



## **Pregnancy and Return to Work National Review**

### **Introduction**

YWCA Australia welcomes the opportunity to make a submission to the *Supporting Working Parents: Pregnancy and Return to Work National Review*.

### **About us**

YWCA Australia is the national association of YWCAs in Australia and is part of the World YWCA movement. We are a women-led organisation that achieves positive change by providing advocacy, programs and services for women, families and communities.

YWCAs undertake advocacy and deliver services and programs that develop the leadership and collective power of women and girls, support individuals, their families and communities at critical times, and promote gender equality and community strengthening.

YWCAs strive to promote human rights, gender equality and women's economic security and these values are embedded into our workplace conditions and cultures. For example, in 2012 the YWCA of Canberra was formally recognised as an *Employer of Choice for Women* in the then Equal Opportunity for Women in the Workplace Agency's annual awards.

### **YWCA survey**

After the National Review commenced, we had feedback from our Member Associations that women connected to the Australian YWCA movement were eager to share their stories in a joint submission. We also wanted to tap into the expertise of many of our staff, members and supporters about recommendations for best practice.

In response, YWCA Australia developed two short surveys in consultation with our Member Associations to gain insights and case studies to inform the submission, YWCA members and supporters survey, and a YWCA staff members survey.

The survey opened on 12 December 2013 and closed on 10 January 2014. We received 93 responses from members and supporters and 32 from YWCA staff members.

The YWCA of Canberra and YWCA Australia also participated in National Review roundtables.

***Please note that all examples taken from our surveys are in the survey participants' own words.***

## Alive and well

**Despite anti-discrimination laws and businesses increasingly recognising the business case for gender equality, pregnancy and related discrimination is alive and well in Australian workplaces in 2014. It continues to be a significant barrier to women's economic participation and security.**

Pregnancy discrimination is the top discrimination complaint in Australian workplaces, with 28 per cent of the discrimination complaints investigated by the Fair Work Ombudsmen in 2012-2013 relating to pregnancy. We note that a further 11 per cent of the complaints related to family/carer responsibilities and are therefore also relevant to this review.<sup>1</sup>

Pregnancy and related discrimination have both a human rights dimension and an economic impact, on individual businesses and the wider Australian economy. We welcome the increasing recognition by employers that discriminatory practices have a cost to business, but are dismayed that pregnancy and related discrimination is still entrenched in many Australian workplaces. As a recent Ernst & Young report stated:

Once women hit their mid-20s, female participation rates decline for the next two decades. As women move from full-time to part-time employment to accommodate the needs of their families, their careers are interrupted, for which they pay an excessive price. Women who put their careers on hold for even a couple of years are left with risks of being on lower salaries than men; side-lined from leadership positions; and with little in the way of retirement savings.

This issue has never been more important for Australia. It's not just bad for women as individuals, it's also costing the nation billions of dollars in the form of an unrealised productivity potential and high government benefit payment.<sup>2</sup>

YWCA Australia is also concerned that the current economic climate might see an increase in short-term contracts and casual positions, increasing the number of women, particularly low income women, facing pregnancy and related discrimination. Clearly urgent and comprehensive action needs to be taken.

## A comprehensive approach

**Workplace discrimination is linked to many other gender equality issues, and must be addressed at the same time as other issues relating to women's workforce participation and equality.**

Although there has been a marginal rise in the number of women on corporate boards in Australia, there has been a decade of negligible change for women in executive ranks; the 'pipeline' of women has not been developed.<sup>3</sup> In our view, pregnancy and related discrimination and non-supportive workplaces are large factors.

The availability of accessible and affordable childcare can also limit the primary carer's access to paid employment and impacts on their ability to return to work after parental leave. Addressing this critical issue is necessary to increase women's economic participation and reduce discrimination. We also used the surveys to seek feedback from respondents about the childcare issues to inform the submission we are developing for the current Productivity Commission inquiry into Childcare and Early Childhood Learning.

