



Victorian Equal Opportunity
& Human Rights Commission

Pregnancy and work

> Know your rights and obligations





Victorian Equal Opportunity & Human Rights Commission

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Pregnancy and work: know your rights and obligations

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Introduction

Employees have rights and obligations relating to pregnancy in the workplace under several different laws. This guide provides a broad overview in an easy-to-understand format. It draws primarily on the following Victorian and federal laws:

- *Equal Opportunity Act 2010* (Vic)
- *Fair Work Act 2009* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Paid Parental Leave Act 2010* (Cth).

Victorian equal opportunity legislation (the Equal Opportunity Act) and federal anti-discrimination law (the Sex Discrimination Act) have for many years provided that employers cannot discriminate on the basis of pregnancy. Other pregnancy-related characteristics, such as breastfeeding or parent and carer responsibilities, are also protected in Victoria. The Fair Work Act provides additional protection from discrimination.

Under the Equal Opportunity Act, employers have a positive duty to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible. Employers must also not unreasonably refuse to accommodate the parental or caring responsibilities of an employee or prospective employee.

Employers can be legally responsible for acts of discrimination, bullying, sexual harassment, victimisation, and racial and religious vilification by their employees or agents that occur in the workplace or in connection with a person's employment, so it is important they take reasonable steps to prevent such behaviour.

The Equal Opportunity Act applies to employers of all sizes, and covers all types of workers – including full-time, part-time and casual employees, agents and contract workers, and trainees and apprentices. It applies to all stages of employment, including recruitment and associated advertising, returning to work after injury, illness or pregnancy, and dismissal and retrenchment.

About this guide

This guide is not intended to be a comprehensive statement of the law applying in Victoria. It sets out minimum requirements only and an employer can make variations to arrangements if these are more favourable for the employee.

Employees should also note that this guide does not deal with particular awards, enterprise or workplace agreements that may be binding on an employer, nor does it deal with policies or contractual arrangements that may exist between employers and their employees. These should be checked in case they create entitlements or obligations in addition to those in this guide.

Also note that when dealing with leave arrangements, the focus of this guide is on birth-related leave for the primary caregiver of the child and their partner. It does not deal with adoption-related leave. To find out more about this type of leave, see 'Who to contact for further information' on page 28.

Your rights



Pregnancy, breastfeeding and parental status continue to be the basis of many complaints to the Commission. Despite the progress that has been made towards achieving equality for women, negative assumptions about employing women persist, including that female workers who become pregnant are a burden or are unreliable.

However, competitive employers increasingly recognise that good practices, which support women during and after pregnancy, can help to retain a wealth of talent and expertise, and save businesses money.

You should check whether your employer has a policy about pregnancy and work or whether your enterprise agreement lists entitlements, such as paid parental leave, that you may be eligible for.

Pregnancy discrimination in the workplace

Women can sometime face unfair treatment or discrimination in the workplace because of their roles as mothers. Discrimination can occur before, during and after pregnancy and have serious consequences.

In Victoria it is against the law for an employer, or potential employer, to discriminate against you because:

- of your pregnancy
- they presume or believe that you are pregnant
- you are breastfeeding
- of your parental or carer status, marital status, disability or your sex (among other personal characteristics protected under the Equal Opportunity Act).

This applies to all stages of employment including recruitment, your pay and other conditions while in a job, when you are looking to return to work, and to any treatment that relates to termination of employment.

Discrimination may be direct or indirect, and may also consist of an unreasonable failure by an employer to accommodate parental or carer responsibilities, or particular requirements that you have while you are pregnant (for example, to attend doctor's appointments, or carry out any instruction provided by your doctor that is necessary for the health of you or your baby).

Direct discrimination occurs where an employer treats you, or proposes to treat you, unfavourably because you are pregnant or because of your carer or parental status. For example, it is against the law to dismiss or demote you because you are pregnant.

Direct discrimination can occur in the workplace when your employer makes unfair assumptions about what you can or cannot do because you are pregnant, or because you are a carer or a parent.

Example of direct pregnancy discrimination in employment

Sharon is an area manager of an engineering company and responsible for negotiating large corporate contracts. After she becomes pregnant with her second child her employer tries to demote her to a bookkeeping position with far less pay and status. Sharon's employer tells her he does not believe it is suitable for a pregnant woman to represent the organisation.

Indirect discrimination occurs where an employer imposes, or proposes to impose, a condition, requirement, or practice that appears to treat everyone equally, but which will actually (or has the potential to) disadvantage a pregnant woman or a woman who is a parent or carer. To be discrimination, the condition, requirement or practice imposed must be unreasonable in the circumstances.

Taking steps to prevent discrimination

Under the Equal Opportunity Act employers have an obligation to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimisation as far as possible.

This requirement aims to help address the systemic causes of discrimination, sexual harassment and victimisation. Just like health and safety laws require employers to take appropriate steps to improve their systems, policies and practices so injuries don't occur, the Equal Opportunity Act includes an obligation on employers to take appropriate steps to prevent discrimination, sexual harassment and victimisation from occurring.

An employer may take steps towards complying with this 'positive duty' by reviewing whether any complaints have been made to the organisation by women who are pregnant, or that relate to pregnancy, and determine how the organisation's policies and procedures may be amended to prevent any issues that have arisen from occurring in the future.

The Equal Opportunity Act notes that the 'reasonable and proportionate' measures employers will need to take in relation to the positive duty will depend on the size and resources of a particular organisation. The law says that the following factors will be taken into account to determine whether steps taken to comply with the positive duty are reasonable and proportionate:

- the size of the business or operations
- the resources of the business
- the nature of the business
- the business and operational priorities
- the practicality and cost of the measures in question.

For small organisations, complying might mean taking steps such as having policies aimed at preventing discrimination and harassment, and ensuring all staff are aware of their obligations. This will also include having a good complaint-handling or grievance procedure, and mechanisms for reviewing and improving compliance where appropriate.

Organisations with more resources should have a comprehensive framework for identifying and addressing discrimination and harassment.

Note: An individual cannot pursue a complaint against an organisation for not meeting this requirement, however, if the Commission becomes aware of a serious issue that relates to a group or class of people, it may decide to investigate the matter.

Pregnancy discrimination in recruitment

It is against the law for a prospective employer or recruitment agent to discriminate against you because of your pregnancy when you apply for a job. This means an employer must not unreasonably deny you a job, or offer you a job on disadvantageous or unfavourable terms and conditions because you are pregnant.

