

SUBMISSION

To the Australian Human Rights Commission

Supporting Working Parents: Pregnancy and Return to Work National Review

From the Australian Human Resources Institute

31 January 2014

On behalf of its 20,000 members, the Australian Human Resources Institute is pleased to respond to the invitation from the Australian Human Rights Commission to contribute to the national review on 'Supporting working parents: pregnancy and return to work'.

AHRI has a longstanding interest in issues relating to equity and inclusion in Australia's workplaces. Accordingly, we took the opportunity when this review was announced to survey our members during December last year.

The substance of this submission consists of the findings from that survey which was conducted online, with responses being treated anonymously. These findings are therefore the considered views of the 740 HR professionals who responded. The respondents are reporting on their workplaces with respect to the questions the survey asked, though it cannot be taken that the answers given exclude their personal views. Ideally, they look at the issues raised in the questions from the perspectives of employees as well as employers, without speaking for either.

The survey questions were framed to align with the areas of inquiry proposed in the review by the Commission.

SUMMARY OF CRITICAL SURVEY FINDINGS

It appears that a reasonable majority of the HR practitioners who responded to this survey (59%) see the laws that presently exist as adequate to protect pregnant employees and parents returning to work from discrimination. That said, they also appear to take the view that managers find ways to circumvent the laws in implementation, and that inequities and discrimination result from that, with only 44% reporting that the laws are adequately implemented.

There is a range of perspectives in the detailed findings that look at matters through the dual prisms of parental expectations and organisational requirements. Accordingly, while a third of respondents (34%) want legislation strengthened to better protect employees from discrimination, around the same proportion (35%) believes the laws should require parents returning from leave to be more reasonable when negotiating return-to-work arrangements.

And while a sizeable minority (31%) report having witnessed various instances of workplace discrimination involving pregnant employees or parents returning to work, more than two-thirds (64%) report never having witnessed discrimination.

The instances of offending behaviour by managers cover a wide range of types that include discrimination in recruitment, promotion, training, transfers and dismissals. The qualitative data is particularly revealing about some of these matters, and many respondents express in strong terms their feelings about what they have witnessed.

The news on work health and safety coming out of the survey is good, with 69% of respondents reporting the laws are easy to understand and accessible. However, it does not prevent nearly half the respondents reporting that there are still challenges in implementing the laws.

Before looking in detail at the quantitative and qualitative results, let us offer a brief summary of the key quantitative findings at a glance:

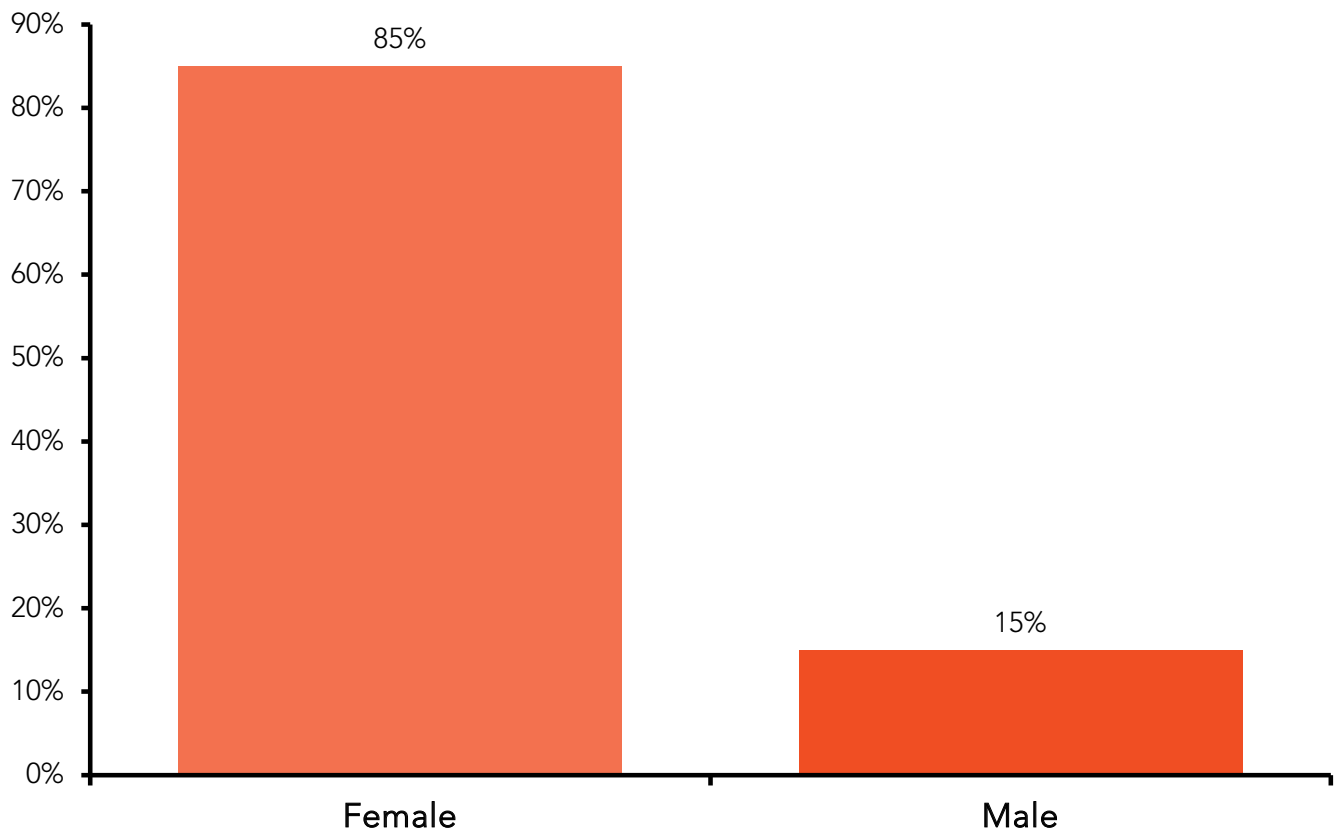
Key findings at a glance

- A total of 740 respondents completed the survey, 85% of whom were female.
- Nearly two-thirds of the respondents (62%) were from organisations with more than 250 employees, 28% of those from organisations with more than 2500 employees
- More than half the respondents (54%) were from private sector companies
- One in five respondents (20%) reported local affordable child care as the single most significant support that would assist in accommodating parents returning to work, with another 13% indicating a preference for onsite child care
- Open communication and consultation before, during and after parental leave are reported by nearly half the respondents (47%) as the best ways for the organisation to retain the services of pregnant employees and parents returning to work
- A third of respondents (34%) report wanting the laws strengthened to benefit employees, while one in five (20%) want the laws either strengthened or weakened to benefit employers
- More than a quarter of respondents (27%) report the biggest challenge to their organisation was negotiating flexible arrangements for parents returning from leave
- More than a third of respondents (35%) believe the laws should require employees returning to work to be more reasonable in negotiating their return-to-work arrangements
- Nearly six out of ten respondents (59%) believe the laws adequately protect pregnant employees and parents returning to work from discrimination, but only 44% believe employees are protected in the implementation of the laws
- While nearly seven out of ten respondents (69%) report the work health and safety laws are accessible and clear, more than half believe there are significant challenges in implementing those laws
- Nearly one in three respondents (31%) report having witnessed workplace discrimination of pregnant employees or parents returning to work with respect to recruitment, dismissal, promotion, transfer, training or other employment-related incidents.

DETAILED FINDINGS

Demographics

Figure 1. Gender



A significant majority of the respondents (85%) are female and 15% are male, as indicated in Figure 1.