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<sup>1</sup> Australian Government Fair Work Ombudsmen, *Fair Work Ombudsmen Annual Report 2012-2013*, 2013, p. 32.

<sup>2</sup> Ernst & Young, *Untapped opportunity: The role of women in unlocking Australia's productivity potential*, July 2013, p.2.

<sup>3</sup> Australian Government Workplace Gender Equality Agency, 'Women on boards but not in pipeline to leadership – Media Release', 27 November 2013 <http://www.wgea.gov.au/content/women-boards-not-pipeline-leadership> – Accessed 30 January 2014.

## Issues

In our survey responses, we heard about experiences across the spectrum, from devastating experiences to positive, supportive and family-friendly workplaces that truly value their employees.

Corresponding with discussions at the National Review roundtables attended by YWCA representatives, issues raised included:

- Not feeling valued when pregnant or returning from parental leave, and being made to feel like an 'inconvenience'.
- Hours of work being reduced on request, with no corresponding drop in workload.
- Being given lower level work and/or denied promotions and career opportunities when pregnant or returning from parental leave.
- Failure to implement legally compliant organisational policies regarding parental leave and returning to work – organisations need to have a culture of compliance and support.
- 'Manager lottery', where access to flexible working arrangements is dependent on attitudes of individual managers.
- Fear in workers employed as casuals or on short-term contracts or in sectors currently facing large numbers of redundancies, such as the Australian Public Service.
- A clear need for information, for both employers and employees, about rights, obligations and options around parental leave and returning to work.
- The critical role of childcare in returning to work after parental leave.
- Lack of understanding, support and appropriate facilities for breastfeeding/expressing breast milk.

The following survey responses summarise a number of frequently raised issues:

- I was not promoted; in part due to my pregnancy (it would have been disruptive for the team to have had me for 3 months and to then have had another new boss for 12 months). I was told that I couldn't take sick leave because I was pregnant!!! I have also been informed that my position has not been held for me and that I will most likely end up in the pool of excess employees for reassignment when I return to work. Despite being a high performing employee at my level, they are not willing to hold a position for me and put someone else in the reassignment stream because I'm not currently in the workplace.
- When I advised my manager that I was pregnant a second time (after being back at work for about five months) she asked if the pregnancy was deliberate. On my return to work (after my first child) the same manager advised that she couldn't give any real responsibility to a part-time manager. I was given the impression that I had a position only because she was required to give me a position, and not because I was valued.

In contrast, one survey respondent reported early support from her manager:

- I [f]elt really supported – my manager informed me as soon as I announced I was pregnant that I would be able to work part time until my child began school. That was really great to hear at the start of my pregnancy and really reduced any stress/worry re my working when I returned from leave. I think that would help a lot of women to know that they had long term support from their workplace.

## Key recommendations

In this submission we have concentrated on capturing the experiences of those who have experienced discrimination or workplace difficulties relevant to the National Review rather than developing comprehensive recommendations.

However, YWCA Australia would like to see the National Review report recommend:

- Strengthening the *Sex Discrimination Act*, particularly so that it addresses systemic discrimination and promotes substantive equality and enables the AHRC to investigate and prosecute complaints of discrimination without requiring an individual complaint.
- That there be a comprehensive education campaign for employers and employees about rights, responsibilities and options relating to pregnancy, parental leave and return to work, including best practice strategies (including education designed for culturally and linguistically diverse and disadvantaged communities).
- That the best practice strategies for building an inclusive workplace outlined in the Male Champions of Change *Listening, Learning, Leading* report be specifically promoted as relevant to addressing pregnancy, parental leave and return to work issues (for example, 'mainstreaming flexibility').
- That community based legal services and other appropriate organisations be properly funded to provide advice, representation and community legal education in relation to pregnancy, parental leave and return to work issues.
- That the *Fair Work Act* be amended to provide breastfeeding mothers with paid breastfeeding and lactation breaks and access to appropriate facilities.

## Flexible working arrangements

### Knowledge of right to request flexible working arrangements

Despite YWCA members, supporters and staff tending to be more aware of equality issues, many survey respondents did not previously know of the right to request flexible working arrangements under the National Employment Standards (NES).