If you are offered employment, it is also against the law for your prospective employer to unreasonably refuse to accommodate your responsibilities as a parent or carer in relation to your work arrangements.

Example of indirect pregnancy discrimination in employment

Siobhan works in a coffee shop that only allows staff to take two scheduled toilet breaks each shift. While this may seem fair because it applies to everyone equally, Siobhan is pregnant and finds it difficult to comply with the policy because she needs to use the toilet more frequently, especially as her pregnancy progresses. This requirement may be discriminatory if her employer cannot explain why the condition, requirement or practice is reasonable in the circumstances.

Discriminatory questions

A prospective employer should not ask you questions that could be used to discriminate against you unless the information they seek is reasonably required for a purpose that does not involve unlawful discrimination. For example, when you apply for a job, the employer should not ask if you are pregnant and then refuse to give you a job if you answer yes.

An employer may ask you about your pregnancy for non-discriminatory reasons, such as ensuring your safety or in order to work out what special services and facilities might be necessary. This is not against the law. In general, employers should only ask you questions that are directly relevant to the position and your ability to do the job. For example, in a job involving manual labour an employer can ask about your ability to safely perform the tasks that relate to the key requirements of the role.

Adverse action protection

The federal Fair Work Act also protects employees, including prospective employees, from adverse action and discrimination on several grounds. In addition to pregnancy, other grounds that may be relevant for pregnant employees include sex, sexual orientation, physical or mental disability, marital status, and family or carer's responsibilities.

Adverse action includes a range of conduct: refusal to employ, injuring a person in their employment, altering a person's position to their prejudice, and terminating employment. Adverse action is against the law where it is taken in relation to a person's workplace rights or industrial activities.

Which law applies – federal or Victorian?

The overlap between federal and Victorian laws can be complex and, generally, a complaint of discrimination cannot be made under both Victorian and Commonwealth legislation at the same time.

If you wish to make a complaint of discrimination you may contact the Victorian Equal Opportunity and Human Rights Commission or the Australian Human Rights Commission.

For more information about making a complaint of adverse action under the Fair Work Act, call the Fair Work Commission or the Fair Work Ombudsman.

For contact details see 'Who to contact for further information' on page 28.

Exceptions – sometimes discrimination is allowed

In limited situations an employer can discriminate against a worker or job applicant because an exception or exemption in the legislation applies. For example, under Victoria's Equal Opportunity Act an employer can decline to offer a position to a pregnant woman or discriminate against a woman in any other way if it is reasonably necessary to protect the occupational health and safety of any person, including the woman who is pregnant.

Under the federal Fair Work Act, an employer can discriminate against a worker where an exception or exemption would apply under state or federal anti-discrimination laws, or where their action is taken because of the inherent requirements of the position.

In addition, an employer may also grant a woman who is pregnant any right, privilege or benefit in relation to her pregnancy, without that treatment being considered to be discriminatory (even though it may be different treatment to that which someone else receives). This may include creating special services or facilities to help meet the needs of pregnant women in the workplace.

Even though an exception or exemption may apply, this does not prevent you from lodging a complaint or claim of discrimination if you believe you have been discriminated against. It is up to your employer or prospective employer to establish that an exception actually applies when defending your claim.

Example of pregnancy discrimination in recruitment

April is asked at a job interview if she is planning to have children. The interviewer says he is not interested in "investing in a woman who is going to cost the business money by taking maternity leave".

Example of adverse action in employment

Fatima asks her employer for access to a private space at work where she can express breastmilk twice a day. In response, her employer moves Fatima's workspace to a location where no private space is available. No other employees are moved. Fatima feels her employer is discriminating against her and has done this because she asked for access to a private space to express milk.

Workplace safety

Employers must provide and maintain a working environment for their employees, including those who are pregnant, that is safe and without risks to health so far as is reasonably possible.

Transfer to a safe job

If you are fit for work but unable to do your usual job because of pregnancy, the federal Fair Work Act provides that you may be transferred to an appropriate safe job if one is available.

You must provide your employer with evidence that you are fit for work, but that it is inadvisable to continue in your current position for a period of time (the risk period) because of illness or risk due to the pregnancy, or hazards connected with that position.

Your employer is entitled to ask you for a medical certificate as evidence.

If these requirements are met, your employer must transfer you to a safe job for the risk period with no other change to your terms and conditions of employment – this includes no changes to your ordinary hours (without your agreement) and no change to your rate of pay. In other words, you must be paid at your full rate of pay for the position you were in before the transfer, for the hours that you work in the safe job during the risk period.

If there is no safe job available, and you are eligible for unpaid parental leave and have met the notice requirements for advising your employer that you are taking unpaid parental leave, then you are entitled (or your employer may require you), to take paid 'no safe job' leave for the risk period. This must be paid at your base rate of pay for your ordinary hours of work during the risk period.

If there is no safe job available but you are not eligible for unpaid parental leave, you are still entitled to take no safe job leave but it will be unpaid.

If you take paid 'no safe job' leave, that leave ends when your unpaid parental leave, or unpaid special maternity leave (if applicable), begins.

Working until the birth

You may work until the expected date of birth of your child. However, under the Fair Work Act, if you wish to work in the last six weeks of your pregnancy you may, if asked, need to provide your employer with a medical certificate stating whether you are fit to work.

If the medical certificate is not provided within seven days or if the certificate says you are not fit for work, your employer may require you to take personal leave, such as sick leave, or start unpaid parental leave as soon as possible.

Remember, even if you are not eligible for unpaid parental leave, if you are pregnant your employer must consider options for you to be able to continue to work safely.

In Victoria the *Occupational Health and Safety Act 2004* is the main piece of legislation that governs workplace health, safety and welfare. The Victorian WorkCover Authority enforces Victoria's occupational health and safety laws, and may provide training and assistance to employers and employees to assist to avoid workplace injuries from occurring.

Time off for antenatal appointments

You are not entitled to additional time off work for pregnancy-related appointments by law, but your employer may allow you to use your personal leave in these circumstances. Refer to your workplace policy on pregnancy or speak to your manager.

Refer to 'Who to contact for further information' on page 28 for more information about any of the issues discussed in this section.

Example of transfer to a safe job

My Linh works in a pesticide factory mixing chemicals. Her doctor advises her that she should not work around hazardous chemicals during her pregnancy. My Linh is entitled to ask her employer to transfer her to a safe job, such as doing office duties, without any other changes to her ordinary hours of work (unless she agrees to the changes) or base rate of pay.

