



TRANSCRIPT

ACCI CHIEF EXECUTIVE PETER ANDERSON ON ABC RADIO'S 'THE WORLD TODAY' PROGRAM - 22 SEPTEMBER 2009 - MATERNITY LEAVE

ELEANOR HALL: Australia's Workplace Ombudsman is looking into 40 cases of serious discrimination against women on maternity leave.

For at least three decades women have had a legal guarantee that having a baby won't cost them their job.

But the Workplace Ombudsman's office says that some businesses don't seem to be getting the message.

Business groups though says the problem is rare and that employers are more flexible and understanding than ever before.

Timothy McDonald has our report.

TIMOTHY MCDONALD: Australian women have been legally entitled to unpaid maternity leave for nearly 30 years.

But the Workplace Ombudsman's chief counsel Natalie James says you'd never know it, given the way some employers behave.

NATALIE JAMES: We had a woman come to us who initially was told she wasn't entitled to any maternity leave. She questioned that and was allowed to take the leave. However eight months into the leave the woman saw her job advertised in the paper.

So when she rang the employer about this she was told the job was no longer available, even though co-workers said it hadn't actually been filled, and it had of course been advertised in the paper.

TIMOTHY MCDONALD: Once the ombudsman became involved, the situation was resolved, and the woman returned to her job.

But Ms James says her office now receives about 30 discrimination complaints a week, and a large number of those are about maternity leave.

She says it seems a lot of women are quietly nudged out of their jobs when they have children.

NATALIE JAMES: ...primarily concerns that their job isn't there for them when they come back. Effectively they're being sacked because they have decided to have a baby.

TIMOTHY MCDONALD: So is it the case that most of these women are being sacked by stealth?

NATALIE JAMES: It's interesting that you ask that question.

I think in some cases it is pretty stealthy, in some cases what employers seem to be doing is letting the maternity leave run a little and then deciding that the job is no longer there, that it's redundant.

Now under the workplace laws, in actual fact even if there job's redundant they are supposed to find an equivalent job for the person to go back to.

But if a woman has been on leave and she's been at home with her baby and not getting a lot of sleep, she might not think to ask those sorts of questions and may simply accept that her job is gone.

TIMOTHY MCDONALD: Business groups deny the problem is widespread.

Peter Anderson is the chief executive of the Australian Chamber of Commerce and Industry.

PETER ANDERSON: I don't think this is endemic at all.

Australian businesses have, for more than 20 years, put in place arrangements where people go on maternity leave and returns to work from maternity leave occur smoothly and in a reasonable way.

TIMOTHY MCDONALD: He attributes the large number of complaints to advocates and lawyers who are eager to try out new laws. But some maternity leave experts say this problem isn't new.

Marian Baird is an Associate Professor of Work and Organisational Studies at the University of Sydney.

She says older reports from the Federal Human Rights Commissioner and various state bodies have long painted a similar picture.

She says the legal framework is in place, but there still needs to be significant cultural change within Australian businesses.

MARIAN BAIRD: It's not maternity leave if you can't return to your job, and so the issue is employers need to adjust their working patterns, their staffing arrangements, their budget arrangements, in order to accommodate these moves of people in and out of the workplace.

And you know employers need women at work. The labour market requires women to enter the workforce. And we have contradictory policies.

We have government saying we want more women to enter the workforce and yet at the same time we have employers carrying out the sort of action that would clearly indicate they would rather not have those women there.

TIMOTHY MCDONALD: But Peter Anderson says the overwhelming majority of businesses are trying their best to accommodate women and treat them as valued members of the workforce.

PETER ANDERSON: I don't think that's fair at all. There are hundreds of thousands of Australian women working in businesses and their employers are doing the right thing by them.

And not in any sense discriminating against them on the grounds that they're women or putting in place negative cultures towards women.

Businesses are not going out of their way to try and discriminate or exploit.

TIMOTHY MCDONALD: He says maternity leave can present challenges for some employers, and the government needs to ensure the rights of businesses are balanced against a legitimate expectation for leave.

ELEANOR HALL: Timothy McDonald reporting.