57 of 82 members and supporters (69.51 per cent) were aware they had a right to ask for flexible working arrangements. 16 of 31 staff members (51.61 per cent) were aware they had a right to request flexible work arrangements. This suggests that the YWCA also needs to increase staff members' awareness of the right to request flexible working arrangements.

### Experiences of asking for flexible working arrangements

#### Examples of positive experiences

- Now work 3 days per week in the same role, with some duties moved to another employee. Very supportive of carer requirements (e.g. sick child).
- Positive experience, great company, very family orientated and understanding.
- I asked for flexibility to be able to breastfeed/express milk and for school pick up times. All were approved immediately.
- Positive and supportive during the time that was requested.
- When I was returning to work from paid parental leave at YWCA I requested to return to work at 10 hours a week for a few weeks, then building up to 20 hours a week, and then up to my former 25 hours a week. My boss at the time was 100% supportive of these arrangements.
- My current workplace has made every effort to accommodate my changing circumstances.
- I have encountered willingness for flexibility in my working arrangements, though this has been on a case-by-case basis.
- I needed to care for my child as my partner was returning to work at my baby was too young to put into childcare. My employers were very flexible and did not hesitate to alter my hours.

#### Examples of negative experiences

Unfortunately many member and supporter survey respondents did not receive the same support from their employers. **Returning to work after parental appears to be a time of heightened risk of discrimination, and interventions are clearly required.**

Please note that the following examples are not from YWCA staff:

- My request for flexible working arrangements (3 days per week) was approved, but my manager (who I had not previously worked for) told me that she couldn't give any real responsibility to a part-time manager. Before maternity leave I managed a section of 12 people and two large programs, and subsequently I was given tasks that were appropriate for junior team members, had no team or subordinates, and no program responsibility.
- It was granted, but I felt it was also frowned upon.
- I did ask for 2 days per week as I have a 7mo as well as a 4 year old with a disability who requires intensive therapy and a 9yo but was told that 3 days is the least I can do.
- My employer did not believe I had a right to request flexible working conditions because I was not the birth mother of our children. I had to challenge their decision and attitudes

and threaten to take the matter further. Reluctantly, flexible working conditions were approved but I experienced repercussions in the form of snide comments and bullying as a result.

- Yes I did ask for flexible work arrangements but was then made redundant whilst on maternity leave with my first child.
- Early start for early finishing hours to pick kids up from school. Was approved by former supervisor but when taken over by a new person, the flexible working hours were denied!
- Flexibility for current women in my area depends on the manager and as the managers come and go like flies...it can vary.
- I was offered part time employment but there was no change to my job role and workload to reflect the reduced hours. This made it impossible to stay with this employer as there was also an expectation to work 2-3 hours at night in my own time.

## Workplace culture

We asked members, supporters and staff members if they would feel comfortable asking for flexible working arrangements where they currently work. Of the 79 members and supporters who answered this question, nearly 80 per cent said they would feel comfortable. In many instances, this was because of a family-friendly workplace culture while knowledge of rights was also a factor.

### Examples of yes answers:

Those that would be comfortable requesting flexible working arrangements responded:

- My boss is very understanding.
- My current employer is an excellent workplace that responds well and supports part time workers.
- I know that I am entitled to come back part time after having a baby and that the school has to meet that provided what I am asking is reasonable.
- Because I'm a manager and I'm very good at my job. I'd be comfortable asking but I'm not sure what would be granted.

Some respondents would ask but are still concerned about attitudes towards them and negative career consequences:

- Yes. However, I anticipate being discriminated against in terms of denied quality opportunities and responsibility.
- I would ask [b]ecause is a policy of the business - just getting it to work in practice (without the air of resentment from management) takes a lots of effort - shouldn't be that hard.