Figure 2. Size of organisation

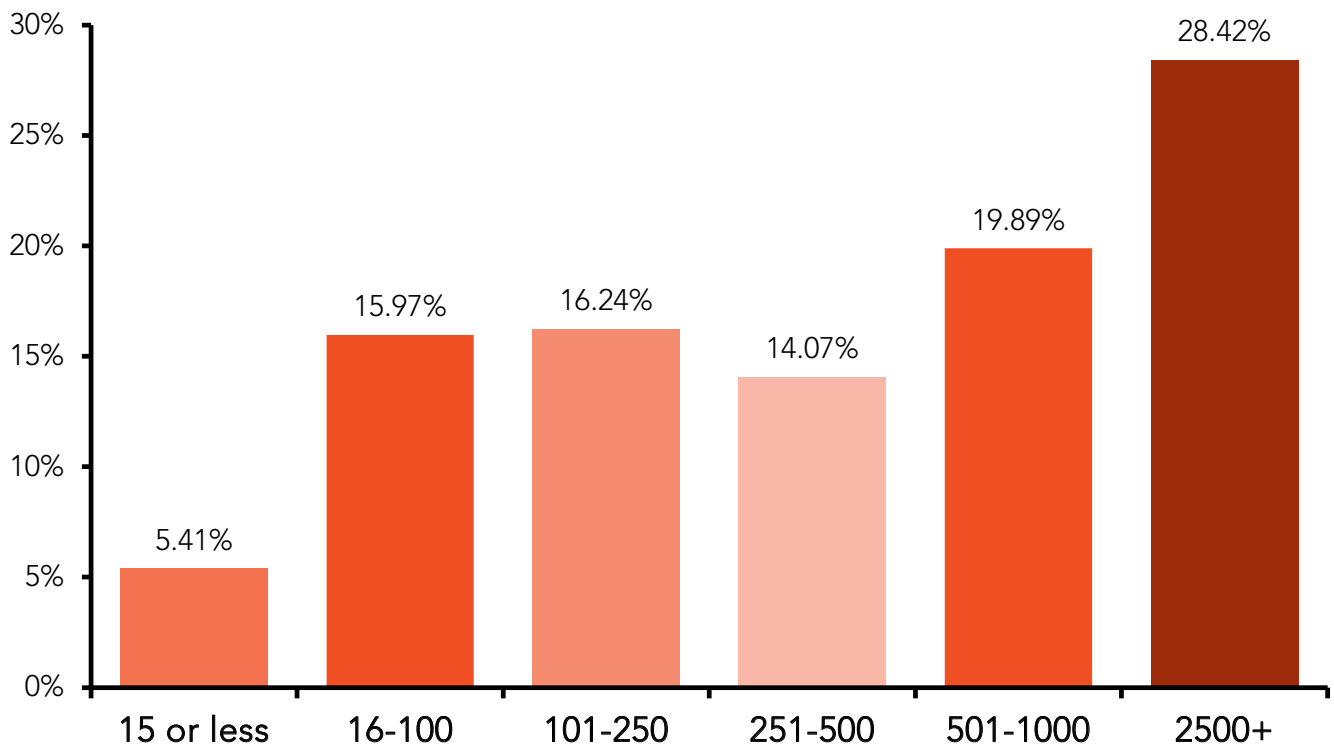


Figure 2 shows that nearly two-thirds of the respondents (62%) work for organisations consisting of 250 or more employees, including 28% from organisations of more than 2500 employees. Fewer than a third (32%) work for organisations of between 15-250 employees, with just 5% employed by organisations with fewer than 15 employees.

Figure 3. Sector of organisation

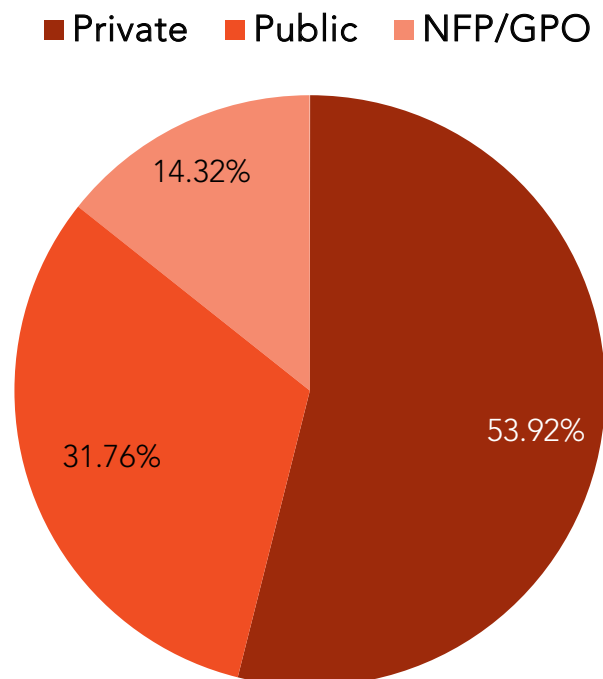


Figure 3 indicates that more than half the respondents (54%) work in the private sector. Around a third are from the public sector (32%), and 14% are from not-for-profit organisations.

Table 1. Industry sector

ANSWER	COUNT	PERCENTAGE
Agriculture	7	0.94%
Arts/Media	3	0.4%
Consulting - Professional	43	5.8%
Consulting - Recruitment	8	1.08%
Consulting - HR specific	20	2.7%
Education - Commercial	9	1.21%
Education - Higher education	38	5.13%
Education - TAFE/VET	14	1.89%
Engineering	26	3.51%
Finance/Banking	43	5.8%
Government - Federal	49	6.61%
Government - Local	29	3.91%
Government - State	46	6.21%
Hospitality/Food/Beverage	11	1.48%
Import/Export	4	0.54%
IT	18	2.43%
Legal	18	2.43%
Manufacturing	44	5.94%
Medical/Health	62	8.37%
Mining/Resources	49	6.61%
Printing/Publishing	1	0.13%
Retail	12	1.62%
Sales/Marketing/PR/Advertising	9	1.21%
Science/Research	9	1.21%
Sport/Recreation	9	1.21%
Telecommunications	3	0.4%
Textiles/Clothing/Footwear	2	0.27%
Tourism	10	1.35%
Transport/Logistics	29	3.91%
Utilities	12	1.62%
Charity/Religious	29	3.91%
Other	75	10.12%

Respondents are from a broad range of industries as indicated in Table 1, with the strongest representations in rounded-up numbers from the medical and health sector (8%), mining and resources (7%), manufacturing (6%), higher education (5%), transport and logistics (4%) and professional, HR and recruitment consulting (10%). Federal public servants account for 7% of respondents, state government 6%, and local government 4%. Charity and religious organisations also account for 4% of respondents.

Challenges and Support Issues

This section of the survey is about the key issues respondents saw operating in their organisation with respect to pregnant employees and parents returning to work.

Table 2. What challenges does your organisation face in accommodating pregnant employees and parents returning to work after parental leave?

ANSWER	COUNT	PERCENTAGE
Ensuring a safe workplace for pregnant women	140	3.36%
Managing impact of employee absence across organisation	415	9.97%
Managing replacement staff for leave period	418	10.01%
Cost and time involved in getting replacement staff members up to speed	354	8.5%
Requests for extension of parental leave period	270	6.49%
Employees want to return part time but the organisation needs a full time person in the position	531	12.76%
Employees want flexible hours when the position requires face to face customer contact from 9-5	297	7.13%
Managing employees ongoing responsibilities as parents (e.g. day care pick-ups, medical appointments for children)	340	8.17%
Accommodating flexible working arrangements	413	9.92%
Financial burden administering paid parental leave schemes and associated costs	111	2.67%
Managing transition back to work (e.g. ensuring currency of skills and knowledge of returning employee, handover from interim replacement, phased return)	213	5.12%
Increased absences of employees returning to work (e.g. carer responsibilities for unwell child)	332	7.98%
Educating other employees and creating positive culture regarding flexible work practices	306	7.35%
Other	23	0.55%

According to the responses shown in Table 2, issues that rated when pregnant employees go on leave are managing replacement staff (10% of respondents), the wider impact of employee absence on the organisation (10%), and the cost and time involved in getting replacement staff up to speed (9%).

When parents return from leave the central challenges reported are employees wanting part time in place of returning to work full time (13%), accommodating flexible working arrangements ((10%), managing parental responsibilities of employees (8%), and requesting flexible hours for frontline 9 to 5 positions (7%)

Nearly 8% of respondents reported the challenges arising from increased absences of parents returning to work, and 5% reported managing back-to-work transition arrangements such as ensuring currency of skills and knowledge of returning employees, handovers from replacement staff, and phasing returns.

Approximately 7% reported the challenges involved in educating other employees and creating a positive workplace culture around the introduction of flexible work practices relating to returning parents.

Requests for extension of the period of parental leave was mentioned by around 6% of respondents.

