

What you can do about discrimination

If you think you have been discriminated against because of your pregnancy:

- ◆ keep a record of incidents you think are a problem
- ◆ talk it over with someone you trust. This may help clarify what to do
- ◆ talk to your manager, a human resources person, your union delegate or someone else in your workplace who can help
- ◆ call, fax or email the Human Rights Commission InfoLine or visit our website to get information on your rights (see contact details)
- ◆ contact a Community Law Centre or other lawyer
- ◆ if your problem is about parental leave, contact the Department of Labour: free phone 0800 20 90 20 or visit www.ers.dol.govt.nz.



Human Rights
Commission

Te Kāhui Tika Tangata

Contact the Human Rights Commission

Human Rights Commission InfoLine

0800 496 877 (toll free)
TTY (teletypewriter) 0800 150 111
Fax 09 377 3593 (Attn: InfoLine)
Email Infoline@hrc.co.nz
TXT 0210 236 4253
Website www.hrc.co.nz
Language Line available
NZ Sign Language interpreter available

Tāmaki Makaurau – Auckland

Level 4 Tower Centre
45 Queen Street
PO Box 6751, Wellesley Street
Tāmaki Makaurau
Auckland 1141
Waea Telephone 09 309 0874
Waea Whakāhua Fax 09 377 3593

Te Whanganui ā Tara – Wellington

Level 1 Vector Building
44-52 The Terrace
PO Box 12411, Thorndon
Te Whanganui ā Tara
Wellington 6144
Waea Telephone 04 473 9981
Waea Whakāhua Fax 04 471 6759

Ōtautahi – Christchurch

Level 3 Guardian Assurance Building
79-83 Hereford Street
PO Box 1578, Ōtautahi
Christchurch 8140
Waea Telephone 03 379 2015
Waea Whakāhua Fax 03 353 0959

Disclaimer: While we have tried to make this information as accurate as possible, it should not be regarded as legal advice.



OCTOBER 2010

Your rights as a pregnant worker



Human Rights
Commission

Te Kāhui Tika Tangata

The law

Pregnancy discrimination is a form of sex discrimination under the Human Rights Act. It may be unlawful for an employer to discriminate against an employee or a job applicant because she is pregnant or because it is assumed she may become pregnant in the future.

Discrimination can occur when:

- ◆ you are treated less favourably than another person because of your pregnancy. **For example**, if you are dismissed or your job changes because of your pregnancy, and there are no good reasons for this.
- ◆ a workplace practice that is imposed on everyone disadvantages you because you are pregnant. **For example**, if everyone in the workplace is occasionally expected to do heavy lifting and you are unable to because of your pregnancy.

Employers are **NOT** allowed to ask potential employees if they are pregnant, or if they plan to have a family or get pregnant in the future.

You may have been discriminated against because of your pregnancy if you are:

- ◆ refused employment or promotion, dismissed or made redundant
- ◆ subjected to derogatory or insulting remarks that have a negative impact
- ◆ excluded from training
- ◆ transferred to another job (unless there are valid medical or safety reasons for this)
- ◆ demoted, have your seniority reduced or continuity of service cancelled.

Preferential treatment

The Human Rights Act says it is lawful to treat you more favourably because you are pregnant. **For example**, you may be offered flexible working hours or a designated car park during some of your pregnancy.

Parental leave

If you are expecting or adopting a baby and your employment meets the eligibility criteria, you may be entitled to paid and job-protected parental leave. Spouses and partners are also eligible for parental leave.

Paid parental leave

If you have worked for the same employer for six months or more and meet the eligibility criteria, you may be entitled to up to 14 weeks' paid parental leave. You are entitled to your weekly earnings up to a set maximum rate.

Extended unpaid leave

If you have worked for the same employer for 12 months or more and meet the continuous work eligibility criteria, you may be entitled to up to 52 weeks' unpaid leave.

What is unpaid leave?

Unpaid leave means your job must be held open for you until you return to work, or an equivalent position provided. Not holding a job open for an employee during parental leave may be unlawful pregnancy discrimination.

Exceptions to this are when the employer is unable to keep the job open because it is a key position in the organisation.

Special leave

You may be entitled to take up to 10 days special leave without pay for reasons related to your pregnancy.

For more information about parental leave, contact the Department of Labour: free phone 0800 20 90 20 or visit www.ers.dol.govt.nz/parentalleave.



“I had been working full-time for a restaurant/bar for over a year when I became pregnant. After being off sick for a few days, I checked the roster and saw I had only one eight-hour shift per week. They told me I was now working part-time, without giving me any warning. They said it was because my pregnancy was making me ill and it wasn't ‘a good look’ having a pregnant woman behind the bar.”

“ My boss asked if I would accept an upcoming promotion. We discussed the new role and set some performance goals. Later in the year I became pregnant and a colleague was appointed to the position. When I asked why, I was told it was because I was pregnant and would probably be leaving anyway.”