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

Submissions from women and men who have experienced discrimination at work while pregnant, or while on or on return to work after taking parental leave

**Submission Number 267**

**Part C Submission Response**

**Challenges**

* What kind of challenges did you face in the workplace during pregnancy, while on parental leave, and upon returning to work after parental leave? Please provide details including:
  + specific challenges
  + consequences for you, your family and your career
  + what action (if any) you took in response and the outcomes of this action
  + what workplace measures would have helped you to respond to the challenges you faced

I have had three children. For my first child (born 2004) I started in a new workplace when he was 9 months old. At the time there was no leave for breastfeeding and each day I used my lunch break to feed him (I worked close to home). I am thankful my organisation now has paid breastfeeding breaks (and facilities to express) as I could continue to do the same should the need arise but actually manage a break for myself for lunch also. For my first and second children I did not have child care issues as grandparents looked after them. For my third child I faced a long wait to get a child care place (19 months). When I secured a place for my third child a shortage of before and after school care places for my children who go to school meant that I have to work shorter days (I am still on the wait list after more than a year). Our school has an onsite before and after care service but it is full. Other services exist in the area that pick children up by bus and take them to local community centres but these services will not service our school because we have our own onsite care (which is inadequate).

Whilst many organisations have good policies for flexible work arrangements I have found that many of these policies are at a manager’s discretion. Whilst I have been able to access flexible work arrangements I know that others have not had supportive managers and have been essentially forced into working more hours than they want to. Workplaces also underestimate too the emotional turmoil of returning to work and placing your child in care. Keeping in touch with staff members on leave could help them stay connected with the work place and ease them back into returning to work (e.g. by discussing support for breast feeding/work from home/time off for sick kids/flexible options/transitioning back initially one day a week or shorter hours and even just by saying we value you as a staff member and how can your workplace help support you in this big transition period). This kind of help/support would be so beneficial but mostly it doesn’t happen. Mostly staff on leave are not contacted until a form is needed for when they are to come back. I think this kind of contact could help with postnatal depression too as many women find themselves in a totally different and often isolated world when on maternity leave. Employees are human beings with emotional needs – workplaces often don’t treat them like this. I really think policies that allow people to start back at work on a reduced number of hours to help their child adapt to childcare would help too. A workplace which offered half days for a few weeks so young children did not have to suddenly be in childcare from 8-6 and could adjust with short days would be wonderful. Importantly, these issues need to be discussed with new fathers as well as mothers. If new fathers are assured that their workplaces will support them to take an active role in caring for their children then they would be more likely to avail themselves of flexible arrangements and share the load.

A consequence for me taking three periods of leave from the workforce and working part time and flexible arrangements after having children has undoubtedly been my career progression has suffered. There are very limited (and often no) opportunities to act in higher positions at a part-time level. Job sharing opportunities could possibly fix this but seem to only occur if staff are extremely assertive and push for them to happen (and also have a supportive manager who advocate for them). Many women don’t have this kind of natural assertiveness. This means that only outgoing part-time staff (of those with good networks) ever have the opportunity to act in a higher position via a job share arrangement whilst working part time. Those that wait for advertisements for part time positions at a higher level (or even at the same level) can face a very long wait indeed! It appears to be that flexible arrangements are permitted in your current position but if you want to change jobs to achieve even a lateral move (even within the same organisation) you need to leave your flexible arrangements behind. Thus flexible work arrangements can become a kind of “golden handcuffs” for many parents. They are wonderful arrangements that allow for work/life balance but they tie them forever to the same job until their need for flexibility subsides.

In addition to the above issues which can stymie career progression I (and other part-timers) have faced an issue in my organisation with the reimbursement for part-time study policy. If you can’t advance your career through acting in higher positions or getting a different role another avenue to advance your prospects is study. Whilst our organisation reimburses full time staff for study costs (up to a maximum amount each year) part-time staff are only reimbursed pro-rata. The argument is that the organisation is only getting for example 2 days a week worth of their degree so they will only pay 2/5. Many part-time staff will return to full-time roles at a later stage when the organisation would benefit from more days. Also, most people in the organisation already have a bachelor’s degree and so further study would most likely be a post-graduate degree. These are extremely costly (sometimes 20k plus) and many parents would be unable to bear the costs of say 3/5 of the degree (especially at a time when they’re earning less than they use to and have more costs) and so forgo their study ambitions. I believe that this is a form of discrimination against part-time staff.

An issue many women also face, and one I have faced, is that they want to continue with their careers whilst trying to conceive. Many people are not blessed with the ability to become pregnant exactly when they want to. Maternity leave rights can thus become another form of golden handcuffs tying you to your existing job and cutting off options for career change or progression. Some workplaces require staff to have worked at least 12 months before they can qualify for parental leave. If you’re trying to conceive you know that if you change jobs you risk not having paid parental leave. Sometimes, as it works out, if you had changed jobs you may well have clocked up the number of months required as you have months of unsuccessfully trying to conceive – but it is an unknown.

**Information and support**

* What information or support was provided to you about your rights and entitlements while pregnant, while on parental leave and upon returning to work after parental leave? Who provided this information?
* If none was provided, what information or support would have assisted you?

When applying for leave I just got the standard information on the leave forms. As an active union member and a person with an interest in women’s rights I was well versed in all policies also from my own research. I believe the human aspect of support and staying in touch is lacking from many workplaces, sometimes because managers are too busy, sometimes because they think they shouldn’t intrude into the private sphere of employees. However, returning to work particularly can be a huge transition and an emotionally tumultuous time and employees can benefit from understanding and supportive workplaces.

**Good practices that assisted you**

* What policies, programs or support did or would have assisted you while you were working while pregnant, on parental leave or after returning to work following parental leave?
* Breastfeeding policy – allowing for paid breastfeeding breaks will assist (and would have had it existed in previous years).
* I would like to see policies for a gradual transition back to work for staff on leave (half days, reduced days for a few weeks).
* I would like to see organisations be proactively supportive of new parents (both men and women) in their transition back to work.
* I would like to see policies in place to assist the career progression and development of part-time staff.
* Our organisation had a Spokeswomen’s group which helped advance issues women are facing in the workplace which was brilliant.

**Recommendations for the National Review Report**

* What sorts of outcomes or recommendations would you like to see from this National Review?

In the ideal world I would like to see transferable parental leave benefits i.e. you could take your continuity of work to another organisation and know you were eligible for maternity leave. That way women (and their partners) who are trying to conceive are not disadvantaged by it. I would also like the right to request flexible work arrangements to be considered in new positions and not just your existing position. I would like to see organisations increase the number of jobs advertised as part-time or job-share – or even just flag that part-time or job-share options would be considered in some positions.

The UK has the “Part-time workers (prevention of less favourable treatment) regulations and something similar would be good here.

In relation to pregnancy discrimination (thankfully I have never experienced it myself) I am very disturbed by clauses 25 1A and 2A in the NSW Anti-discrimination Act. 1977 which I believe would apply to NSW public servants (the federal Sex discrimination Act would normally override state law however it does not apply to state employees). These clauses state that a woman can be legally discriminated against if they are pregnant at the time of applying for a position. I would like to see these clauses removed from the Act. Even if it turns out the Sex Discrimination Act 1984 renders them void it is offensive to all women that these statements exist in law.

I would like to see childcare issues (availability etc.) also addressed.

I would like to see a strong focus on fostering flexible work arrangements for fathers to help share the load. Also fostering flexible work for men may help improve issues such as career progression if flexible work becomes normalised and thus the number of flexible positions increases and workplaces advertise flexible roles at all levels.