Happily, 28 of the 31 YWCA staff members who responded to this question said they would feel comfortable asking for flexible working arrangements:

- Women's organisation and supportive boss.
- Because it is already our workplace culture.
- I believe my current boss would be supportive of flexible working arrangements.... We live these values in our work and our advocacy – so we should demonstrate it on our own workplaces.
- At the YWCA of Darwin parents in non-client facing roles may bring their babies (who are not yet crawling) to work if they are unable to access childcare.
- I feel like I can approach the women who arrange staffing.
- They are very flexible and have always been supportive and worked around me.
- I feel I work in a positive, respectful and understanding environment.

- Others have asked and been successful. In respect of reduced hours, my only concern is that I have never seen anyone actually working less hours. They just accumulate TIL.
- There is a culture of flexibility here.

In the interests of transparency, three YWCA staff members would be hesitant to ask for flexible working arrangements.

It would be interesting to investigate the financial cost to women of working in family-friendly workplaces. Anecdotally we know that many women work in lower paid sectors, such as the community sector, so they can access family-friendly workplaces.

**Examples of no answers:**

Member and supporter respondents (non-YWCA staff) who would not feel comfortable answered as follows:

- Because they probably would've reduced my hours.
- I wouldn't get any more shifts.
- Would ask but I know they are incredibly inflexible as have male manager who is not supportive of any flexibility regardless of employee performance.
- It's not the usual thing - people would ask why my situation was different from all the other working parents who just get on with it.
- Because I am senior and in an in demand occupation.
- Management not very cooperative or understanding.
- This workplace saw such requests as hassling them and you being unfair or lazy.
- If I had more flexible arrangements I fear I would be more likely to be made redundant during the current downsizing of the public service.
- Because younger staff tend to be left out of important work and/or changes to work programs if they are not at work full time. This includes people who work from home.
- Seen as not committed
- Self employed – however getting clients to understand that is not always easy.
- It's still frowned upon.
- Not at the time. I didn't think it would go down well.
- Would hurt chances to be a part of future projects.

## Pregnancy and related discrimination

We asked member and supporter respondents whether they had any personal examples of discrimination in the workplace related to pregnancy, parental leave or return to work following parental leave.

### Examples of direct pregnancy discrimination

- **Retail:** It was my first pregnancy and I was working at [a large retail chain]. I was called in for a review as to who was getting permanent work. I had politely said no to the management program as I didn't want to let them down being pregnant. Then they overlooked me for permanent and told me to my face it was because "you know" and pointed to my belly. Will never forget feeling so shattered after all my hard work. I was good really great actually at my job and never faulted. Was always picking up the slack. Because I was pregnant I missed out and was told so. So 8 weeks after birth I quit. What was the point there was no security because now I was a mum.
- **Education and Training:** I applied for a job in December to transfer back from the country. My current principal told prospective principal I was pregnant and I missed out in the position. Later the principal asked me in for an interview, told me how great my application and referee statements were, and that when I return to work let him know. I am sure if I had not been pregnant the initial permanent job would have been mine.
- **Unknown sector:** I have received comments from other employees whilst I was pregnant, you've got a big ass now, comments on my maternity clothes, the amount of toilet breaks, the amount of food.

### Examples of contract work

- **Healthcare and Social Assistance:** Have been repeatedly asked about more children. On 1 year contract even though working for 12 yrs in same place which ran out during maternity leave and apparently they don't have any obligation to keep paying mat leave or flex work arrangements.
- **Professional Scientific & Technical Services:** In 2010, I was on a one year contract of employment but had been told several times that this would become a permanent position and that it would be advertised internally as my employers felt happy to keep me in the role. They were happy with my work, and there had been no suggestion of a need to improve on my behalf. When I became pregnant before the permanent position had been finalised, I was anxious about disclosing this to my manager as I knew he did not like providing maternity leave cover (he had stated this several times, as he thought it disrupted the team and made for an inconsistent work place).
- **Healthcare and Social Assistance:** I finally decided to tell my manager when it became apparent I would start to show before my new contract was finalised. Once I had told my boss, he then announced that my position would be advertised externally. After deliberating over what I would do, I decided not to apply for the position, as I knew my boss would not give the job to me and I would then be in a position where I felt he would not give me a positive reference if I took that course of action. I chose not to apply for the position as I needed to maintain my good relationship with my manager so that I could at least leave with a positive reference.
- **Professional Scientific & Technical Services:** My employers extended my contract until I was ready to leave the work place, although no maternity leave was provided even though I had been in the position over a year and was entitled to it in our EBA. Again I did not pursue it as I felt that it would jeopardise any reference I would be given.

