



PREGNANCY DISCRIMINATION

Having a baby?
Don't have discrimination.

Equal Opportunity Tasmania

(the office of the Anti-Discrimination Commissioner)

Phone: 1300 305 062 (in Tasmania) or (03) 6165 7515

E-mail: office@equalopportunity.tas.gov.au

Web SMS: 0409 401 083

Translating and Interpreting Service: 131 450

National Relay Service

TTY Users: Phone 133 677 then ask for 1300 305 062

Speak and Listen: 1300 555 727 then ask for 1300 305 062

Office: Level 1, 54 Victoria St, Hobart TAS 7000

Post: GPO Box 197, Hobart TAS 7001

www.equalopportunity.tas.gov.au

Celebrating Difference
Embracing Equality

PREGNANCY DISCRIMINATION

It is pregnancy discrimination to treat a woman unfairly, or to deny her the same opportunities as others, because she is or has been pregnant or because someone suspects she intends to get pregnant in the future. It may also be discrimination on the basis of pregnancy if a woman is treated differently because of any medical condition associated with her pregnancy.

Pregnancy discrimination often happens because people make conscious or unconscious assumptions about a woman's needs or abilities when she is pregnant or about the impact a possible pregnancy may have on a woman's ability to work or engage in other activities.

In what situations is pregnancy discrimination against the law?

To be against the law, pregnancy discrimination must be related to one of these places or activities:

- Work – whether the work is paid or voluntary
- Training or studying – for example at school, TAFE or university, or workplace training
- Providing or accessing facilities or services
- Buying or selling goods
- Club membership or club-related activities
- Hotels and pubs
- Housing and accommodation – including short-term accommodation such as a hotel or hostel
- Office and other business premises
- The design or implementation of state laws or programs
- Making or implementing industrial awards, enterprise agreements or industrial agreements

Other unlawful behaviour

It is also against the law to offend, humiliate, intimidate, insult or ridicule a woman because she is or has been pregnant or intends to become so (see separate brochure: *Offensive behaviour*).

Parental/maternity leave

Under the *Fair Work Act 2009*, many employees have the right to maternity leave and to seek flexible working arrangements once they return to work.

For more information on parental leave and return to work entitlements, visit www.fairwork.gov.au.

Exceptions to the law

In certain circumstances discrimination on the basis of pregnancy is permitted. For example, an employer may be permitted to temporarily move a woman who is pregnant from her permanent work if the tasks she has to do are dangerous to her or her unborn child. (To understand how exceptions work under the law, see separate brochure: *Discrimination – exceptions to the rules*).

Exemptions

If you think there is a valid reason for doing something that might be discriminatory on the basis of pregnancy, you may apply to the Anti-Discrimination Commissioner for an exemption for that activity (see separate brochure: *Discrimination law – should you be exempt?*).

Do you feel you have been discriminated against on the basis of pregnancy?

If you want to find out more or make a complaint, contact our office. This service is free. We cannot give legal advice, but we can explain how the law works and what it covers. We can also help with writing down a complaint.

The law in action

Julia is 4 months pregnant and tells her boss she intends to take 12 months' maternity leave. Julia's boss immediately removes a number of her duties, even though she is able to do them all safely and effectively. She tells Julia, 'your position has been changed because you will be leaving soon and are clearly not committed to your job'. Julia is very upset by this and decides to make a complaint of pregnancy discrimination in relation to her employment.

A major supermarket chain requires cashiers to stand at all times except while on breaks. On the surface, this requirement treats everyone the same, however it may be harder for a pregnant woman, especially in the later stages of pregnancy. This requirement may be unreasonable if it can be shown that providing a chair or stool would allow the employee to continue working and not interfere with her duties.