Parental leave options



The Fair Work Act gives eligible employees an entitlement to 12 months unpaid parental leave. Requests for parental leave must be in writing and provided to your employer at least 10 weeks before the start date (unless that is not reasonably possible). Your written request should specify the start and end dates of the leave. You are required to confirm these start and end dates at least four weeks before your intended leave start date.

Additional leave arrangements and payments for parental leave may be available in your enterprise agreement, under company policies, and/or under the Commonwealth Parental Leave Pay scheme (under the Paid Parental Leave Act).

Unpaid parental leave

There are federal entitlements to unpaid parental leave. Under the National Employment Standards (in the Fair Work Act) 'unpaid parental leave' means a single, unbroken period of unpaid leave taken due to the birth or expected birth of your child. 'Parental leave' refers to maternity leave, paternity leave and adoption leave.

Parental leave for a female employee who is pregnant and will have primary care of the child is known as 'birth-related leave'. 'Birth-related leave' may be made up of 'unpaid parental leave' or 'unpaid special maternity leave'.

'Unpaid special maternity leave' means leave taken because of a pregnancy-related illness or because your pregnancy ends within 28 weeks of the due date without the birth of a living child.

Unpaid parental leave entitlement

You are entitled to take up to 52 weeks unpaid parental leave associated with the birth of a child, if you will have primary caring responsibility for that child and if you meet the eligibility and notice requirements, explained below.

Your spouse or de facto partner is also entitled to take up to eight weeks of unpaid parental leave, which they can take at the same time as you. If they will be the primary caregiver of the child (instead of you), they are entitled to take up to 52 weeks unpaid parental leave, if they also meet the eligibility and notice requirements.

The National Employment Standards provide for minimal safety net entitlements only. Your employer is free to offer more favourable options for you. You also have the right to request a further 12 months unpaid parental leave. Refer to 'Varying your parental leave' on page 12 for more information.

Note: Even if you do not meet the eligibility requirements for unpaid parental leave, your employer can still agree to allow you to take unpaid parental leave or other forms of leave in relation to the birth of your child.

Even if you may not be eligible for unpaid parental leave, you may still be able to make a claim of discrimination or unfair dismissal if you, for example, lose your job or are disadvantaged in your employment for reasons that include pregnancy or parental responsibilities.

Refer to 'Making a complaint or claim' on page 18 for more information.

Eligibility for unpaid parental leave

You are entitled to unpaid parental leave if you have:

- worked on a permanent (full-time or part-time) basis for your current employer for at least 12 months before the expected due date of your child (casual employees must have 12 months regular and systematic service with their employer and a reasonable expectation of continuing regular and systematic work), and
- given your employer written notification of your intention to take unpaid parental leave (see below).

Your spouse or de facto partner can apply to their employer for leave associated with the birth of your child instead of you. This leave is only available if your spouse or de facto partner has or will have primary responsibility for the care of your child and meets the requirements above. This form of unpaid parental leave is available to both opposite sex and same-sex partners.

Alternatively, you and your spouse or de facto partner can share the unpaid parental leave provided the second person's leave starts immediately after the first person's leave ends. For example, you could each take six months leave (totalling one continuous 12-month period).

Sometimes, both partners wish to take leave for the birth of the child at the same time (described as 'concurrent leave'). This is limited to eight

weeks of concurrent leave and may be taken in separate periods not shorter than two weeks (unless otherwise agreed by the employer). As concurrent leave is part of your unpaid parental leave entitlement, any leave taken by your spouse or partner concurrently will reduce the total leave period. For example, if your partner takes eight weeks unpaid parental leave at the same time as you following the birth of your child, you would only be able to take a further 44 weeks of unpaid parental leave.

The information above sets out the minimum requirements. An employer can make variations to arrangements if these are more favourable for you.

Applying for unpaid parental leave

If you wish to take unpaid parental leave you must provide your employer with:

- written notice of the intention to take unpaid parental leave, including the intended start and end dates of leave. This must be provided at least 10 weeks before starting the leave or, if that is not practicable, as soon as is possible
- confirmation of the dates or change of dates at least four weeks before the intended start date of leave
- further evidence of the date of birth or expected date of birth if your employer requires it. This may include a medical certificate if required by your employer.

See the sample letters on pages 23 and 24.

Special maternity leave

Special maternity leave is unpaid leave due to a pregnancy-related illness or because your pregnancy ended within 28 weeks before the due date without the birth of a living child. To be eligible for special maternity leave, you must be

eligible for unpaid parental leave and provide your employer with a special maternity leave application. Special maternity leave counts as unpaid parental leave so it reduces the amount of unpaid parental leave to which an employee is otherwise entitled.

Applying for special maternity leave

If you wish to take special maternity leave you will need to provide your employer with notice that you are taking special maternity leave.

This must advise your employer of the period or expected period of your leave and be provided as soon as is practicable.

If your employer requires it, you may need to provide evidence of a pregnancy-related illness or that your pregnancy ended within 28 weeks before the due date without the birth of a living child. Your employer may request a medical certificate. If so, you must provide one.

See the sample letters on pages 25 and 26.

Paid parental leave

Some workplaces provide paid parental leave. Check your enterprise agreement, your company policies, or speak with your manager to find out about eligibility, length of leave and options for pay during leave.

Commonwealth Parental Leave Pay

Payments made under the Commonwealth Parental Leave Pay scheme do not replace paid parental leave in existing enterprise agreements or company policy. The scheme does not provide a right to take leave but, if a person is eligible to take leave, the scheme provides for government-funded payments during that leave.

Is there a minimum period of leave?

There is no minimum period of leave that you must take following the birth of your child. However, some payments are only available if you are not working (see 'Paid parental leave' above).

When must leave begin?

You may start leave at any time within six weeks before the expected birth of your child.

Can I work up until the birth?

If you wish to continue working during the six weeks prior to the expected birth, your employer may ask for a medical certificate stating that you are fit to work. If you do not provide the medical certificate within seven days, or if the medical certificate indicates that you are not fit for work, your employer may require you to start leave or take a period of unpaid leave as soon as is practicable.

Primary carer

The Commonwealth Parental Leave Pay scheme provides payments for up to 18 weeks for the parent with primary responsibility for the care of a new child. This payment is usually claimed by the mother but can be transferred to the other parent if they are eligible and are the primary caregiver.