Figure 4. Support that would assist in accommodating pregnant employees and parents returning from parental leave

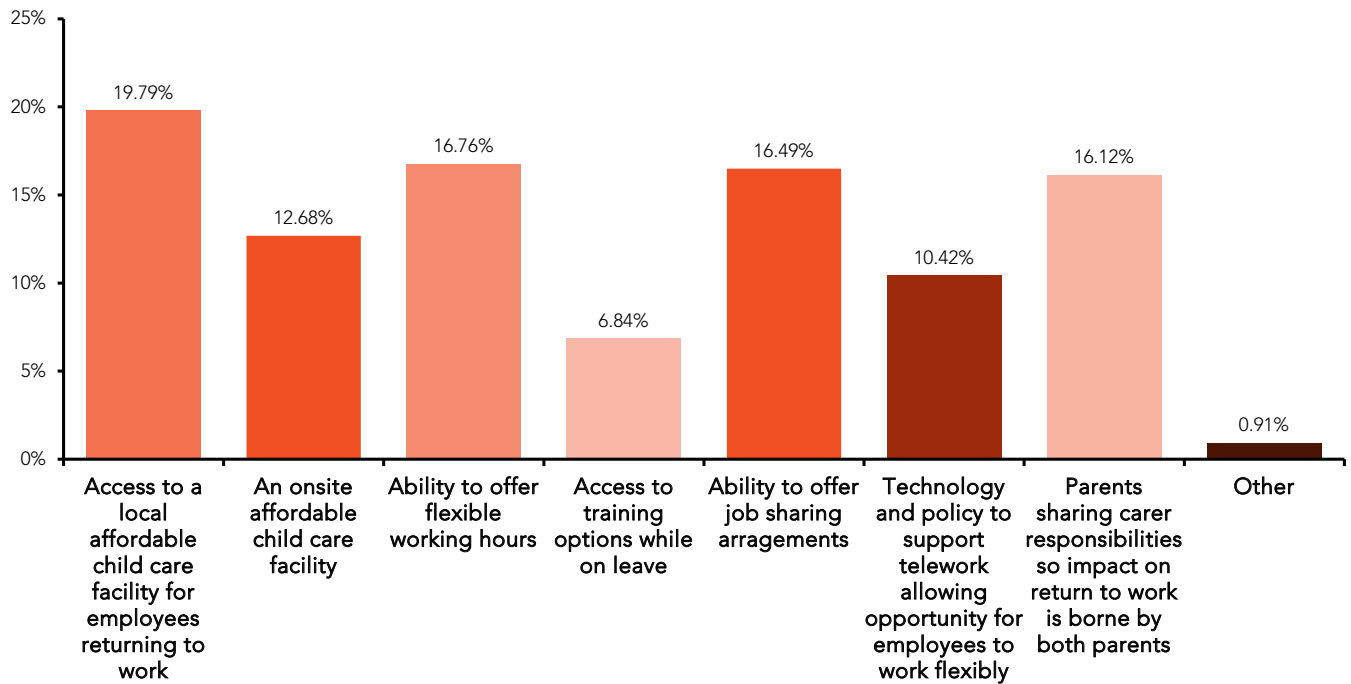


Figure 4 shows that around 20% of respondents report access to a local affordable childcare facility would assist in accommodating returning parents, and 13% indicated that an onsite facility would assist. Approximately 17% reported ability to offer flexible hours would assist, while about the same proportion (16%) thought similarly about the ability to offer job sharing. Around 10% reported that technology support for offering telework would assist and a smaller percentage (6%) thought parents' access to training options while on leave would help.

A significant proportion (16%) noted that if parents did a better job of sharing carer responsibilities, the impact on the returning parent would be more equitably borne.

Figure 5. Strategies found to be useful in retaining pregnant employees and parents returning to work

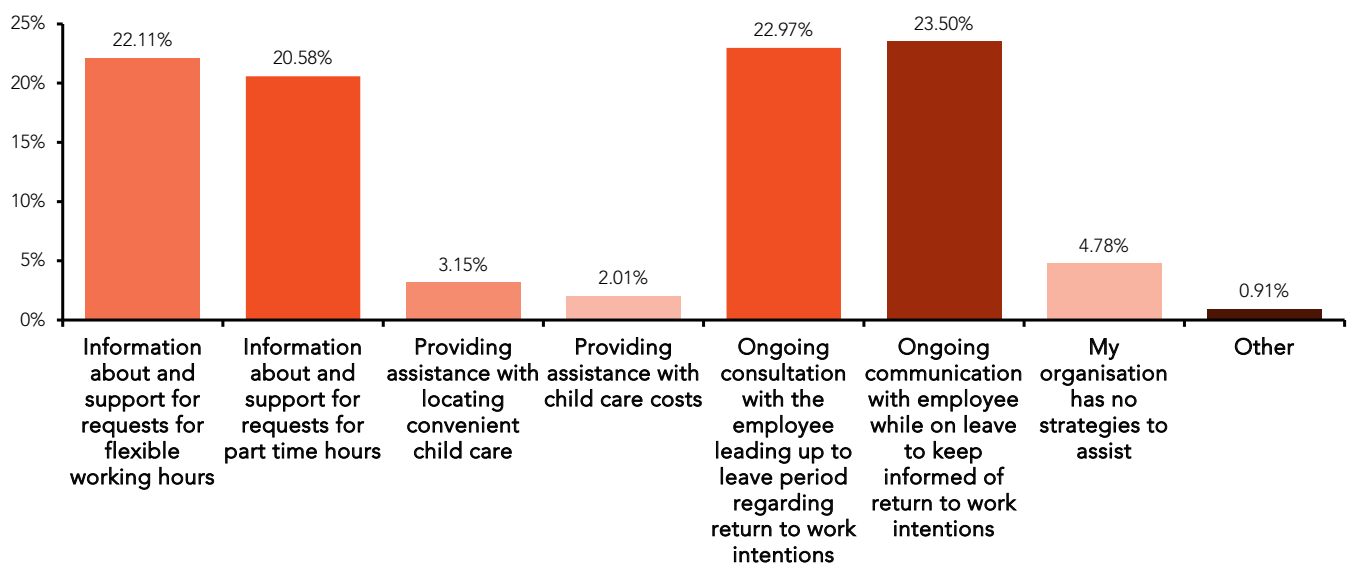


Figure 5 shows that issues around open communication have been central in supporting pregnant employees and parents returning to work. Nearly a quarter of respondents (24%) nominate staying in touch and continuously keeping employees on leave informed, with a similar proportion (23%) citing the need for ongoing consultation with pregnant employees leading up to the period of leave.

More specifically, around 22% nominate the sharing of information about and support for requests for flexible hours and also (21%) for part time hours.

Only 5% of respondents report that their organisation offers no strategies to assist pregnant employees and parents returning to work.

Legislation and Implementation Issues

Figure 6. Should laws protecting pregnant employees and parents returning to work be stronger or weaker?

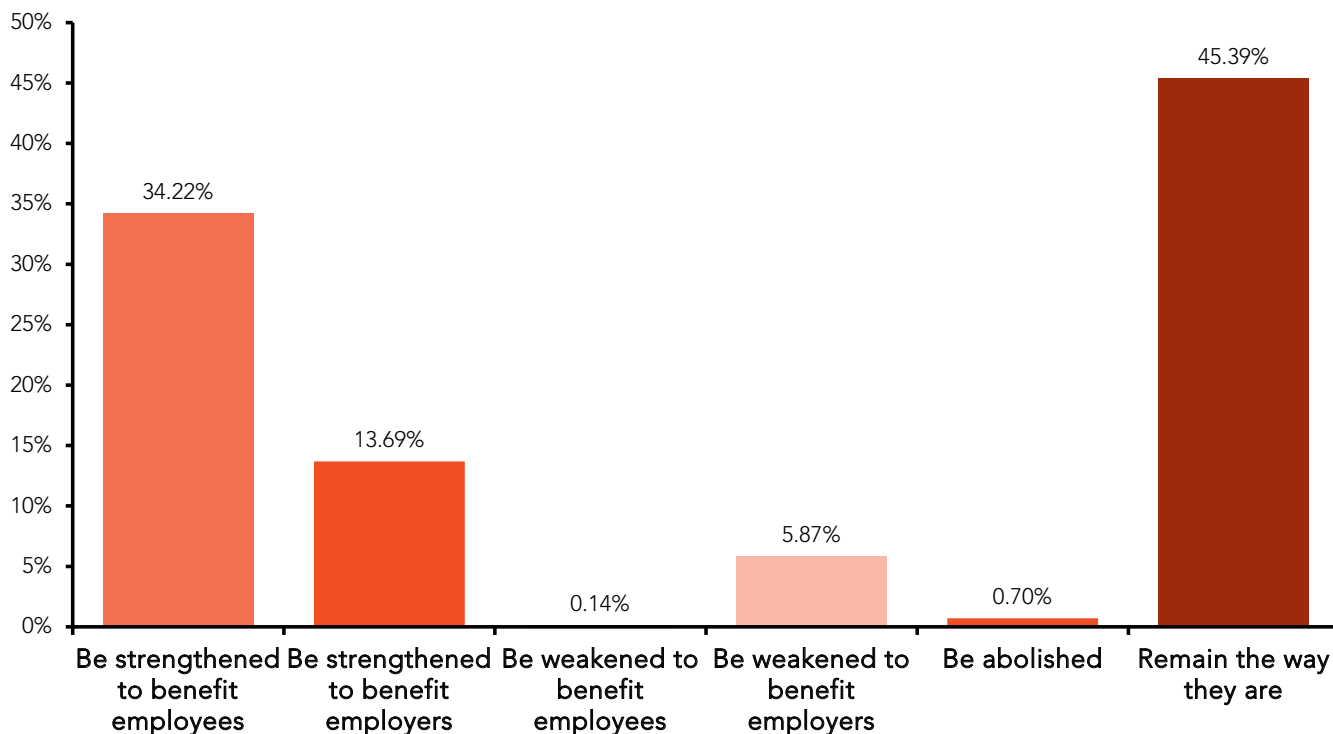


Figure 6 indicates that around a third of respondents (34%) would like laws relating to this area strengthened to benefit employees. At the same time approximately 14% want the laws either strengthened to benefit employers or weakened to benefit employers (6%). A significant minority (45%) want the laws to remain as they are.

