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Employment Matter Guidelines

Arrangements for Dealing with Pregnancy, Potential Pregnancy and Breastfeeding

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Introduction

Companies that manage work and family issues well, and do not discriminate against pregnant or potentially pregnant employees, attract and retain the best talent while enabling all their female staff to fully contribute to the best of their ability. They can also achieve over a 95 per cent return to work rate for women after maternity leave.

The information provided here aims to assist you to start thinking about:

- How you could analyse your workplace to identify any pregnancy, potential pregnancy and breastfeeding issues for women.
- Suggested actions you could take to address the pregnancy, potential pregnancy and breastfeeding issues for women you have identified.

Keep in mind that women are a diverse group and differences such as age, religion, cultural and linguistic backgrounds, disability, sexual orientation, etc. should to be considered when shaping your workplace practices. Organisations that recognise and value women's diversity stand to benefit from the range of skills and experiences they can bring to doing business in a diverse society.

Not all issues, actions and examples suggested here are relevant to your organisation. It is up to you to decide what is appropriate and relevant for your organisation to consider when analysing your workplace to identify issues for women, and taking actions to address these.



Analysing Your Workplace

To assist you to analyse your workplace to identify pregnancy, potential pregnancy and breastfeeding issues for women, you could:

- Identify how many women in your workplace are either pregnant, on maternity leave, or newly returned and nursing a small baby. Expand this group to include 'potentially pregnant' employees – women who are often categorised as likely to become pregnant because of assumptions based on their age or marital status. While these figures may give you a reasonable working base, be prepared to also look beyond assumptions based on age and marital status.
- Consult with your employees.
- Examine your current policies and practices relating to pregnancy, potential pregnancy and breastfeeding.

Questions to Identify Pregnancy, Potential Pregnancy and Breastfeeding Issues for Women

Remember, your organisation is unique and may have unique issues. However, the following questions may be helpful when analysing your workplace.

Pregnancy and Potential Pregnancy

?	Are pregnant women, and women of all ages and different marital status, recruited into your organisation?	?	Are pregnant women, and women on maternity leave, retained at similar rates to non-pregnant employees during periods of restructuring?
?	Are employees who access maternity leave returning from leave in your workplace?	?	Do women on maternity leave return to at least equivalent positions?
?	Do pregnant and breastfeeding employees experience promotion or access to other benefits at a similar rate as non-pregnant employees?	?	Do women know that they can access their leave to attend medical appointments?
?	Is there a mechanism for employees to make formal complaints in relation to discrimination on the grounds of pregnancy or potential pregnancy?	?	Is your workplace safe for pregnant employees? If not, what can be done to make it safe?
?	Do pregnant women access training at similar rates to women who are not pregnant, and to men?	?	Are women still with the organisation six months after returning from maternity leave? A year later?
?	Does the work environment support a woman's choice to stay at work until a date close to the expected date of birth?	?	Would your policies, procedures and decisions about women who are pregnant, potentially pregnant or breastfeeding withstand the rigour of a review by an independent third party?



Employees who are Breastfeeding

?	Can employees continue to breastfeed after they have returned to work?	?	Are women confident that they will not be treated less favourably as a result of being pregnant or breastfeeding? Is the response similar for women of different backgrounds (eg. culturally diverse women, disabled women)?
?	Does the organisation provide a hygienic place for the employee to express milk?		

Suggested Actions to take to Address Pregnancy, Potential Pregnancy and Breastfeeding Issues for Women

To **comply** with the Act, you need to take actions to address the conditions of service issues for women you identified. You do not need to do everything all at once and you can aim to achieve equal opportunity over time.

To be **waived** from reporting in following years, you must demonstrate that you have taken all reasonably practicable measures to address pregnancy, potential pregnancy and breastfeeding issues for women you have identified. For example, your issue might be retaining women after maternity leave.

The following suggestions will help you start thinking about actions you could take to address any pregnancy, potential pregnancy and breastfeeding issues you have identified.

Keep in mind that:

- Not all of these actions may be relevant to your organisation. You will need to decide whether you choose to do all, some, or none of the suggested actions, and whether you wish to tailor suggested actions to suit the needs of your workplace.
- If your workplace analysis demonstrates your organisation has no issues for women in this employment matter, you would not need to take any actions.