Payments are made at the minimum wage x 7.6 hours x 5 days (currently \$672.60 per week before tax). Employees are eligible for Parental Leave Pay if they:

- earn less than \$150,000 in the taxable year prior to birth
- are the primary carer of the child
- meet the Australian residency requirements from when they become the primary carer to the end of the paid parental leave period
- are on leave or not working from when they become the primary carer to the end of the paid parental leave period, and
- are in continuous paid work for a minimum of 10 of the 13 months, and at least 330 hours in those 10 months, prior to the birth (which is just over one day a week) with no more than an eight week gap between two consecutive working days.

Casual workers, part-time employees, contractors and self-employed workers may also be eligible to receive the payment.

Dad and Partner Pay

The Commonwealth Parental Leave Pay scheme also includes a payment for eligible working fathers or partners, including adopting parents and parents in same-sex couples.

Dad and Partner Pay provides eligible working fathers or partners with payments at minimum wage for two weeks.

A father or partner will be eligible for Dad and Partner Pay if they:

- earn less than \$150,000 in the taxable year prior to the birth
- are caring for the child
- meet the Australian residency requirements
- are on leave or not working, and
- have worked for at least 10 of the 13 months, and at least 330 hours in those 10 months, prior to the birth (which is just over one day a week) with no more than an eight week gap between two consecutive working days, prior to the start of their Dad and Partner Pay. They must also be on unpaid leave or not working during the Dad

and Partner Pay period.

Casual workers, part-time employees, contractors and self-employed workers may also be eligible to receive the payment.

More information

Refer to the Department of Human Services website for further information about the Parental Leave Pay scheme and to check your eligibility: www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay

When you are on parental leave

It is against the law to discriminate against a person on unpaid parental leave or sick leave taken due to a pregnancy-related illness. This includes protection from adverse and unfavourable treatment due to your pregnancy, sex, disability or status as a parent or carer.

Your employer is required to consult with you while you are on leave about significant changes to the business or organisation that might affect you, or that will have a significant effect on the status, pay or location of your pre-parental leave job, such as a restructure or the introduction of new technology. Your employer must take all reasonable steps to inform you about the proposed changes or the effect of any decisions, and provide an opportunity for you to discuss those matters.

'Backfilling' your role

Your employer may decide to engage another employee to 'backfill' your job while you are away from work on parental leave.

However, before they engage anyone, your employer must notify the replacement employee:

- that the engagement to perform that work is temporary
- that you have a right to return to your position at the end of your parental leave
- that the employer has a right to require you to return to work before the expected end of your parental leave if you cease having primary caring responsibility for the child, and
- of the rights that you and your employer have to cancel your parental leave or end the leave early if the pregnancy ends other than by the birth of a living child or if the child dies after birth.

This ensures that the replacement employee knows that they have no right to stay in the role after you return from parental leave.

Working while on parental leave

Unpaid parental leave is required to be taken in a continuous block (except in relation to concurrent leave). Performing work for an employer while you are on unpaid leave may result in that period of leave being broken.

Working while on parental leave may also affect any Commonwealth Parental Leave Pay you are receiving because, to be eligible for those payments, you must be on leave and not have returned to work.

Your employer cannot require you to return to work within the notified parental leave period if you still have primary caring responsibilities for your child.

However, you are able to agree to undertake work for your employer while on unpaid parental leave where it is a 'keeping in touch day'. Attending work for a 'keeping in touch day' does not have the effect of extending your total period of leave and so your original return date will remain the same.

Prior to undertaking any work for your employer during your unpaid parental leave, it is important to confirm with your employer in writing that the days or hours you are working are 'keeping in touch days' and that your original return date will continue to apply.

Working for your employer will be a 'keeping in touch day' if:

- the reason you are working is to enable you to keep in touch and to facilitate a return to employment after your parental leave, and
- both you and your employer consent to you doing work on that day.

A 'keeping in touch day' can be worked at least 42 days after the birth of a child or adoption. It can only happen earlier if the employee requests it, but not sooner than 14 days after the birth of a child. An employee doesn't have to use such days if they don't wish to.

Your employer must pay you for any 'keeping in touch days' and you can have up to 10 'keeping in touch days' in your 12 months of unpaid parental leave. You could use your 'keeping in touch days' to attend training, catch up with staff, participate in a team planning day or team building day, or attend professional development activities.

While on unpaid parental leave, you should not undertake any activity that is inconsistent with your employment contract and you must remain

the primary carer of your child. It is always a good idea to get your current employer's consent before undertaking work for another employer during your unpaid parental leave.

If you are not receiving Commonwealth Parental Leave Pay but instead are only receiving payments from an employer-sponsored parental leave scheme, you need to check with your manager or human resources team whether working will affect your entitlement to those payments or the end date of your leave.

If you are concerned about working during parental leave or 'keeping in touch days' affecting your eligibility or entitlements under the Commonwealth Parental Leave Pay scheme, you should contact the Australian Government Department of Human Services for advice: www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay

Varying your parental leave

You are entitled to 12 months of unpaid parental leave, provided you meet the eligibility requirements.

If you take less than 12 months unpaid parental leave, you have the right to extend the period of leave once. You must give four weeks written notice to your employer of this change and you must advise them of the new end date for your leave. Any further extensions will be subject to the agreement of your employer.

In addition, you may request to extend the leave beyond the general 12-month entitlement for up to an additional 12 months. The request must be in writing and be given to your employer at least four weeks before the end of the original 12 months unpaid parental leave.

There is no obligation for your employer to agree to the request, however, they must provide you with a written response within 21 days and may refuse only on reasonable business grounds. If the request is refused, the written response must include details of the reasons for refusal.

Couples may not take more than 24 months of unpaid parental leave between them.

A period of unpaid parental leave may be reduced by agreement between you and your employer and you can arrange to finish your leave early and return to work, provided notice is given (as described in the next section, 'Returning to work').

Terminating employment while on parental leave

An employee can resign while on unpaid parental leave but must give an employer the required notice of resignation according to his or her award, enterprise agreement or contract of employment. Once accepted, a resignation cannot normally be withdrawn, unless the employer agrees.

If an employer terminates employment for reasons connected with pregnancy, it may be challenged in a number of ways. These include:

- a general protections claim under the Fair Work Act
- a claim of unfair dismissal under the Fair Work Act
- a discrimination claim under the Sex Discrimination Act or Equal Opportunity Act.

In addition to the other discrimination grounds, under the Fair Work Act an employee cannot be dismissed for temporary absence because of certain types of absence due to illness or injury.