## Examples of denied promotions or opportunities

- **Healthcare and Social Assistance:** The CEO offered me a promotion verbally and met with a colleague to discuss filling my current role when I was to be promoted. I disclosed that I was 9 weeks pregnant the next day, and expressed my interest in continuing with my career and promotion. Within 24 hours, the CEO told me the promotion was no longer financially viable, and that the staff member leaving would not be resigning until after I had gone on maternity leave. I requested an explanation for the decision which I never received (Healthcare and social assistance).
- **Healthcare and Social Assistance:** I was refused personal/sick leave to attend medical appointments related to my pregnancy. I was given opportunities to work in higher duties and given positive feedback about my performance in these roles prior to disclosing my pregnancy. Once I disclosed that I was pregnant, the opportunities were no longer offered.
- **Government authority:** [I was] denied promotion and reclassification while pregnant. Assured it would occur when I returned but it didn't... After 3 years I still haven't been reclassified as to what I was denied before maternity leave. Denied officially working a compressed week even though I was already doing the hours. Expected full time hours for 0.8 pay because I didn't want to be on office on Fridays (other employees were working compressed weeks).
- **Healthcare and Social Assistance:** In short, the discrimination I experienced was not overt, and my employer complied with their legal obligations, but I certainly experienced an unforgiving attitude among my colleagues, which was disappointing.
- **Public Administration and Safety:** I do not have children, but I am at an age where women tend to think about having children (I am 29). My manager told me during a meeting that other men in the same position as me will be promoted before me because they have more project management experience. When I asked why I was not being given similar projects, I was told that it was because they were expecting me to get pregnant and leave soon. Other women in my area had been told similar things. We are occasionally asked by our director whether we are anticipating leaving to have children soon. Other women who work part time to study (but don't have children) are asked even more often whether they will continue to work part time to have children, or if they will come back to work full time.
- **Healthcare and Social Assistance:** I worry that my next pregnancy will impact on a higher position I am currently applying for – that they will not award me the position if they find out I am pregnant.

## Examples of the risk of redundancy

- **Healthcare and Social Assistance:** After I announced my pregnancy I was treated differently by those more senior to me. I announced my pregnancy to my boss who said "I am shocked, was it planned". I was then told before going on maternity leave that my role no longer existed and I was to consider a new role ... I kicked up a fuss and in the end my reporting line changed and my title changed but the duties remained the same. I went on maternity leave in Feb 2010 with the plan to return in July 2010 in a flexible/part time arrangement but was told in June that my role had been made redundant. I was given a few reasons to why - cost savings, my role had been absorbed by other employees, organisational restructure. All the duties I had performed were still required and my role had not been filled with a maternity relief contract while I was on maternity leave.
- **Other service:** I lost my job due to a 'restructure'. [My manager] then advertised for a new role for the branch, one that I was adequately experienced for and who's tasks I had been undertaking in my role there, just under a different job title

- **Healthcare and Social Assistance:** While on maternity leave, my position in the NGO sector was cut and I was told they have to find something else for me.

## Breastfeeding

In our view, the need for organisations to provide further support, including appropriate facilities, for women combining breastfeeding with paid work should be highlighted in the National Review recommendations.

