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What not to expect when you're expecting

The Australian Human Rights Commission (AHRC)'s findings about pregnancy discrimination expose the shocking levels of discrimination in Australian workplaces.

The interim findings of its 'Supporting Working Parents: Pregnancy and Return to Work National Review' are consistent with the experiences of clients of the Employment Law Centre of WA (ELC). They reveal that one in two Australian women reported experiencing discrimination in the workplace during their pregnancy, parental leave or on return to work. Discrimination was most commonly reported as taking place on return to work (35%) followed by when requesting or on parental leave (32%), then during pregnancy (27%).

ELC receives more than 500 calls each year to its Advice Line from vulnerable employees experiencing discrimination. The AHRC also received a significant number of complaints last year. These numbers highlight the prevalence of the issue and show that more must be done to address discrimination in the workplace.

Despite the laws and policies that are designed to protect employees from discrimination, in reality, there are significant barriers to accessing justice.

ELC Principal Solicitor Toni Emmanuel says:

"There are very few protections for employees who experience this type of discrimination. As the AHRC's findings suggest, pregnancy and return to work discrimination is incredibly common. We need major law reform in this area to prevent discrimination. Vulnerable individuals who have been discriminated against are forced to battle through a complex system without support. A proper regulator with broad powers to enforce the law is essential. The AHRC should be able to commence action on behalf of victims of discrimination and to provide them with meaningful support."

Currently, if a discrimination matter is not resolved in conciliation, individuals must go to a formal hearing in the federal court system. Litigation is complex, stressful, time-consuming and expensive. ELC's clients simply cannot afford it, nor can they afford to pay their employer's legal costs if they don't win their case.

ELC believes that the *Sex Discrimination Act* does not go far enough to deter discrimination. Penalties should be imposed on employers who engage in or tolerate discrimination in the workplace.

The AHRC's recommendations will reveal whether or not the Sex Discrimination Commissioner is serious about reform in this area.

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