Note: There are exclusions and exceptions, so the particular facts of the case may affect an employee's ability to take this action.

Returning to work



When you return from parental leave you are entitled to return to the position you held before going on leave. While you don't have an automatic right to convert from full-time to part-time work, the law does require employers to seriously consider reasonable requests from employees to adjust working arrangements so they can meet their parental responsibilities.

When your parental leave ends

There is no requirement to give written notice of your return to work date while on leave, but your employer may contact you closer to your return date to confirm the arrangements that you have agreed upon for your return to work. If you haven't heard from your employer, it may be a good idea to get in touch and confirm the arrangements you made prior to going on leave.

If you are on special maternity leave, you are entitled to return at the end of the leave period without giving notice of your return.

If you cease to have primary responsibility for the care of the child, your employer may give you four weeks written notice that they require you to return to work on a specific day. If you have given birth, the return to work date requested by your employer in these circumstances must be at least six weeks after the birth, although you can choose to return earlier if you wish.

See the sample return to work arrangements letter in the Appendix on page 27.

Returning to your position

When you return from unpaid parental leave, you are entitled to return to the position you held immediately before going on leave, or immediately before transferring to a safe job or reducing work hours due to pregnancy. If that position genuinely no longer exists, you are entitled to return to any other available position for which you are qualified and suited, that is nearest in status and remuneration to your pre-unpaid parental leave position.

This includes a right to return to a position to which you were promoted before going on leave. For

example, if you worked as a permanent employee in a senior role before your pregnancy, it is against the law for your employer to only offer you casual employment in a lower paid position on your return from leave if your old position still exists.

However, this does not include a right to return to any temporary safe job or part-time position provided to you due to your pregnancy or a pregnancy-related illness.

Failure of your employer to comply with the return to work entitlement is against the law, and your employer could be fined for a breach of the National Employment Standards.

Requesting to work part time

When you return to employment following unpaid parental leave you do not have an automatic right to convert from full-time to part-time employment. However, you can request flexible work arrangements, including part-time employment, under Victorian and federal legislation.

Requesting flexible work arrangements upon return to work

Some employers already offer flexible work arrangements – such as working from home, changing start or finish times or roster arrangements – that allow employees to fulfil their parental or carer responsibilities. Such arrangements should be discussed with your employer prior to your return to work. Further, your award, enterprise agreement or contract of employment may contain provisions relating to flexible work arrangements on return from unpaid parental leave. You should always seek advice about this.

Example of pregnancy discrimination when returning to work

Maria had been a retail manager for a clothing firm for two years before becoming pregnant and taking 12 months parental leave. During her leave, Maria's position is made redundant, although her employer does not let her know. When she seeks to return to work at the end of her 12 months parental leave she is told that she does not have a job to return to or an alternative position.

Always remember that it is against the law for your employer to discriminate against you because of your parental or carer status, or because you have requested flexible working arrangements to undertake your parental or carer responsibilities. For example, it may be against the law for your employer to dismiss you or offer you fewer shifts because you are unable to work on weekends due to parental responsibilities.

Federal law

Eligible employees have the right to request flexible working arrangements under the National Employment Standards. An eligible employee includes an employee, including casual employee, who has at least 12 months continuous service, and:

- is a parent
- has responsibility for care of a child under school age, or
- is a carer within the meaning of the *Carer Recognition Act 2010* (Cth).

A change to work arrangements may occur just once or be ongoing (for a fixed or indefinite time). Work arrangements may include arrangements around working time, work organisation and the work environment. This includes hours of work, break times, rosters, overtime, leave arrangements, the scheduling of staff meetings, work travel, location of work and access to workplace areas.

Flexible work arrangements may include:

- working part time or working agreed hours over fewer days
- job sharing
- working from home
- starting and finishing work earlier or later
- changing hours of work, break times, rosters or meeting times
- extending unpaid leave where paid leave entitlements have been exhausted
- changing the need for work travel and the need for overnight stays
- making up a period of time taken for parental or carer reasons, or to attend medical appointments, without loss of pay.

The request for flexible working arrangements must be in writing, and must set out the details of the changes sought and the reasons for the changes. The employer must provide a written response granting or refusing the request within 21 days. The employer may only refuse on reasonable business grounds and must detail these in the written refusal. Failure to respond within 21 days is also unlawful and an employer can be fined for breaching this provision.

Flexible working arrangements are also available under the Fair Work Act to employees who have a disability, are 55 or older, are experiencing violence from a member of their family, or are providing care or support to a member of the employee's immediate family or household who requires care or support because that member is experiencing family violence.

Victorian law

Victoria's Equal Opportunity Act also provides specific protections for working parents and carers when trying to balance their responsibilities as a parent or carer. Under this Act, an employer must not refuse flexible arrangements for an employee with parental or carer responsibilities, unless it is reasonable to do so in the circumstances.

Circumstances that may be relevant to determining whether a refusal to accommodate an employee or prospective employee's parent or carer responsibilities under the Equal Opportunity Act is or is not reasonable include:

- the employee's (or prospective employee's) circumstances, including the nature of the employee's work and parental or carer responsibilities
- the nature of the role the employee has, or is being offered
- the consequences for the employee of not having the flexible work arrangements
- the nature of the arrangements required for an employee to fulfil their family or carer responsibilities
- the financial circumstances of the employer
- the size and nature of the workplace and the employer's business
- the effect of the flexible work arrangements on the workplace, including the financial impact on the business
- the consequences for the employer of having the flexible work arrangements.

Other factors that might be relevant in a particular case include:

- when the arrangements will start
- how long the arrangements will last
- information that has been provided by the employee about their situation
- the accrued entitlements of the employee, such as any available personal or carer's leave, or annual leave
- whether any legal or other constraints affect the feasibility of the employer accommodating the responsibilities, such as occupational health and safety laws or award penalty rates.

For more information, see 'Who to contact for further information' on page 28.

Breastfeeding and work

It may be against the law for your employer to prohibit you from breastfeeding in the workplace. Employers are legally obliged to 'reasonably accommodate' breastfeeding mothers and this may include providing lactation breaks, shorter working hours or flexible work options.

