capital invested in women's education and training, the more important it becomes that they are encouraged to return to work after having children in order for Australia to maintain its trained labour force.

We need to change the way work is organised in this country to properly accommodate mothers and fathers in the workplace. Paid maternity leave makes more than good economic sense. It sends a strong signal that the community values the contribution of working parents.

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