A recent study, which aimed to identify best-practice strategies for breastfeeding support in the Australian workplace, found that greater workplace support for breastfeeding through part time work, adjustable working hours, and perceived workplace support was significantly associated with exclusively breastfeeding at six months.<sup>4</sup> We commend this study to the Commission:

Flexibility in start and finish times, work hours and timing of breaks to accommodate the employee expressing milk or breastfeeding are particularly important for exclusive breastfeeding.<sup>5</sup>

As well as flexibility, providing appropriate facilities is essential. A member and supporter respondent advised:

- I asked HR and my supervisor for a place to express. I share an office with three men so I can't express in my office. I was told I could use a spare office but each time I express (twice a day) I have to ask my supervisor or the administrative staff to unlock an office for me and then after I'm done they have to lock it again. I end up wandering around while they try to find a spare office and if the admin staff is in a meeting or on a break I have to wait until they return. It makes scheduling my own day very difficult and ended up being easier to pump in the handicapped toilet. I bring a small esky to keep at my desk to store the expressed milk.

## Reporting discrimination internally

We asked respondents, who had experienced discrimination, whether they reported the discrimination to someone in the organisation, such as a manager or human resources department, noting that we understood the reasons many people do not report their experience.

Of the 66 member and supporter respondents who answered this question, 11 (16.67 per cent) reported the discrimination within the organisation and 24 (36.36 per cent) did not report. The question was not applicable for 31 respondents. In a small number of responses, reporting the discrimination was helpful in addressing the discriminatory practices.

Reasons for not reporting in the organisation included lack of trust in the human resources department, managers involved in the discriminatory practices, that is, no one to turn to, and the feelings of insecurity that can accompany returning to work after having a baby:

- Yes and again, it was only explained to be "a business decision".

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<sup>4</sup> Smith, Julie P; McIntyre, Ellen ; Craig, Lyn; Javanparast, Sara; Strazdins, Lyndall & Mortensen, Kate, 'Workplace support, breastfeeding and health', *Family Matters*, Issue 93, 2013, pp. 58-73.

<sup>5</sup> As above, p.73.

- Returning to work for the first time after having a baby has you feeling a little insecure about your ability to perform both roles well. I felt that the problem was all mine. It was only when it was too late did I realise it was an organisational issue.
- Yes but I am worried of impacting on my future.
- But the amount of paper work and stress to go through I decided it wasn't worth it.
- Human resource manager was as bad as department manager. Incredibly sexist.
- I was embarrassed. I would but it's been too long now.
- I didn't bother as I didn't want to cause more hassles and I just counted down the days I would be on leave.
- Was not aware of my rights and also did not want to cause misunderstandings or be in hardship because of it. Some places can make life a living hell for you if complaints are made!
- Was worried about having a reference when I returned to work
- I reported it informally to our HR manager. She said I could take it through the formal channels. However, she also said it would likely reflect badly on me rather than my manager. She was speaking from her own experience of discrimination in the workplace after having children. She suggested speaking widely with both female and male colleagues in an informal way in the hope we can create a cultural change over time.
- I was already incredibly demoralised by job hunting. Adding yet another pressure of filing any sort of report seemed too much for me at the time. Plus I was unsure whether I could actually report discrimination in a job interview as I wasn't employed by the person who discriminated against me.
- Response was that if it was raised it would make my life harder

## Reporting discrimination externally

We asked survey respondents, who had experienced discrimination, if they reported the discrimination to a formal body such as the Australian Human Rights Commission, a state or territory Equal Opportunity Commission or the Fair Work Ombudsmen.

Four of a total of 67 respondents did report discrimination to an external body, the question was not applicable for 33 or nearly half of the respondents to this question:

- I called the human rights commission who said I had a case, however their role was to negotiate a solution between myself and employer I was too intimidated to do this as the CEO is a bully and feared for future treatment within the workplace, whilst being pregnant. I was afraid to add more stress and its effects on my unborn child. I tried to call fair work Australia a number of times but the waiting time on phone was too long during work hours to be away from my desk.
- I contacted all the places listed above and was told that if the workplace has a good argument for not allowing you to work reduced hours and job share is unavailable then there's nothing you can do. There's a loop hole that allows them to directly discriminate against return to work mothers. I was told that it was a business decision and it would impact the business negatively. Therefore that means I was able to be denied on those grounds.
- Single mothers with small children are extremely time poor. They struggle simply to provide for, and meet the needs of their families. They don't have the luxury of challenging bureaucratic injustice through time intensive bureaucracy.