Developing Policies and Procedures

- Develop a policy to support women who are pregnant, returning from maternity leave or breastfeeding.
- Include pregnancy and potential pregnancy issues in your policy and training on workplace harassment and discrimination.
- Research what other companies have done to support women in this area.

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- Hold a lunchtime workshop with several guest speakers who address how they balanced pregnancy/breastfeeding and work. Look for speakers to represent a diversity of backgrounds and experiences.
- Make a presentation to your management team with recommended actions to create an inclusive workplace for pregnant employees, and employees who are breastfeeding. Make sure your recommendations are sensitive to the needs of women from different cultural backgrounds.
- Provide a clean private room (other than a toilet) where employees can express breast milk or breastfeed their baby.
- Provide a comfortable chair, access to a small fridge and facilities for washing hands and expressing equipment.

Reviewing Policies and Procedures

- Review your people management policies to ensure they are inclusive of pregnant and breastfeeding workers.
 - Are pregnant women allowed to attend doctors' appointments in work time?
 - Do you provide leave for women to participate in IVF programs?
 - Can they utilise their sick leave to attend these appointments?
 - Do these policies cover all pregnant employees, regardless of their employment status? And, is this information readily available to all employees?
- Develop a policy that supports breastfeeding in the workplace.
- Include lactation breaks for nursing mothers in your policy in a way that is flexible and which meets the mother's need and the business need.
- Conduct a focus group with your female staff to identify the challenges and opportunities for improving the workplace for pregnant and breastfeeding women. Make sure to include women of different cultural/religious backgrounds.
- Conduct a safety audit of your work environment to ensure it is safe for pregnant employees, and for any co-workers whose jobs are altered as a consequence of a change in tasks.
- Review maternity leave statistics – time off, return rates, return modes (for example, full-time and part-time returns, etc).
- Ensure mothers have flexible return to work options (for example, part-time work, job share) that assist them to continue breastfeeding.

"As a school, we are acutely aware of the workplace disruption and high cost of staff turnover, and believe that enabling women to balance work and family commitments is a necessity.

"Since establishing the child care centre, and increasing the number of part-time and job sharing roles, there has been a significant improvement on the return to work after maternity leave rates to 87%."

Elizabeth Bennett
HR Director
Santa Sabina College

Reviewing People Management Practices

- Ensure pregnant, potentially pregnant and breastfeeding women get access to the same training and development as their peers.
- Ensure pregnant and breastfeeding women are still considered and recommended for roles as part of your succession planning.

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- Ensure your organisation has provided an appropriate and reasonable work environment for pregnant employees (eg. seating, regular access to water and toilets).
- Involve staff working in your occupational health and safety area, and consult with occupational health and safety representatives, to ensure the workplace is safe for, and accommodates the needs of, pregnant employees.



Supporting Employees

- Develop a parental leave information kit that contains the company parental leave, return to work and breastfeeding policies. Include both manager and staff responsibilities and a planner for the manager and the employee.
- Provide networking opportunities for your pregnant women to share experiences with mothers who have returned to work after maternity leave.



Communicating Policies and Procedures

- Ensure your policy and procedures in support of pregnancy, return from maternity leave and breastfeeding is communicated and accessible to all employees (including culturally and linguistically diverse women, disabled women).
- Educate your selection panels on how to interview pregnant and potentially pregnant women, and on how panels can ensure they do not discriminate.
- Encourage managers to talk with pregnant employees about:
 - Flexible work options available to women returning from maternity leave.
 - Any dependant care support that the company provides (for example, a telephone information service).
- Encourage managers to continue talking with employees so they can balance the needs of the individual and the business.
- Educate managers to not make assumptions about the capability of pregnant women. Also, keep in mind that women's cultural differences may influence how they communicate their pregnancy needs and values.
- Ensure the needs and requirements of pregnant women in a work team are discussed with other staff in the area, particularly if there is a need to change work allocation. This may help to avoid resentment within the team and the perception that pregnant women receive special treatment.
- Use training forums to 'mainstream' EEO issues (for example, cover *Valuing and Managing Difference through Conditions of Service* in induction training).
- Hold managers accountable for providing equal opportunity to pregnant and potentially pregnant women and women who are breastfeeding by including this requirement in managers' workplace and performance agreements.
- Encourage managers to lead by example when providing equal opportunity to pregnant and potentially pregnant women and women who are breastfeeding.