Figure 7. How could the laws be strengthened?

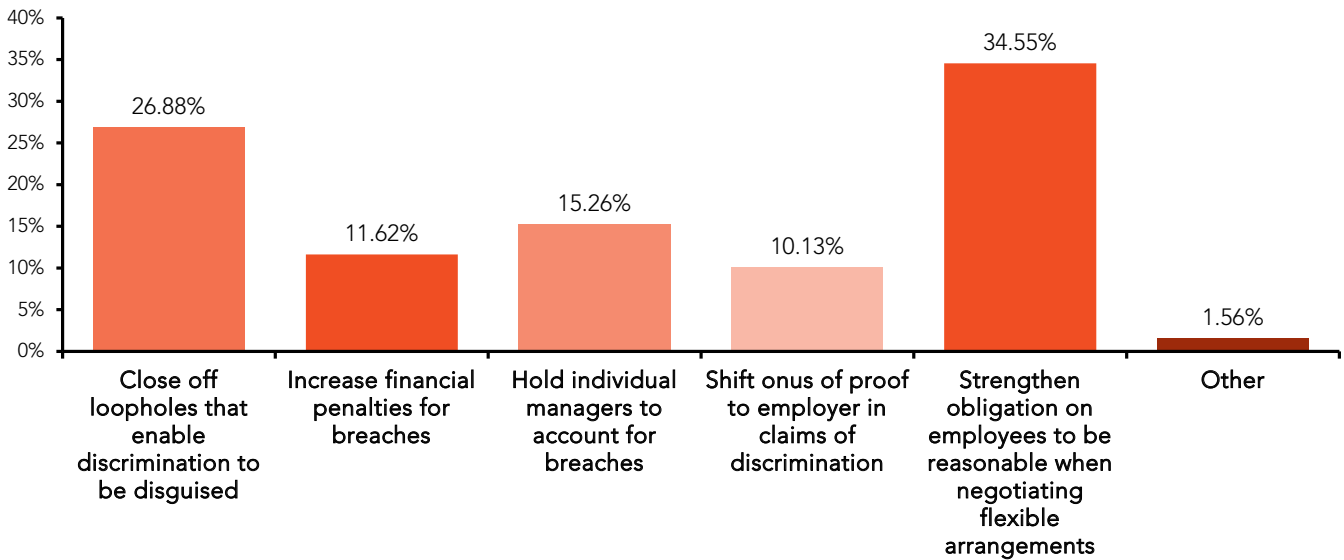


Figure 7 indicates that the largest proportion of responses were from more than a third of respondents (35%) who asked that obligations on employees could be strengthened so that they are required to be reasonable when negotiating return to work arrangements.

On the other side of the pendulum, more than a quarter of respondents (27%) have called for loopholes to be closed that enable discrimination to be disguised. In addition, approximately 15% want individual managers held to account, 12% want an increase in financial penalties for breaches and 10% have called for a shift of onus of proof to the employer when discrimination is claimed.

Figure 8. What challenges does your organisation face implementing policies in this area?

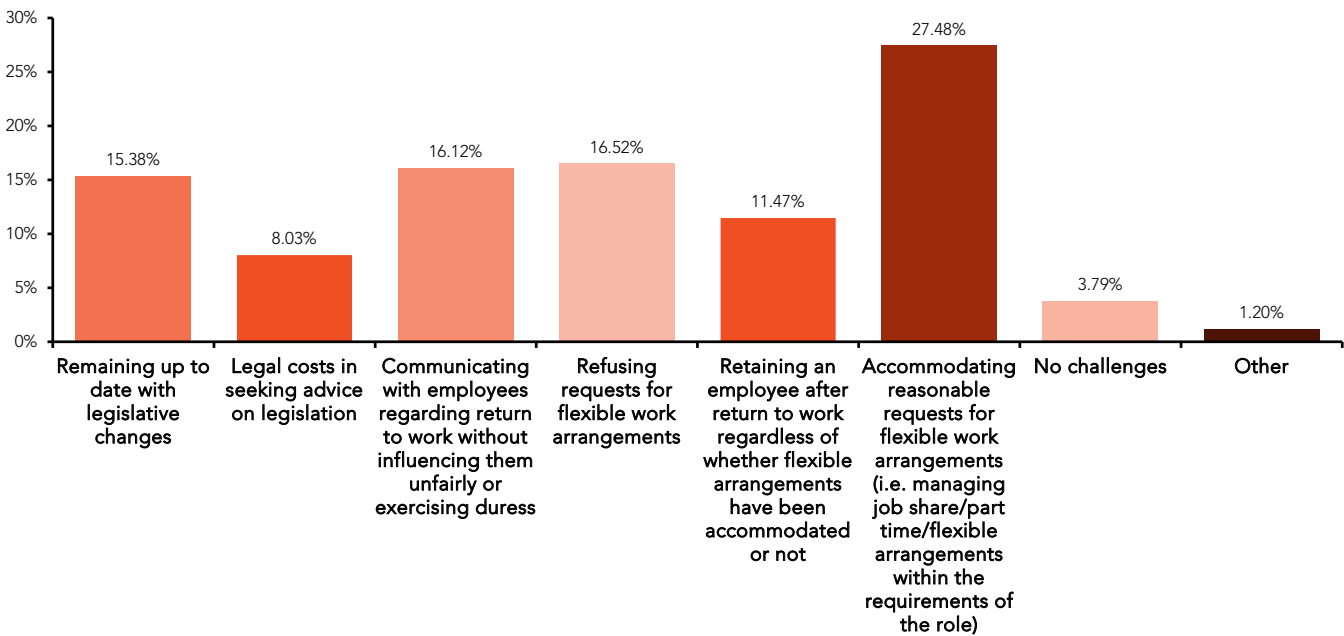


Figure 8 shows that the single challenge most mentioned by respondents is accommodating reasonable requests for flexible work arrangements (27%). Around 17% nominate refusing requests for flexible work arrangements and 16% nominate communicating with employees on leave about return to work arrangements without putting undue pressure on them.

Approximately 15% report that keeping up to date with legislative changes in the area is a challenge and 11% report that it is a challenge retaining an employee who returns to work regardless of the suitability of the arrangement.

Figure 9. Do you believe the law adequately protects from discrimination pregnant employees and those returning from leave?

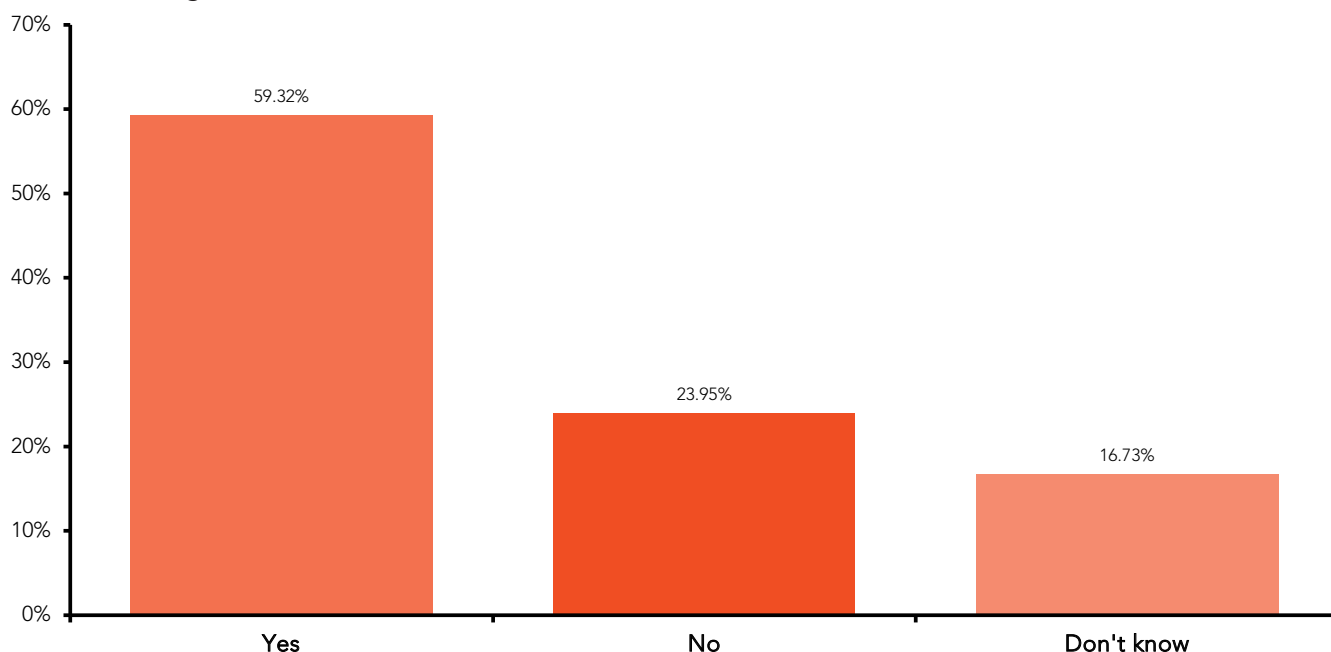


Figure 9 reveals that a majority of respondents (59%) believe that discrimination laws adequately protect pregnant employees and those returning from leave. However, a quarter of respondents (24%) take the opposite view and 17% don't know whether they do or not.

