**WORK-LIFE BALANCE**

**Sentenced to hard labour**

Pregnant women should know their rights in the workplace, writes **Sara Charlesworth**.

Many more women are in the workforce than ever, and there is wide acceptance that women will remain at work when pregnant and return to their jobs after parental leave.

Yet pregnancy discrimination is still a problem in many workplaces and a common source of complaint to equal-opportunity commissions around the country. Bureau of Statistics data shows that in 2011, 61,100 women reported workplace discrimination directly related to their pregnancy. Women most commonly reported that they missed out on promotions and training opportunities or received inappropriate or negative comments from their managers or supervisors. The data also suggested that many pregnant women left their jobs because they had been retrenched, dismissed or felt obliged to leave.

Recent cases taken up by the Fair Work Ombudsman illustrate the kinds of discrimination. One case involved a pregnant employee of a Sydney printing company who was replaced and moved to a lower-paid position after she told her employer she was pregnant. When she complained, she was fired. The Federal Court found the company had discriminated against her and fined the directors more than $23,000.

Another case before the Federal Court highlights issues women face when they return from leave. Before going on parental leave, a casual personal-care assistant at a Victorian aged-care facility had regularly worked six afternoon shifts and one sleepover shift a fortnight. When she returned, she was told there were no hours available, then later offered only two sleepover shifts a fortnight but no afternoon shifts. When she asked for her roster to be changed, she was told to accept it or resign.

In Australia, employment and discrimination laws make pregnancy-related discrimination illegal. However, many employers, as well as many employees, seem to be unaware of them. Many do not know that one of the National Employment Standards gives pregnant employees (including regular casuals), who have worked for their employer for 12 months or more, a number of rights. These include rights to up to 12 months unpaid leave; to return to their previous job following parental leave, or another comparable job (if the previous job no longer exists); to be consulted during parental leave about decisions affecting their job; and, if required, to be transferred to a safe job with no change to their employment conditions.

The lack of knowledge about the rights of pregnant employees can affect even large employers. Coles, for example, unwittingly broke the law when transferring pregnant employees to safe jobs. In some case, it had transferred these employees to lower-paid jobs. After an investigation by the Fair Work Ombudsman, Coles reviewed its company practices to ensure it complied with the law, trained supervisors on the company’s obligations to pregnant employees, and reimbursed those who had been underpaid.

Our research at the Centre for Work + Life shows that losing a job while pregnant or on parental leave has short- and long-term consequences. For many women this means a loss of income, self-esteem and independence and real difficulties finding a new job. So when they are ready to start work after their baby is born, many women have to start looking for a new job. Research highlights the career scarring impact that losing a job can have for new mothers, including periods of forced unemployment or ending up in a lower-paid job for which they are overqualified. Sex Discrimination Commissioner Elizabeth Broderick has called this phenomenon the “cumulative impact of discrimination”, where the effects of pregnancy discrimination multiply and reverberate through a woman’s life cycle.

Most employers want to do the right thing when an employee announces she is pregnant. Supporting pregnant employees at work and on parental leave can improve the attraction and retention of valued employees and foster a more productive workplace culture. Employers need to develop practical guidelines, ensure line managers and employees know about them and regularly review them to see if they are working well. Then employers can ensure that a happy event for the employee has positive benefits all round.

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