The options available to assist you to continue breastfeeding at work will be determined by the sort of work you do. Always discuss your options with your employer before returning to work. For further assistance with breastfeeding at work contact the Australian Breastfeeding Association: www.breastfeeding.asn.au

Making a complaint or claim



You have the right to make a complaint if you think that your rights have been breached, either under the Fair Work Act or anti-discrimination law. This could be because you feel you have experienced unfavourable or adverse treatment due to your pregnancy, breastfeeding, carer or parental status, either in a job interview, at work, while on unpaid parental leave or in relation to your return to work.

Depending on your individual circumstances, you may be able to make a complaint about your experience through one of the avenues below. For advice on your options see 'Who to contact for further information' on page 28.

Complaints about discrimination or treatment at work

- Make a discrimination complaint under Victorian law to the Victorian Equal Opportunity and Human Rights Commission or the Victorian Civil and Administrative Tribunal.
- Make a discrimination complaint under federal anti-discrimination laws to the Australian Human Rights Commission.
- Make a general protections discrimination complaint under the Fair Work Act to the Fair Work Ombudsman (you have six years from the date of the breach to make this complaint).
- Make a general protections adverse action complaint relating to continuing employment to the Fair Work Commission (you have six years from the date of the breach to make this complaint).

Complaints about dismissal from work

- Make a complaint of unfair dismissal to the Fair Work Commission (you have 21 days from the date of dismissal to lodge this complaint).
- Make a general protections dismissal complaint to the Fair Work Commission (you have 21 days from the date of dismissal to lodge this complaint).

Complaints of discrimination may also include complaints about dismissal.

Complaints about terms and conditions of employment

- Make a complaint to the Fair Work Ombudsman regarding a breach of the National Employment Standards (you have six years from the date of the breach to make this complaint).
- Lodge a dispute with the Fair Work Commission in relation to the application of an award or enterprise agreement (in accordance with the industrial instrument's dispute resolution clause).
- Consider bringing legal proceedings for breach of your contract of employment.

Seek advice early as the time limit to make a complaint can be as short as 21 days.

Other entitlements

You may have access to additional entitlements, including paid leave under an award, workplace agreement, or contract of employment. These other entitlements might have different eligibility and notice requirements. For more information, contact the Fair Work Ombudsman.

FAQs

Job interviews

Q. Can an employer ask me if I plan to get pregnant?

A. It is against the law for your employer to ask you if you plan to get pregnant and to discriminate against you on the basis of your answer. Questions about pregnancy and related matters should only be asked if relevant to the employment and if they are being asked for a non-discriminatory purpose, for example, in order to accommodate your safety or to assess what special services or facilities might be required.

Q. Upon receiving an offer of employment, can I ask for part-time arrangements to accommodate my responsibilities as a carer of my pre-school aged child?

A. Yes, you can ask. Under Victoria's Equal Opportunity Act a prospective employer cannot unreasonably refuse to accommodate an employee's carer responsibilities. Your employer must consider all relevant facts and circumstances that relate to the request and the operation of the business to determine whether the request is reasonable. The Equal Opportunity Act contains a list of what kinds of relevant facts and circumstances should be considered by your employer. Regard must be given to a range of factors including your circumstances, the role offered, your employer's financial circumstances, and the size and nature of the workplace.

You also have the right to request flexible work arrangements under the National Employment Standards and your employer or prospective employer must respond to that request in writing within 21 days. A request can only be refused on reasonable business grounds.

Q. Can an employer refuse to offer me a temporary contract because I am pregnant?

A. An employer is entitled to ensure that any person they hire can meet the genuine and reasonable requirements of the role (under the Equal

Opportunity Act), or the inherent requirement of the role (under the Fair Work Act and federal anti-discrimination law). Therefore, where an employer requires the completion of a project within a timeframe that a woman cannot meet, because she is pregnant, they are entitled to not offer her the contract.

Pregnancy at work

Q. When do I need to advise my employer that I am pregnant?

A. The law does not require employees to advise their employers that they are pregnant until 10 weeks prior to the time that they intend to take parental leave.

Employees must provide written notice of the intention to take parental leave, including proposed start and end dates of leave at least 10 weeks before leave.

There is no obligation for a woman to advise her employer of her pregnancy earlier than the minimum notice period. Generally an employer should respect the wishes of the pregnant employee regarding the appropriate time and manner for making it known to colleagues that they are pregnant. However, an employer may ask you about matters that relate to your pregnancy if those questions are being asked to ensure that you are able to perform your job safely – and may require you to provide a medical certificate.

Employers must provide and maintain a safe working environment for pregnant employees, to avoid risks to their health so far as is reasonably practicable. Employers must take steps to reasonably accommodate the requirements of pregnant employees to ensure that their work environment is safe. If you are able to work, but you are unable to do your usual job because of your pregnancy, you may be entitled to be transferred to a safe job. See the discussion about 'Workplace safety' and 'Transfer to a safe job' on page 7.

Q. Can my unpaid parental leave be extended or varied?

A. Generally, your unpaid parental leave must be taken in a single continuous period. If you initially proposed to take less than 12 months leave, you can extend your unpaid parental leave once, up to the 12 month maximum, by giving four weeks notice prior to the end of the original leave period.

You may also request up to an additional 52 weeks unpaid leave from your employer. This request must be given to your employer at least four weeks before the end of the original 12 months unpaid parental leave. There is no obligation for your employer to agree to the request; however, they must provide a written response within 21 days and may refuse only on reasonable business grounds. If the request is refused, the written response must include details of the reasons for refusal.

Q. Can I take annual leave in addition to my parental leave?

A. Yes, but this must be agreed with your employer.

Q. What if the pregnancy ends or my baby dies?

A. In these circumstances, you can cancel your leave or your employer can request you return to work. However, you may be entitled to unpaid special maternity leave or paid personal/sick leave and your employer may also let you take any accrued annual leave.

If you have not yet started your leave, and the pregnancy ends other than with the birth of a live baby, you may give your employer written notice that you are cancelling your parental leave, or your employer may do the same.

If you have started your leave, and your baby dies, you may return to work after giving your employer at least four weeks written notice that you wish to return to work. Alternatively, your employer can give you at least six weeks written notice that they require you to return to work on a specified day.

Q. Can my partner and I both take unpaid parental leave?

A. Yes, your spouse or de facto partner can apply for unpaid parental leave associated with the birth of your child. You can share the 12 months of unpaid parental leave entitlement between you, or your spouse or de facto partner can take the full parental leave entitlement if they have primary responsibility for the care of your child. This form of unpaid parental leave is available to both opposite sex and same-sex partners.