## Legislative and policy gaps

As the Commission is aware, the previous Australian Government undertook to implement further recommendations made by the Senate Legal and Constitutional Affairs Committee in its 2008 inquiry into the effectiveness of the *Sex Discrimination Act 1984* as part of the project to consolidate Commonwealth anti-discrimination laws into a single Act (consolidation project).

We are very concerned that the termination of the consolidation project means that the majority of the recommendations remain unimplemented. We hope the Commission can use the National Review to again draw attention to the fate of these recommendations. A strengthened SDA or replacement equality law would assist in the promotion of gender equality in Australia generally, including gender equality in the workplace.

Elements of the *Fair Work Act* could also be strengthened to better support working parents, particularly in relation to strengthening the right to request flexible work arrangements and receive an adequate response. However, we will leave it to other organisations with a more detailed knowledge of the Fair Work Act to expand on such reform proposals. On legislative and policy gaps, we commend to the Commission the submission from Women's Legal Services NSW.

**In terms of pregnancy and related discrimination, the key challenges really relate to fully implementing existing laws in Australian workplaces.**

## Best practices and strategies

### Building a supportive workplace culture

We see many best practice employers offer workplace flexibility to help their staff achieve a better balance between work and family responsibilities and manage their commitments, while at the same time generating a range of benefits for the business.<sup>6</sup>

**Building workplace cultures that support pregnant employees and employees returning from parental leave is critical to achieving gender equality.** Many of leading strategies and practices that aim to address the under-representation of women on boards and in senior management are highly relevant to ending pregnancy and related discrimination. For example, the Male Champions of Change group in their recent report recommend that organisations mainstream flexibility:

Reflect on work patterns and ‘what it takes to succeed’ in your organisation. Change the presumption – ask what can’t be done flexibly, rather than what can be done flexibly.<sup>7</sup>

In their words, flexibility brings about a range of benefits for the organisation:

More flexibility in our mindsets and the ways we work will drive productivity and agility; mainstreaming flexibility will transform our workplaces for the better. Flexibility will also increase the diversity of employees that our organisations cater to. Flexibility shifts the focus to outcomes rather than processes and presenteeism, making our businesses more agile and enabling employees to shape a balance that suits them.<sup>8</sup>

The importance of educating ‘middle management’ is extremely important in changing workplace culture: One of our respondents summarised it well:

Make sure team leaders and managers are absolutely aware and well versed in the company policy regarding maternity/ paternity leave and flexible work arrangements - it's not good having a progressive and comprehensive policy that sounds great for employees when in reality managers are still really reluctant to follow policy to support their employees during this stage of their life - rather than making it a bloody battle.

**Of course, a family-friendly workplace culture needs to support men as well as women with their caring responsibilities.** One of our respondents commented that when male senior managers take personal leave to care for their sick children or work more flexibly to take on more caring responsibilities, this sends a strong message to employees about the culture of an organisation.

### Specific practices in a supportive workplace

The following strategies and practices are drawn from the experience of YWCAs as well as from member and support and staff survey responses:

- Greater flexibility in work hour spread and working from home options.
- Visible policies that are implemented consistently.

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<sup>6</sup> Fair Work Ombudsmen Natalie James, Media release, *Free information and advice for working parents at the Pregnancy, Babies & Children’s Expo*, 22 October 2013.

<sup>7</sup> Male Champions of Change, *Accelerating the Advancement of Women in Leadership – Listening, Learning and Leading*, November 2013, p.5.

<sup>8</sup> Male Champions of Change, as above, p.27.