SAMPLE RESPONDENT COMMENTS: ADEQUACY OF LEGISLATION

With respect to the adequacy of legislation in this area, respondents were invited to elaborate. A sample of the 286 comments is set out below.

“Yes” ... This is a sample of comments supporting the adequacy of the laws:

- The correct laws are in place if employers comply. Compliance is the key
- We have quite a number of women taking parental leave and for each one we have been able to accommodate their requests for flexible working arrangements which mainly are for working part time
- I believe the laws are reasonably balanced as employees have the right to request flexible working arrangements and employers needs to respond within a time period in writing and to provide a business case if they say no.
- We have had a strong culture in our business of supporting mother back into the workforce, with flexible working arrangements
- The laws protecting employees and parents are well documented and very clear and it is always surprising that it continues to be ignored or abused. If an employer ignores the requirements it is not due to ignorance just arrogance.
- We have not had any issues or concerns, however as a large employer we have the resources to be informed about and support flexible work options.
- The law is clear on what is allowed/not allowed and there are consequences for breaches.
- Provided that organisations operate within these laws and are prepared to be flexible and don't just pay lip service to it I believe the law does adequately protect employees.
- The laws are designed to support return but allow business to manage change as required.

“No” ... This is a sample of comments indicating a greater need for education because the laws are open to interpretation and depend on individual manager preferences. Others noted the appeal provisions and inadequate penalties:

- Businesses (particularly small to medium-sized businesses) seem ignorant of the law and their obligations and there is inadequate support for parents who don't understand their rights, who don't know their options if they have been treated unjustly or who are unable to represent themselves appropriately when seeking resolution (either through their employer or an external body).
- There is not enough understanding / education about the benefits of returning a parent to the workplace
- A lot of 'under the radar' discrimination.
- There is no recourse for employers who do not follow a due process to accommodate requests for flexible working. If a suitable arrangement cannot be made via internal grievance process then the employee has no alternative or support to pursue further unless discrimination is present and can be proven.
- I feel the information needs to be more readily available to return to work parents and written in plain language so can be easily understood. Being a mother myself there are too many stresses in returning to work so would be nice to not have to stress about whether the employer is being fair, abiding by the law, etc.
- If the government is going to bring out new laws, then they should also provide free training sessions, webinars, etc. for professionals to attend. Why should businesses pay for training just to ensure they are compliant with the law? It should be a free service.
- Proving discrimination is almost impossible as it can be disguised as many other issues in large organisations.
- Employers can afford legal representation but employees generally cannot so it is not a level playing field. Companies can easily find loopholes even if they have a poor understanding of the laws and aren't interested in abiding by them.
- Too much room for interpretation, too much pressure put on employers and not enough from the government, such as better child care support and financial assistance.
- There are overlapping laws and multiple jurisdictions which creates confusion for employers and employees
- Burden of proof. Very difficult to prove discrimination.
- Confusing overlapping laws and administration requirements
- I don't believe the laws are policed enough
- Better guidelines, better sanctions, better business support for managers
- Many businesses and employees are unaware of the parental leave entitlements and flexible work requirements

Figure 10. Are the laws adequately implemented?

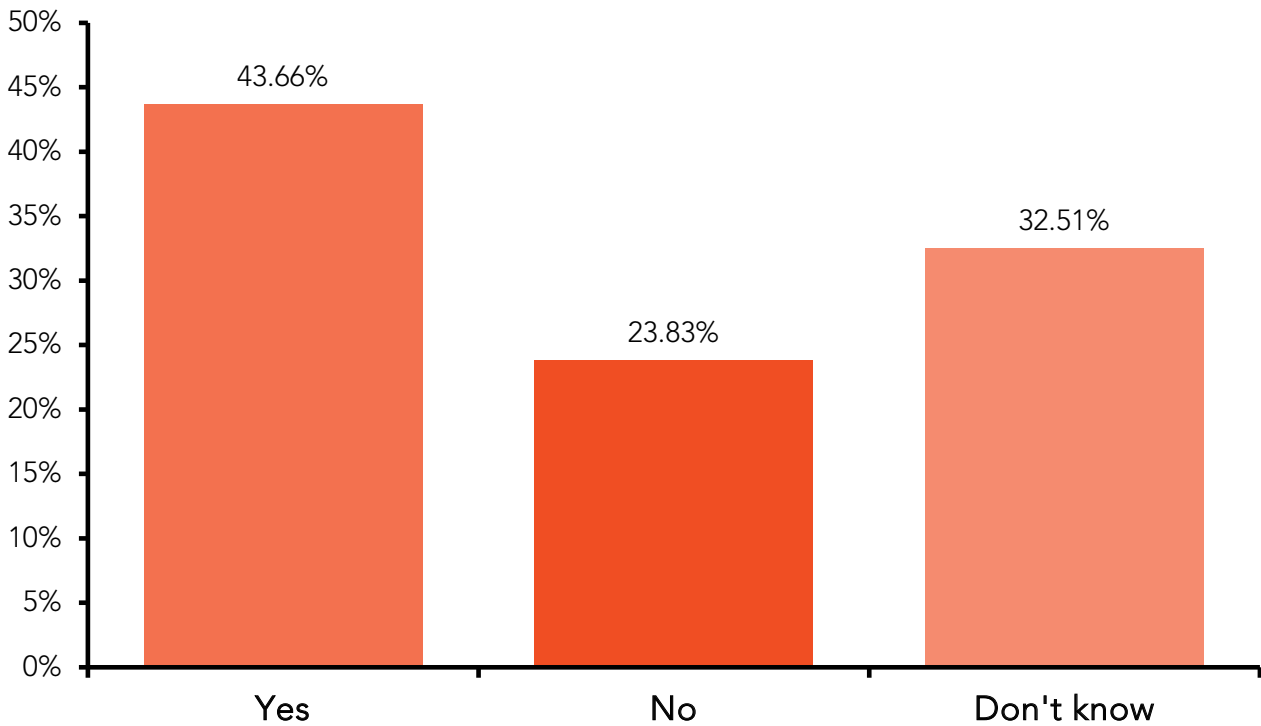


Figure 10 reveals that a significantly smaller proportion of respondents reported that the laws are adequately implemented (44%) than reported on the adequacy of the laws themselves (59% as seen in Figure 9). Those who report that the laws are not adequately implemented are about the same (24%) but the 'Don't know' responses are significantly greater (33% compared with 17% in Figure 9)

SAMPLE RESPONDENT COMMENTS: IMPLEMENTATION OF LAWS

With respect to the adequacy of the implementation of the legislation, respondents were invited to elaborate. A sample of the 180 comments is set out below.

"Yes" ... This is a sample of comments supporting, on balance, the adequacy of the implementation of the laws:

- I believe the laws are adequately implemented. It's just that within the laws there is a lot of flexibility for managers to use their discretion around flexible working.
- I think that most organisations are very aware of what their responsibilities are regarding maternity leave and the entitlements of an employee
- In most cases managers / supervisors reasonably implement entitlements to request and assist workers; however when determining which employees are to be made surplus, recent parents are usually first targeted.

"No" ... This is a sample of comments on how easy it can be to use 'business reasons' and the exercise of personal views to discriminate:

- There is too much scope for employers to reject claims for a more flexible arrangements and there are unstated pressure for employees to accept terms if wanting to keep job
- It is still up to individual managers and their personal opinions on pregnancy and parental leave. If the manager is accepting that this is just part of doing business then things are transparent and honest. If the manager does not agree with parental leave or working mothers then they need a lot of influencing and monitoring to ensure they do the right thing. If they can get away with not supporting parents then they will regardless of the law
- Discrimination exists but is under the guise of reasonable management action.

