**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 299**

**Part C Submission Response**

**Challenges**

**During pregnancy**

* being told I didn't have to fill out a formal parental leave request
* I was told that I had to apply for 12 months parental leave, even though I made it know that financially I could only afford to be on 6months parental leave. The response was "it's easier to reduce employee's leave than to extend it"
* being told by staff that "you won't be back"

**While on Parental Leave**

* Meeting with my boss and being told that I couldn't have my old job back as my replacement was able to work full time and I wasn't (due to breastfeeding and not being able to afford daycare)
* Told by my boss that I did not need to fill out a formal 'return to work' request
* After repeatedly being assured by my boss that an alternative position would be found a few months before I was due to return to work he rang me and simply said that he didn’t have a role for me and that he couldn’t see a role opening until the end of the year or possibly even next year. He told me to let him know if my situation changed.
* Being told by my boss that a replacement position would be found in time before my parental leave ended - but no position was ever 'found' or offered. I had to constantly chase my boss for information.
* I tried to negotiate flexible work arrangements after receiving advice from Queensland Working Women’s Service. All these attempts were unsuccessful. I was told by QWWS that if no agreement was reached, I was able to make a complaint through Fair Work Australia or the Anti-Discrimination Commission.
* After I made my request my work e-mail account was immediately disabled (meaning I had no access to the evidence required for a discrimination case). Up until that point that e-mail address was the main e-mail my boss contacted me through.
* I was informed by another staff member that the staff were told to cease communication with me effective immediately, they weren't given a reason that I'm aware of.
* I was advised by QWWS to have a face-to-face reconciliation meeting to discuss the problem and try to come to a solution.
* After trying to talk to my boss about arranging a meeting to discuss the issue I was sent a letter from his lawyers (which I perceived was a scare tactic). The letter denied any wrong doing by my boss and that no job was available for me.
* After very minor comments on my personal Facebook account (where my employer was not mentioned nor any mention of the company etc) I was sent a threatening insubordination letter. The person who screenshot the 'offending' comments was the woman who replaced me as we were 'friends' at that point. I have the proof in the properties of the document she created. She directly benefited from putting me in a bad light with my boss.
* On many occasions both before and during my pregnancy/parental leave my boss commented on the fact that he preferred the other lady over me as she was older, 'more capable' and reliable (as she has already had her children)
* I talked to QWWS about warning letter and also about what I can do to about this discrimination. They informed me that while I was wrong to make those sorts of comments on a public forum how the evidence was obtained is questionable and it still does not excuse the discrimination that occurred regarding my job. I was informed of four options. One was to just resign and let it go, two was to resign and still file a complaint through the Anti-Discrimination Commission, three was to return to my role full time and still file the complaint, fourth and final was to not resign or return but to just file the complaint.
* Months later I was sent a rather impersonal direct letter from my boss (the first I'd heard from him since the "alleged insubordination") saying that if I did not contact him by a certain date my employment would be terminated effective immediately.
* I had no choice but to resign. The situation would not be satisfactorily resolved by the deadline given to me by my boss so I felt I had no choice. My boss made it clear that if I didn’t work full time I was not allowed to return to my previous position and he refused to discuss any alternatives. I could not imagine going back to that workplace or working for that person again. As he is the CEO it wouldn’t matter which department I worked in as he is the overall boss and has the final say on people and policies.
* I was denied a formal reference from my boss or any of the staff. When I asked for a simple statement of services I was told that I was only allowed one if I signed a confidentiality agreement - which I promptly refused.
* Another employee around my age was warned not to do what I’m doing if she gets pregnant.
* Months later I was told by an employee that no other woman that has gone on parental leave has ever returned to the company.

**Upon returning to work after parental leave**

* I was never able to return to work.

**Consequences for you, your family and your career**

* The whole ordeal caused me and my family considerable hardship both physically, emotionally and financially.
* I felt bullied and victimised by my boss and the policies of the company. He was unwilling to negotiate and he reneged on verbal agreements. He intimidated me with letters from lawyers and accusations of insubordination - he made it impossible for me to return. I could not see how I could work closely with someone who has treated me this way.
* I had to see my doctor due to the stress. Since I was breastfeeding my doctor was unable to prescribe me anti-depressants so I have to use alternative natural therapies.
* My husband and I had to put a pause on our mortgage repayments with the bank so we can keep our house! We had to rely heavily on the generosity and support of our family and friends.
* At the peak of the trauma I suffered a miscarriage which my doctor attributed to the intense stress and hardship I was facing.
* Months later and a few days after a failed teleconference reconciliation meeting with QWWS I found out I was pregnant again which also impacted the choice I made. I was not prepared to lose another baby because of the stress.
* Reconciliation was not possible and so I tried to seek some form of compensation for the hardship I had to endure but my boss basically said he would continue to fight me in court and with the financial backing of the company and being a wealthy man in his personal life I couldn't see how I could possibly win.
* It is years later and my family are still suffering financially and I am still suffering emotionally.

**What action (if any) you took in response and the outcomes of this action**

* After much googling I came across the QWWS and they gave me some basic advice. When the situation worsened I was assigned a case worker who tried to help me through the ordeal and give me advice.
* The QWWS were the ones that told me to make a complaint to Fair Work or the Anti-Discrimination Commission.
* I tried to have a face-to-face meeting with my boss but he refused.
* The ADC accepted my complaint and it was agreed that discrimination had occurred. After making my complaint to the ADC a teleconference was agreed to. After the meeting I had a call from the case worker saying that my boss wasn't going to budge and I should just let it go unless I have a small fortune to put into fighting it in court.
* At the end of it all I was left with no job, on the brink of losing my home, dealing with a miscarriage, lost all my friends at work, and was left just utterly broken.

**What workplace measures would have helped you to respond to the challenges you faced**

* The company/ my employer being better educated on their employees rights and the companies responsibilities

**Information and support**

* What information or support was provided to you about your rights and entitlements-
  + While pregnant: nil
  + While on parental leave: QWWS advised me to write up a formal request for flexible work proposal, to try and have a face-to-face meeting with my employer, to make the complaint to the ADC,
  + Upon returning to work: n/a
* Who provided this information?

QWWS, never was I given information or support from the company I worked for. I had to search and search for the right help. I had no idea what to do. I knew the company/my boss had discriminated against me but I had no idea where to go for help.

**Good practices that assisted you**

* **NIL** in the end I was told to just 'give up' even though it had being accepted that discrimination had occurred.
* I felt that I barely had any help, just the occasional 'you should try this or that' from QWWS.
* I felt that no one cared and that justice was not served.

**Recommendations for the National Review Report**

* What sorts of outcomes or recommendations would you like to see from this National Review?
  + More protection for pregnant mothers both before and during pregnancy/parental leave
  + An easier way for affected people to get assistance and support
  + Harsher penalties for employers who do the wrong thing
  + Stronger support for affected people. Being told to just let it go because I couldn't afford to fight in the courts was devastating. It was agreed there was discrimination but because they had more money than me they were never held accountable for what they had done to me.
  + Support and backing when affected parties seek financial compensation if reconciliation isn't achievable.