- Well-designed part-time role and job share arrangements.
- 'Keeping in touch' strategies for employees on parental leave.
- Graduated return to work programs.
- Greater understanding of workplace rights and obligations relating to pregnancy, parental leave or return to work.
- Mentor/s or advocate/s in the organisation to support pregnant women and parents returning from parental leave.
- Paid lactation breaks and appropriate facilities to support women combining breastfeeding and paid work.
- Child care provided onsite or as part of an arrangement, including access to outside school hours care.

## Keeping in touch

Member and supporter and staff survey respondents advised:

- Develop strategies for continuing contact/communication with those on parental leave, so they feel connected to their workplace and more secure in their role/position.
- I set up a mothers' group for people on mat leave in my organization, which helps us all keep in touch and share experiences.
- Being included in training sessions, planning days etc while on leave was great. There was no expectation that I would attend if I didn't want to but I was still included and felt part of the workplace.
- We keep in regular contact with our team members on maternity/paternity leave- both informal and formal contact. We invite them to organisation events and social gatherings. We ensure before they go on leave that they know they can extend, change, or ask for return to the workplace to look different i.e. flexible work etc. We celebrate return to work with streamers, cake and team lunch.
- Let women stay in touch! I had my laptop taken from me, I was removed from all the all staff emails, I was left out of important strategy planning days etc (which I ended up inviting myself along to anyway when I found out from colleagues they were happening). So many of the programs I'd been working on for years were so damaged during my leave I'm much more scared to take 12 months the second time around as I don't want to come back to work and be angry and depressed for months dealing with all the crap that happened while I was away.

In our view, 'keeping in touch' strategies should be formalised but should not be onerous on the employee as this could potentially undermine the concept of parental leave.

## Graduated return to work

Members and supporters survey and staff survey respondents advised:

- Gradual return to work was good- I increased my days from 1 day a week to 9 days a fortnight over a few months.
- My experience of the staggered hours of returning to work was fantastic. It allowed the baby, his older sister, my partner and I, and the grandparents some time to adapt to the new life circumstances. I felt valued at work and was never pressured to do more or less (YWCA).
- A reduction in hours approaching birth and also upon returning. An easing off and slow re integration. A mother will perform better at work if she is parenting according to her choices and is supported.

## Education about rights, obligations and options

There is a clear need for both employers and employees to be made more aware of their rights, obligations and options relating to pregnancy, parental leave and return to work issues. Our survey results suggest that there is confusion around both employees' rights and about where to seek assistance if required. The overlap between the Sex Discrimination Act and the Fair Work Act causes some confusion.

One of our respondents said:

- Working in the manufacturing industry, I see many migrant female workers on the factory floor whose understanding of English and the "Australian way of life" is limited. They don't know their rights and at times I feel are "misused" by their employers. Perhaps, flyers, information brochures on their rights to parental leave/return to work policies and flexible work hours in different languages to cater for different ethnic groups might give them more of an understanding of their rights and thus speak up if they feel they are discriminated.

We note the Fair Work Ombudsman's recent campaign to raise awareness around pregnancy and related discrimination and recommend that this be extended and expanded.

## Design part-time jobs properly

Doing 'whatever you can' in a given numbers of hours is not appropriate – part-time roles and job share arrangements need to be properly designed so that they are reasonable, productive, provide interesting and meaningful work and are sustainable.

Member and supporter survey and staff survey respondents advised:

- It is possible to design projects for people working part time. Some groups in our company have done this very well where most of their work cannot be done through job sharing arrangements. If managed well and women are supported, it has proven to be very successful. Women in these areas have stayed much longer than average employees, even when some return to full time.
- What we need to be doing is designing quality part time roles, and encouraging job share, and challenging prevailing cultures which dictate that full time is the only option, and we need more men working part time and flexibly, and we need to value flexible work, and to realise that a returning employee is valuable.
- Shared roles, particularly in senior management! This may encourage and enable more women to gain senior leadership positions within their workplace, and encourage and enable more men to take on more responsibility in the home and with their children.

## More information

We hope this submission has helped to bring the voices of women with lived experience to the National Review and is useful to the Commission in its research.

We would be pleased to provide further information about the survey.

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