Concurrent unpaid parental leave is also available to opposite sex and same-sex partners for a maximum period of eight weeks. The amount of concurrent leave is deducted from the total 12-month unpaid parental leave entitlement.

Q. Can my sick leave be used to attend prenatal medical appointments?

A. Paid sick or personal leave is not usually available for the purpose of attending medical appointments such as prenatal check ups where you are otherwise fit to attend work, unless the particular terms of your employment allow for this.

Personal leave may be available at your workplace for you to attend medical appointments under your enterprise agreement or contract of employment. You may be required to discuss appointment times and the availability with your manager, as you would to attend any other medical appointment.

If you are ill during your pregnancy, you may access your ordinary sick/personal leave entitlements, including any accrued leave.

If you experience extended illness due to pregnancy, you are able to access unpaid 'special maternity leave' for the period your treating doctor certifies is necessary.

On leave

Q. While I am on leave can I do work for my employer or other employers?

A. You do not have to agree to work for your employer during unpaid parental leave but you are able to have up to 10 'keeping in touch days' during your 12 months of leave. If you take a 'keeping in touch day', your original return date will be the same unless you arrange with your employer to extend it. Prior to undertaking any work for your employer during your leave, it is important to confirm with your employer in writing:

- that your work counts as a 'keeping in touch day'
- that your original return date will continue to apply, or
- that your original return date will be extended as a result of the work you will be undertaking.

While on unpaid parental leave, you should not undertake any activity that is inconsistent with your employment contract and you must remain responsible for the care of your child. It is always a good idea to get your current employer's consent before undertaking work for another employer during your unpaid parental leave.

Work conducted during parental leave may affect your eligibility or entitlements under the Commonwealth Parental Leave Pay scheme. You should contact the Australian Government Department of Human Services for advice on how work conducted during the parental leave period may affect eligibility or entitlements under the scheme: www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay

Returning to work

Q. Can my employer refuse to accommodate my responsibilities as a parent or carer of a pre-school aged child?

A. Under Victoria's Equal Opportunity Act your employer cannot unreasonably refuse to accommodate your responsibilities as a parent or carer. Your employer must consider all the relevant facts and circumstances to determine if the request is reasonable. Regard must be given to a range of factors including your circumstances, your role, your employer's financial circumstances, and the size and nature of the workplace.

The National Employment Standards give employees who have at least 12 months continuous service, who are the parent or have responsibility for care of a child under school age, or who are a carer (within the meaning of the Carer Recognition Act) the right to request flexible working arrangements.

The request must be in writing, setting out the details of the changes sought and the reasons for the changes. Your employer must provide a written response granting or refusing the request within 21 days, but may refuse only on reasonable business grounds and must detail these in the refusal.

Q. What are my rights if my position no longer exists when I am due to return to work?

A. If you are returning to work from unpaid parental leave, you are entitled to return to your original pre-leave position or, if that position genuinely no longer exists, to the most comparable position to which you are qualified and suited that is nearest in status and remuneration to your pre-unpaid parental leave position.

Your temporary replacement should be informed of your right of return at the time they are engaged.

If on your return to work the position no longer exists, your employer is not required to create a new position especially for you as a returning employee. You may be entitled to redundancy payments if this occurs. Nevertheless, if the reason the position no longer exists is because of, or partly because of, you taking unpaid parental leave (or

because you were pregnant or another protected attribute), you may be entitled to make an unfair dismissal claim, general protections adverse action claim or a discrimination claim.

Employers are also required to consult with employees about significant changes in the workplace, including when these changes occur while you are on parental leave.

Q. What happens if my employer sells the business while I am on leave?

A. While this may impact upon every employee's ability to perform their role, you should not be treated adversely or unfavourably because you are on parental leave. Your employer must inform you about any changes to your role and ensure that you are not disadvantaged or treated unfavourably when considering redundancy packages or new employment opportunities because of the fact that you are on parental leave.

Q. Can I resign while on leave, and if I resign can I change my mind?

A. You can resign while on unpaid parental leave but you must give your employer the required notice of resignation.

Generally, you cannot withdraw your resignation once it has been accepted unless your employer agrees.

Dismissal

Q. What can I do if I am dismissed by my employer?

A. You may be able to challenge the dismissal if you believe you have been dismissed for a discriminatory reason, a reason covered by the general protections of the Fair Work Act (such as exercising a workplace right) or if you believe that your dismissal is harsh, unjust or unreasonable.

If you are dismissed in these circumstances you can contact the Victorian Equal Opportunity and Human Rights Commission, your union, Fair Work Australia, JobWatch, the Australian Human Rights Commission or speak to a lawyer as soon as possible, as short deadlines for lodging a claim or making a complaint may apply.

For example, claims for unfair dismissal must be lodged with Fair Work Australia within 21 days of the dismissal becoming effective.

See 'Who to contact for further information' on page 28.

Sample letters

Sample letter 1: Advance notification of unpaid parental leave

You should provide a letter like this example at least 10 weeks before the expected date of birth of the child, varied to suit your circumstances.

Remember to keep a copy of all letters to and from your employer.

<p>Employee's name and address here</p> <p>Write the date here</p> <p>Dear (insert employer's name)</p> <p>This letter is to notify you that I am pregnant and wish to take parental leave in accordance with the policy of (business name).</p> <p>I plan to take (enter number of weeks here up to a maximum of 52) weeks unpaid parental leave. The start date of my leave will be (insert date here). My return to work date will be (insert date here).</p> <p>I will write a second letter confirming the date I plan to start leave, closer to the time.</p> <p>If I am eligible for assistance under the Commonwealth Parental Leave Pay scheme I will advise (business name) of the period within which I wish to be paid my entitlements under the Commonwealth scheme, closer to my leave commencement date.</p> <p>I would appreciate it if you could provide me with any information about the company's policies on parental leave and/or flexible working arrangements.</p> <p>Yours faithfully</p> <p>(Sign your name here)</p>	<p>Employer's name and address here</p>
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* Parents who receive assistance under the Commonwealth Parental Leave Pay scheme receive their payments through their employer where they are eligible to do so. Employers will make payments only to employees who have 12 months continuous service prior to the date of birth or adoption, and who are expecting to receive at least eight weeks payment from the Commonwealth. Other parents who claim Parental Leave Pay under the Commonwealth scheme will receive their payments directly from the Department of Human Services (unless the parent and employer agree that the employer will make the payments).