Work Health and Safety Issues

Figure 11. Are relevant work health and safety standards, in relation to pregnant employees, accessible and easy to understand?

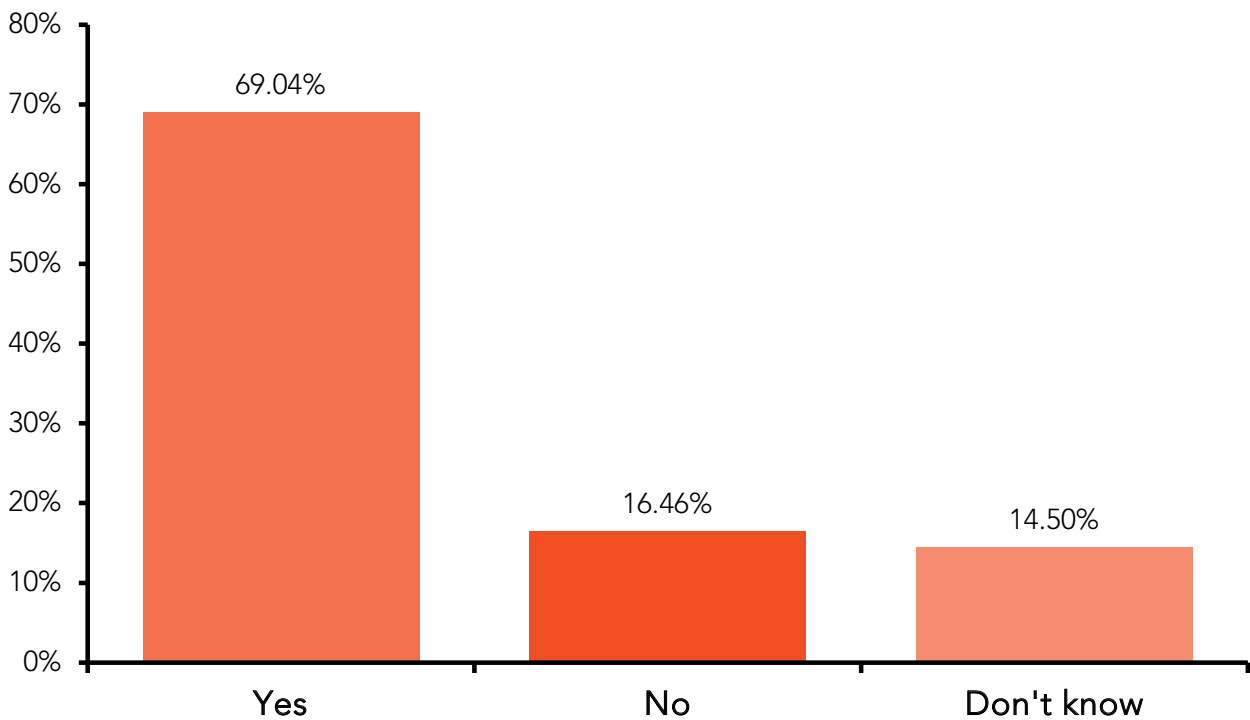


Figure 11 reveals that nearly seven out of ten respondents (69%) do not see work health and safety standards as an issue. Those who do (16%) and those who don't know (15%) represent a similar proportion of respondents.

SAMPLE RESPONDENT COMMENTS: ACCESSIBILITY AND CLARITY OF WHS STANDARDS

With respect to the adequacy of WHS standards referred to in Figure 11, respondents were invited to elaborate. A sample of the 144 comments is set out below.

"Yes" ...

- Working in a white collar environment, this is rarely an issue.
- In my organisation significant effort is put into ensuring the work health and safety of its employees including appropriate work for pregnant women, facilities etc.
- The WH&S standards are easily accessible and easily understood. They are not vague nor are they unfair as the employee is protected and looked after.
- We have information on our intranet site re pregnancy and safe work. We also perform risk assessments on notification of pregnancy for roles with any potential for risk.
- Cannot have breast feeding parents in operational front line roles due to chemicals and other safety reasons. Means they have to do a different job than what they were employed to do or may want to do.
- Extensive safety arrangements already in place cover all employees regardless of physical limitations.

“No” ...

- Employees sometimes do not know where to look or who to ask.
- I don't believe we have separate and easily identifiable information about work health and safety standards in relation to pregnant employees. It's buried in other information.
- We don't have separate health and safety standards for pregnant staff spelled out clearly for staff and managers.
- Parents are not aware of their rights and entitlements
- Employees do not know where to look for the info and need assistance in understanding the requirements for paid leave etc.
- Not clear enough to employees directly to know their rights and to be able to argue effectively with their employer on the above issues.
- The legislation around WHS in NSW is still unclear to many employers and employees. Information sessions are held but there needs to be a system to break it down further for employees to understand.

Figure 12. Do you think there are any gaps in work health safety laws in relation to pregnant employees?

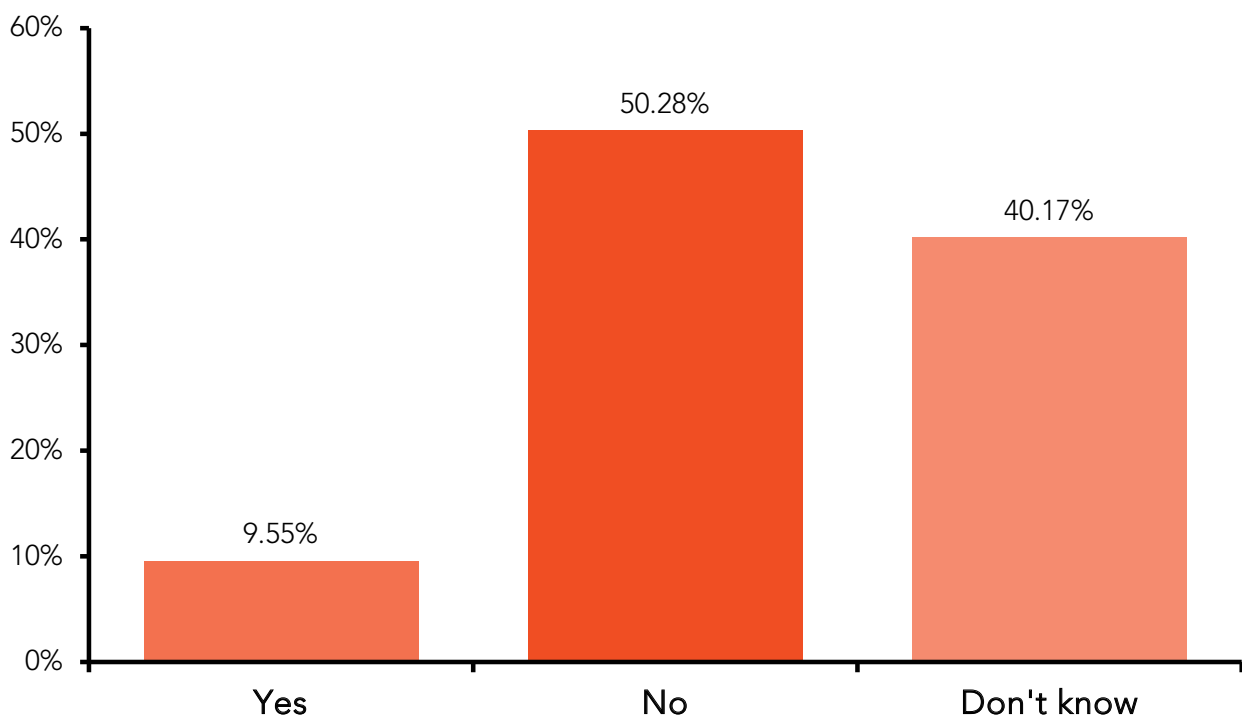


Figure 12 shows that half the respondents (50%) do not believe there are gaps and another 40% do not know. Only 10% believe there are gaps.

SAMPLE RESPONDENT COMMENTS: GAPS IN WORK HEALTH AND SAFETY LAWS

With respect to the adequacy of WHS standards referred to in Figure 12, respondents were invited to elaborate on whether there were any gaps in the laws and policies within their organisation. A sample of the 106 comments is set out below.

“Yes” ...

- Need to be more prescriptive, I find the OHS info ambiguous & mal-aligned to IR law.
- In the third trimester of pregnancy, pregnant employees should be given the option to work flexibly wherever possible, e.g. work from home if commuting to work and being in the office is becoming increasingly difficult to cope with.
- There should be more emphasis on doctor’s opinion of what work a HSR could do.
- Psychological impact of pressures during pregnancy should be addressed; ergonomic workplace should be reviewed on a regular basis; breastfeeding should be allowed and catered for
- As with a lot of legislation “reasonable” is not defined, therefore is interpreted differently
- Clarity - as safe working environment/requirements may differ during pregnancy, e.g. risk of toxoplasmosis and vulnerability of foetus.

