

**September 23, 2009**

**Media Statement**

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## **Pregnancy and maternity leave discrimination still continues**

Equal Opportunity Commissioner Yvonne Henderson said today that employers continue to discriminate against pregnant women in the workplace, with the number of complaints investigated doubling this financial year.

Commissioner Henderson said it was also disappointing that more than double the number of family responsibility complaints had been investigated in the same period.

“Sadly, a minority of employers still continue to discriminate against pregnant employees and those with family responsibilities,” she said.

Commissioner Henderson said she shared concerns raised by the Fair Work Ombudsman this week that women are still being discriminated against for being pregnant or taking maternity leave.

The Fair Work Ombudsman is investigating claims some employers are refusing to re-employ women who have taken time off to have children. In one case, a woman saw her permanent position advertised eight months into her maternity leave.

In 2008/09, the WA Equal Opportunity Commission investigated 26 complaints on the grounds of pregnancy discrimination and 46 family responsibility complaints - both more than double the previous year.

“In one case in WA, a woman was told that she would not receive a pay and increment increase because she was pregnant. This was after three years of receiving positive performance appraisals and annual salary increases,” Commissioner Henderson said.

“However, following a conciliation conference, the employer agreed to grant her the increment and salary increases, and backdate the payments to the date of her previous performance appraisal.

“It is unacceptable and unlawful to treat employees less favourably because they are pregnant or have family responsibilities.”

Commissioner Henderson said the rights of pregnant women in the workforce had also been highlighted by a case at the WA State Administrative Tribunal (SAT) last year.

The SAT found that an employer had discriminated against a pregnant employee by changing the conditions of her employment once they found out she was pregnant.

The employer increased the employee's probation period after it learned of her pregnancy and on the grounds of her pregnancy.

A full copy of the SAT decision can be found at:

[http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf/PDFJudgments-WebVw/2008WASAT0213/\\$FILE/2008WASAT0213.pdf](http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf/PDFJudgments-WebVw/2008WASAT0213/$FILE/2008WASAT0213.pdf)

“Under the *Equal Opportunity Act 1984*, it is unlawful for an employer to discriminate against an employee on the ground of the employee's pregnancy,” Ms Henderson said.

For more information on pregnancy discrimination go to:

<http://www.equalopportunity.wa.gov.au/pdf/pregnancy.doc>

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