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If you would like additional information on your company's legal responsibility or additional information on pregnancy, potential pregnancy and breastfeeding, you may wish to visit the [HREOC – Sex Discrimination Act](#) for a copy of the *Pregnancy Guidelines* (1999) resulting from the National Pregnancy and Report Inquiry.



Predominantly Male Workplace Issues

An equal opportunity program must deal with the specific needs and issues of your organisation. Such a program identifies and outlines the issues you are addressing and the initiatives you will put in place to achieve results. The most significant issues facing organisations with a majority of male employees may be:

- A lack of applications from female employees.
- A low proportion of women in management.
- A low proportion of women in non-traditional occupational categories eg. trades, labouring, plant and machinery operators.
- Problems retaining female employees.

?	What work and family policies exist?	?	Do women return from maternity leave?
?	Do your policies and practices reflect the needs of staff?	?	Do you keep in touch with women while on maternity leave?
?	Have you introduced part time work and family leave? Can you introduce more flexible hours (start and finish times)?	?	Can you introduce a 'work from home' policy? A job-share policy? What is the usage rate of these policies? Does it vary for men and women?
?	Have you conducted a childcare cost benefit analysis?		Have you introduced a family or carer's leave policy?



Case Studies

All case studies are available from www.eowa.gov.au

Mixed Gender

The results of a staff attitude survey at John Wiley & Sons indicated that flexible options were required to accommodate pregnant or potentially pregnant staff. [Read about their actions ...](#)

Predominantly Male

For mothers returning to work at IBM Australia, flexible work and breast-feeding policies are in place, while carer and family leave are also accepted parts of the IBM culture. [Read about the success of IBM's diversity strategy.](#)

Management at Kimberly Clark Australia, through analysis of their workplace program, realised that they needed to increase their rate of return from maternity leave. Through specific actions, they now have an almost 100% return rate! [Read about what they did ...](#)

Predominantly Female

At Aldersgate, maternity leave is an ongoing issue that needed to be addressed sensitively due to such a high percentage of women on staff. Their actions to combat return to work are revolutionary and their results are truly ground breaking. [Read more...](#)

Australian National Credit Union (ANCU) faced a similar issue as many organisations – increasing return to work after maternity leave rate. Through some ingenious actions and a new policy, ANCU now benefits from increased return rates. [Find out more...](#)

Autoliv Australia, manufacturer of seatbelts and airbags, has managed pregnancy, maternity leave and breastfeeding proactively by taking action before issues arise. Actions such as workplace adjustments, paid maternity leave and provisions for breastfeeding have resulted in a dramatic increase in return from maternity leave rates. [Read on...](#)

It has been a key goal of Blake Dawson Waldron to retain experienced staff after maternity leave. By adopting sound and flexible EO work practices, Blake Dawson Waldron have been able to dramatically increase their return to work rate for maternity leave. [Find out how you can archive this...](#)



Related Links and Resources

[Guide to Combining Breastfeeding and Work](#)

A guide for employers, provided by the Department of Employment and Workplace Relations. (AUST)

Working Your Way Through Pregnancy

<http://www.dewr.gov.au/workplaceRelations/publications/workingYourWayThroughPregnancy.pdf>

Australian Breastfeeding Association

<http://www.breastfeeding.asn.au/bfinfo/mother.html>

In response to an ever-growing number of women returning to the workforce shortly after the birth of their baby, the Association has prepared information to assist mothers, employers, unions and governments to formulate policies to support breastfeeding women in the workplace.

Other publications also available through the Association are:

Breastfeeding, Women and Work booklet

Expressing and Storing Breastmilk booklet

The Caregiver's Guide to the Breastfed Baby leaflet

[Diversity Australia](#)

www.diversityaustralia.gov.au is a newly developed portal for diversity management, directed mainly to business, including business educators. The site is provided by the Department of Immigration, Multicultural and Indigenous Affairs and complements another new portal that has a government and community focus. Both sites will be available in April 2002.