“No” ...

- The company puts safety as a priority for all employees, contractors and visitors. Same rules and regulations apply in relation to pregnant employees in the workplace and maybe more so because they are pregnant. They can have the option to move to a safer work environment as directed by their doctor or state of health.
- No gap in laws. Maybe gap in advice/guidelines
- Within an office environment I don’t see any issues with health and safety
- Common sense applying OH&S law, policy and consultation should be enough.
- A lot is based on medical advice and the employees’ ability to continue work
- Employers are obligated to allow employees to return to a safe workplace and if the employer has any reservations about the suitability of a returning employee to do their role, they can seek assistance from the employee’s medical practitioner and engage an occupational therapist to arrive at a suitable solution.
- Pregnancy should not be viewed as a separate issue in the workplace when it comes to WHS. It is not an illness or disability. It is a natural condition that should be managed as such, except in instances where a woman suffers ill health as a result of being pregnant.

Figure 13. What difficulties has your organisation experienced in complying with work health and safety standards to make the workplace safe for pregnant employees?

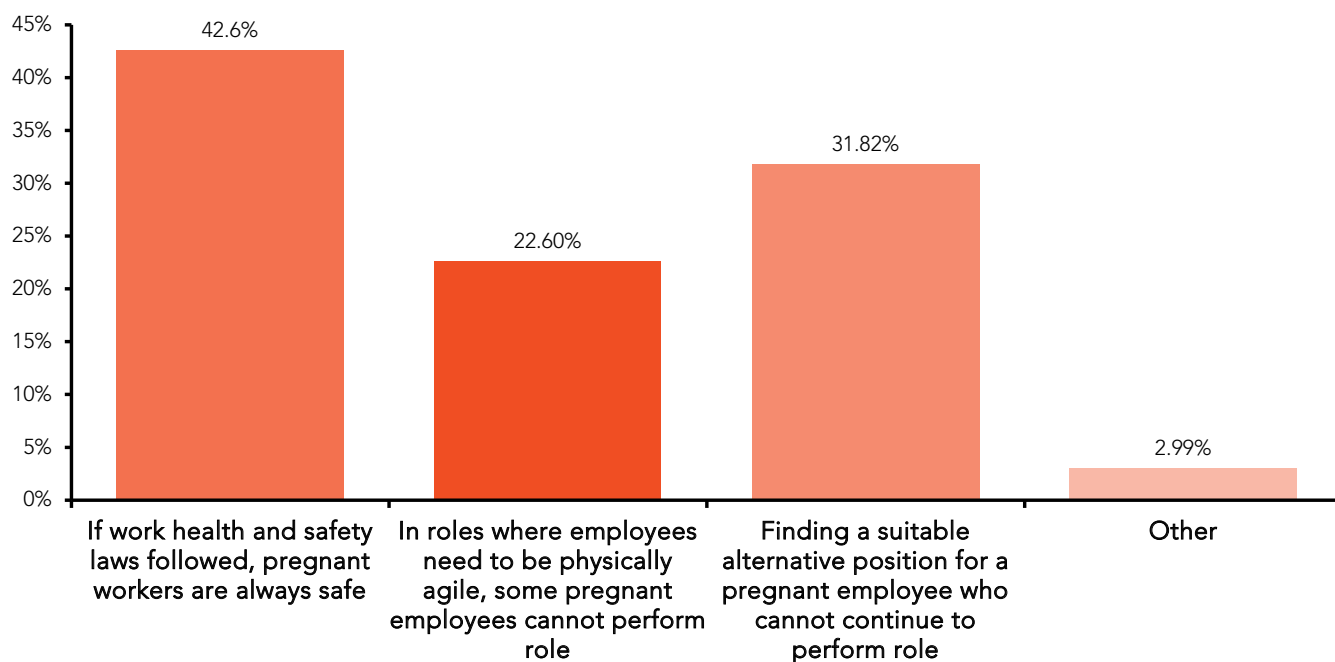


Figure 13 indicates that a large minority of respondents (43%) believe that if WHS laws are followed, pregnant employees are always safe. A sizeable minority also believe that finding an alternative position for a pregnant employee who cannot continue in her role, is often difficult (32%) and nearly a quarter (23%) see as a challenge dealing with pregnant employees who are in roles that require physical agility.

SAMPLE RESPONDENT COMMENTS: WORK HEALTH AND SAFETY DIFFICULTIES

With respect to the WHS challenges referred to in Figure 12, respondents were invited to elaborate. A sample of the 461 comments is set out below.

Many challenges are reported in the comments, including the need for education on the laws as well as organisational policies, particularly relating to alternative duties, cost and impact of covering for employees on 'no safe job' leave, early departure, loss of mobility, reluctance to relinquish 'unsafe' roles, and managing other employees. Sourcing reliable medical advice on alternative roles was also cited as a difficulty as well as some women extending their leave.

- Difficulty when pregnant employee wants to stay with their duties but employer has determined a safety risk. Pregnant employee can perceive this as discriminatory.
- Employers need to understand that plans in relation to pregnancy need to be flexible. Employees need to understand that they need to communicate openly with employers during their pregnancy.
- Have to find suitable duties if required which would be challenging for small business.
- Impact on other employees who have to pick up the duties the pregnant woman now can't do - effectively she cannot do the job she was employed for - and if it can't be demonstrated to other employees that she is picking up other duties to compensate the other employees can get frustrated at the extra load on them
- In factory environment this is always a challenge - the physical requirements of the job. There are not always satisfactory alternative roles available as all the jobs have a physical element.

- 'No safe job' leave is an unfair cost to the employer where an employee is unable to perform their actual role and no alternate roles exist or not enough alternate roles exist for teams with multiple pregnant employees. The expectations that employer just magically create alternate roles, or fill gaps is unrealistic, particularly on large scales
- The difficulty is acquiring and assessing medical and employment interaction
- The extra burden to other staff members who need to pick up extra responsibilities for the parent on leave - can cause stress and duress
- The parental leave legislation need to be more specific in relation to sick/personal leave when in relation to the pregnancy. There is confusion around when this is truly sick leave or part of the parental leave (e.g. not paid sick leave).
- We have limited scope to provide alternative employment opportunities in our manufacturing area for those staff members who may be considered to be at risk of injury due to their pregnancy. This could possibly lead to discriminatory behaviour taking place if not handled correctly.
- Yes with teaching staff - not many other options for placement in other positions
- Yes, at times you need to discriminate in order to maintain safety. An employee who was on restricted hours due to a difficult pregnancy was not offered overtime when most of her shift crew were. She went to the union who claimed we had discriminated against her because of her pregnancy. This was correct; however it was done on medical advice and in line with legislation requiring "safe work" to be found.
- Yes, in heavy industry (coal mining) it is difficult to give employees alternate safe duties whilst pregnant. More often than not, the employee commences parental leave earlier than originally planned.
- Yes, some pregnancies are much harder for some women than others. For example, morning sickness can be debilitating for months on end, and employers are unaware of the significance of this and still expect women to perform at the same capacity.

Discrimination Issues

Figure 14. Have you witnessed any occasions in which an employee in your organisation has been refused employment, dismissed, denied a promotion, transfer or other employment-related benefit; given less favourable terms or conditions of employment; or denied equal access to training opportunities as a result of pregnancy or parental leave?