Applications and enquiries regarding the Commonwealth Parental Leave Pay scheme should be made through the Department of Human Services: www.humanservices.gov.au/customer/services/centrelink/parental-leave-pay

Sample letter 2: Confirmation of unpaid parental leave dates

You should provide your employer with a letter such as this, notifying the employer of how much unpaid parental leave you intend to take, no later than four weeks before the leave is planned to commence.

Remember to keep a copy of all letters to and from your employer.

**Employer's name
and address here**

**Employee's name
and address here**

Write the date here

Dear (insert employer's name)

I write to confirm that I plan to take (enter number of weeks here up to a maximum of 52) weeks unpaid parental leave. The start date is confirmed as (insert date here). The return to work date is (insert date here).

[Please complete if you intend to take annual leave as part of your parental leave:]

As part of my unpaid parental leave I will be taking (e.g. three weeks annual leave), commencing (insert date here) and finishing (insert date here).

[Please complete only if your entitlements under the Commonwealth Parental Leave Pay scheme will be paid through your employer:]

I wish to receive payments of my entitlements under the Commonwealth Parental Leave Pay scheme commencing on (insert date here).

If you need to contact me while on leave, such as for consultation purposes, or to discuss a 'keeping in touch day', I can be contacted on (insert phone number and/or email address here).

Yours faithfully

(Sign your name here)

Sample letter 3: Special maternity leave – pregnancy-related illness

If you are applying for special maternity leave on the basis of a pregnancy-related illness you should provide your employer with a letter notifying them as soon as is practicable. If your employer requests a medical certificate as evidence, you are required to provide it.

Remember to keep a copy of all letters to and from your employer.

Employer's name and address here
Employee's name and address here
Write the date here
Dear (insert employer's name)
I plan to take (enter number of weeks here) weeks unpaid special maternity leave due to a pregnancy-related illness. The start date of my leave will be (insert date here). My return to work date will be (insert date here).
(If applicable) Enclosed with this letter is a medical certificate.
Yours faithfully
(Sign your name here)

Sample letter 4: Special maternity leave – end of pregnancy

If you are applying for special maternity leave due to the end of your pregnancy, you should provide your employer with a letter notifying them as soon as is practicable.

Remember to keep a copy of all letters to and from your employer.

**Employer's name
and address here**

**Employee's name
and address here**

Write the date here

Dear (insert employer's name)

I plan to take (enter number of weeks here) weeks unpaid special maternity leave due to the end of my pregnancy. The leave start date of my leave will be (insert date here). My return to work date will be (insert date here).

The expected date of birth would have been (insert date here) if my pregnancy had gone to full term.

My pregnancy ended on (insert date here). I will be unfit for work for a period of (insert number of weeks here) weeks.

(If applicable) Enclosed with this letter is a medical certificate.

Yours faithfully

(Sign your name here)

Sample letter 5: Return to work arrangements

If you and your employer agree to flexible arrangements on your return to work following your unpaid parental leave, it is wise to document that agreement and send a copy to the employer to ensure you both have the same understanding.

Remember to keep a copy of all letters to and from your employer.

**Employer's name
and address here**

**Employee's name
and address here**

Write the date here

Dear **(insert employer's name)**

As previously discussed and agreed with **(insert name)** on **(insert date here)**, I will return to work on **(insert date here)** on a **(insert flexible arrangement e.g. part-time/job-share/home-based)** basis in my pre-parental leave position of **(insert classification or job position or insert other agreed classification or job position)**.

The total hours worked will be **(insert total number of hours)** to be worked on **(insert days)**.

My start and finishing times will be **(insert times)**.

This flexible arrangement is ongoing/or for **(enter period of time/until a particular date)**.

It is agreed that if I wish to end this arrangement, I will discuss this with my supervisor and give four weeks notice of my intention to return to full-time work.

Yours faithfully

(Sign your name here)

Who to contact for further information

Information	Contacts
Discrimination (including dismissal) because of pregnancy, breastfeeding, parental or carer status, or temporary absence from work because of illness or injury	<p>Victorian Equal Opportunity and Human Rights Commission</p> <p>Victoria Legal Aid Civil Justice Program</p> <p>Your union</p> <p>JobWatch</p> <p>Australian Human Rights Commission</p> <p>Australian Breastfeeding Association</p> <p>Your local community legal centre</p> <p>Fair Work Commission or the Fair Work Ombudsman</p>
Unpaid parental leave	<p>Your employer</p> <p>Your union</p> <p>Fair Work Infoline</p> <p>JobWatch</p> <p>Your local community legal centre</p> <p>Fair Work Commission or the Fair Work Ombudsman</p>
Commonwealth Parental Leave Pay scheme	Department of Human Services
Superannuation while on unpaid parental leave	<p>Your superannuation fund</p> <p>Australian Tax Office</p> <p>Superannuation Guarantee Hotline</p>
Unsafe workplace	<p>Victorian WorkCover Authority</p> <p>Your union</p> <p>The occupational health and safety representative and/or committee at your workplace</p>
Union membership	<p>If you are not a union member and would like to become one, contact:</p> <p>Australian Unions to find out which union covers your work</p> <p>ACTU Worker's Help Desk</p> <p>The union representative at your workplace</p>

Information	Contacts
Employment entitlements	JobWatch Your local community legal centre Your union Fair Work Commission or the Fair Work Ombudsman
Long service leave entitlements	Business Victoria Your employer
Breaches of awards, workplace agreements or the National Employment Standards	Fair Work Commission or the Fair Work Ombudsman JobWatch Your local community legal centre
Flexible return to work negotiations	JobAccess
Practical information and procedures for continuing breastfeeding and returning to work arrangements	Australian Breastfeeding Association Fair Work Commission or the Fair Work Ombudsman
Private Solicitor	Law Institute of Victoria, Legal Referral Service (free advice for the first 30 minutes)

If you think you have been discriminated against, contact the Commission's Enquiry Line for more information and to find out what you can do:

Phone: 1300 292 153 or (03) 9032 3583

Email: enquiries@veohrc.vic.gov.au

Webchat: www.humanrightscommission.vic.gov.au/chat



**Victorian Equal Opportunity
& Human Rights Commission**

Contact us

Enquiry Line	1300 292 153 or (03) 9032 3583
Fax	1300 891 858
Hearing impaired (TTY)	1300 289 621
Interpreters	1300 152 494
Email	information@veohrc.vic.gov.au
Website	www.humanrightscommission.vic.gov.au
Follow us on Twitter	@VEOHRC
Find us at	www.facebook.com/VEOHRC