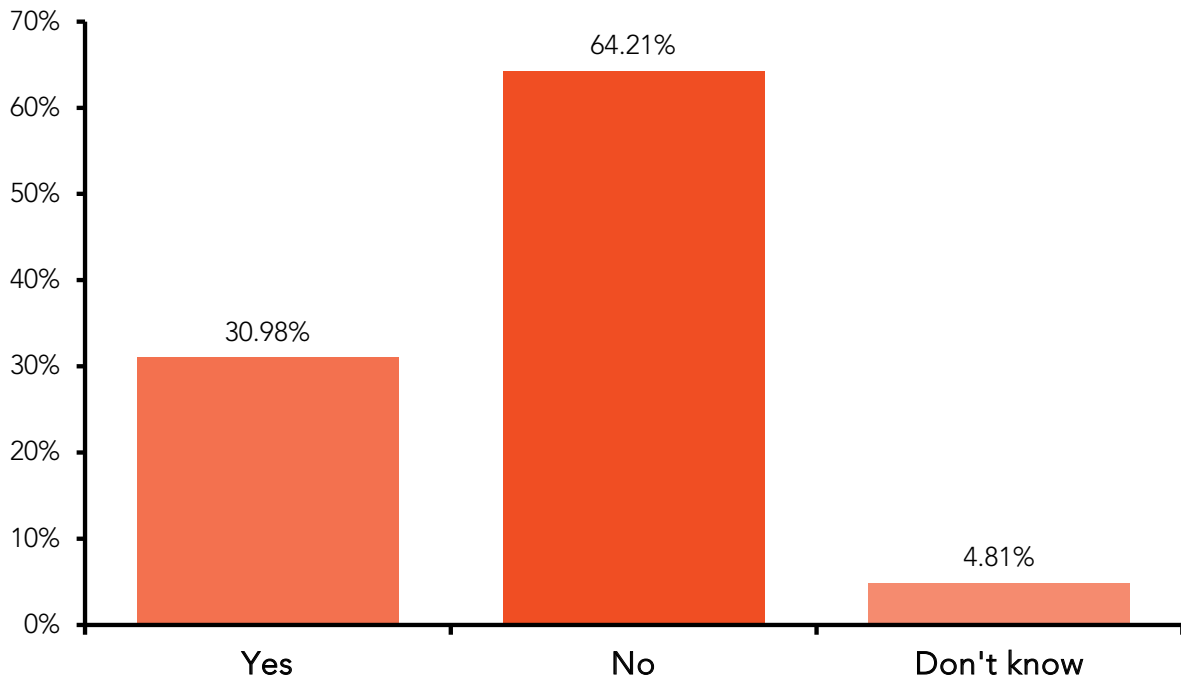


Figure 14 shows that nearly a third of respondents (31%) have witnessed occasions in which an employee has been refused employment, dismissed or denied promotion, transfer or other benefit for a pregnancy related reason, while nearly two-thirds have not (64%). The 'Don't know' figure, at 5%, is low. Most respondents appear to know whether they have or have not witnessed the occasions described in the question.

SAMPLE RESPONDENT COMMENTS: WITNESSING OF EMPLOYEE DISCRIMINATION

With respect to the issues witnessed by respondents in Figure 13, those who answered 'Yes' were invited to elaborate. A sample of the 176 comments is set out below.

Approximately 17% of respondents pointed in their comments to employees being overlooked for promotion, while 15% reported that management responsibilities were removed or lesser jobs provided while employees were pregnant or on return to work. Approximately 14% indicated that training opportunities were not offered or were retracted once an employee advised she was pregnant. Similarly, missed training opportunities were reported while an employee was on leave or not offered when returning to work. About 12% indicated that flexible work arrangements were not offered or approved for return to work employees, and 9% witnessed employees made redundant while on parental leave and their leave used to determine which roles were to be made redundant. Another 7% saw fixed term employees have their contracts not extended or renewed due to pregnancy.

Other examples include potential for pregnancy with a candidate being discussed by managers and used to determine recruitment decisions (5%); performance review outcomes affected by parental leave and flexible arrangements (3%); 'business reasons' being used inappropriately to deny flexible arrangements (2%); and employees being dismissed or asked to resign upon becoming pregnant (2%).

- Excluded from attending 'leadership' training (which had been set up) as the employee was going on maternity leave in 4 months' time.

- Managers reluctant to promote women of 'child bearing age' to senior positions in case they take extended leave
- I have seen an employee internally nominated for an overseas training program and the nomination withdrawn once confirmed pregnant.
- Pregnant staff member who was not considered for a tenured promotional role because she was due to have a baby.
- Employee of the age to be having children and recently married not given a promotion because it was expected she would have a baby soon.
- The employee was "made redundant" whilst on parental leave (having given birth only weeks earlier) because she made it clear she would be returning part time only.
- Employees on parental leave or part time arrangements constantly overlooked for promotion opportunities without consultation.
- Female team leaders returning from maternity leave are told they are unable to perform the role part time and are told their only option is to work full time or change roles - it's "their choice". The limited options for an alternate role often involve being effectively demoted back into a consultant position, and then their remuneration increases are constrained by the consultant position rather than the team leader position
- An employee was dismissed after the company learned she was pregnant
- Denial of flexible hours, part-time or job sharing options which forces a parent to choose full-time work or nothing.
- When the person returned to part time work, she was given the less challenging mundane design work, thus preventing her from moving to a senior role
- Not given pay rise in annual review despite receiving strong performance results throughout the year. Manager wanted to allocate funds to another employee and thought the parental leave employee wouldn't notice or care.
- Frequently see pregnant women and women of child bearing age not considered for promotion. Managers citing specifically that "they are focussed on their children".
- Denied the opportunity to interview for a management position when the employee was honest about being pregnant when applying for the role.
- Multiple times I have seem competent women who were promoted previously and on a fast track, be actively avoided in recruitment processes while they are either pregnant or on reduced working hours
- Missed opportunities for training and development and/or career progression.
- It's well known that you have to hide pregnancy if you want promotion/job
- Lack of promotion due to pregnancy or ability to work full time hours. Comments have been made by senior executives that they wouldn't employ a certain person as they have young children
- Part-time staff not appointable to positions unless they work full-time. Job-sharing at senior levels is not supported, and rarely at any levels. staff member going on parental leave not giving the opportunity to apply for a senior position.
- Perception from the manager that a pregnant employee or a parent returning to work is not as committed as other team members leading to a lack of salary increase and bonus.

SAMPLE RESPONDENT COMMENTS: WITNESSING OF ORGANISATION CHALLENGES

Respondents were invited to comment on having witnessed challenges faced by their organisation with respect to pregnant employees and parents returning to work. A sample of the 461 comments is set out below.

Approximately 31% of responses indicated challenges with flexible and part time hours, with or without good reason. Another 12% indicated a lack of manager understanding or support in their attitude to pregnant employees, parental leave parents returning to work, while 9% reported witnessing changed roles after a woman announces a pregnancy or on return to work, often without consultation or explanation. Another 9% stated that often employees felt out of the loop while on parental leave or on their return to work, with the same proportion reporting that employees returning to part time hours felt they had to deliver full time work in part time hours. Around 6% saw problems with employees who required sick leave to look after unwell children or for themselves when pregnant.

Other challenges identified were difficulty finding suitable child care (4%); the impact on their career development (4%); unreasonable flexibility requests of employees on their return to work (4%); and being made redundant or contract terminated or not extended (4%).

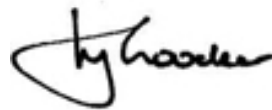
- No, but it's openly thrown around that "we don't do part-time". Taking time off for sick children is also looked upon poorly.
- Yes frequently relocated to alternate role without consultation, not offered opportunities for promotion, and discouraged from applying for opportunities,
- Accommodating flexible work and part time work requests. Many managers are not interested in job share arrangements.
- Most roles cannot be performed part-time nor done in a job sharing model
- Dealing with young children in child care is often stressful for parents because children get sick and parents need to take time off, which is not viewed well by management.
- Inability of managers to understand the requirements of flexibility
- Yes - child care is an ongoing issue and working parents managing deadlines with child care arrangements is tough
- Recently, a part time employee at supervisor level was offered a redundancy because she was told that the role needed to be filled by a full time employee.
- Always a challenge to replace staff taking parental leave and accommodate needs of staff returning from parental leave. If managed well outcomes are generally worth the effort.
- Yes - change of portfolio, management responsibilities taken away from them
- Yes. The most common is that no accommodation is made for the part timer. Meetings, work requests and deadlines are still set as if everyone was full time.
- Have seen many women feel like they have to work extra hard (full time hours) in their part time hours. Men feel like they can't have flexible hours.
- Yes. Managers not wanting to provide flexible working arrangements for employees returning to work and trying to find ways around it so the employee has to return full time.
- Assumptions are constantly made about returning mothers that they are no longer focused on their careers. When returning mothers show career aspiration they are then criticised for not being good enough mothers.
- Their attendance is poor and it annoys other staff as they get more concessions than those without kids

- When an employee has been away and significant changes have been made either to the structure or operating procedures of the organisation.
- Yes - disorientation and insufficient mentoring or buddying support for returning worker who was on parental leave
- Yes especially around working part-time but expected to work like a full time employee. Perceptions around commitment and also talking behind backs: "She's going home early again"; "Her kids are sick", etc.
- The biggest issue is non-direct discrimination that managers and employees are just not aware of.
- I have witnessed a change in employee behaviour towards returning employees after taking parental leave. Some employees take 9 weeks and return to work, but for the employees who take between 12-24 months, it is difficult for them to return to their role in the team, as there are usually major team member changes. They usually feel like they are starting new again at the organisation.

If the Commission wishes to contact AHRI further, please do so in the first instance through the National Manager, Government and Media Relations, Paul Begley, on 03 9918 9232 or 0402 897 884 or email paul.begley@ahri.com.au



Peter Wilson AM
Chairman



Lyn Goodear
Chief Executive Officer