

NOTE: For the purpose of this document the term “The Company” refers to Toowoomba Regional Group Apprenticeship Company Pty Limited, Downs Group Training and DGT.

PREGNANCY AND POTENTIAL PREGNANCY POLICY

Under the federal Sex Discrimination Act, the term “pregnancy” refers to the time when a woman is carrying a foetus, as well as physical characteristics of pregnancy such as having a large abdomen and tiredness. The term “potential pregnancy” refers to being capable of having children, a situation where a woman has expressed a desire to have children or when a woman is likely or is perceived to be likely to become pregnant

Objectives:

The Company aims to achieve the following –

- endeavour to prohibit discrimination either direct or indirect, against women on the grounds of pregnancy or potential pregnancy in the areas of employment or training
- ensure equal protection and equal benefit of the law, without discrimination on the ground of pregnancy or potential pregnancy.

While the Australian Human Rights Commission Pregnancy Guidelines are not legally binding The Company accepts and implements the Pregnancy Guidelines which provide practical guidance and advice on the rights and responsibilities relating to pregnancy and potential pregnancy discrimination that arise under the Sex Discrimination Act.

The Company will not tolerate any form of discrimination during recruitment, employment, leave, dismissal and/or retrenchment.

Pregnancy or potential pregnancy discrimination occurs in both a direct and indirect manner.

Direct discrimination occurs when a woman is directly treated less favourably because she is pregnant or has the potential to become pregnant.

Indirect discrimination occurs when there is a requirement, condition or practice which disadvantages pregnant or potentially pregnant women. However discrimination will not occur if the requirement, condition or practice is reasonable in the circumstances.

Under the Sex Discrimination Act, all employees are covered including temporary, casual, full-time, and part time workers, apprentices, trainees and participants. The Company acknowledges it can be held liable for the action of their managers, employees and agents such as recruitment agents, unless they take reasonable steps to prevent the discrimination or if they assist, aid, induce or permit an employer to discriminate.

The Company acknowledges it may also be vicariously liable if it is found that it did not have adequate policies and procedures in place to prevent and deal with discriminatory attitudes and practices in the workplace. (Refer Sex Discrimination Act 1984 Section 106 Vicarious Liability)

The Company recognises that the Sex Discrimination Act does not cover adoption, however The Company acknowledges it is unlawful to discriminate against an employee on the grounds of family responsibilities.

Requirements for employees taking maternity leave are as per the Family Leave Award (Queensland) NSW Industrial Relations Act, National Employment Standards and/or the employee’s relevant industrial award or workplace agreement.

The Company recognises its obligation of duty of care under the Work Health and Safety Act (Qld and NSW) to ensure the health, safety, and welfare of employees and participants and therefore aims to accommodate the normal effects of pregnant workers objectively and non-discriminatory.

The Company recognises risks to pregnant and potentially pregnant employee's and participant's needs to be assessed objectively free from discriminatory assumptions and stereotypes with each situation individually considered.

The Company encourages any employee or participant who feels they have been discriminated against in regards to pregnancy and/or potential pregnancy to take action. The following options are available to all employees:-

The Company has nominated a male and female member of staff as Sexual Harassment and Anti-Discrimination Officers. The investigation will be kept strictly confidential and the aggrieved person will be kept informed of the results of the investigation and what action will be taken. These Officers can be contacted by telephone on (07) 46 392 099 or at 295 Ruthven Street, Toowoomba.

Address your concern/complaint to

- The Queensland Anti-Discrimination Commission at Level 17, 53 Albert Street, Brisbane, 4001 or on (07) 3239 3365 or toll free 1300 130 670
- The NSW Anti-Discrimination Board PO Box A2122 Sydney NSW 1235 or telephone on (02) 9268 5555 or Toll free Enquiries: 1800 670 812 (if you are calling from rural or regional NSW); or
- your union who may be able to provide you with advice.

Reference:

Note – Cth refers to Commonwealth

- Sex Discrimination Act (Cth)
- Queensland Anti-Discrimination Act
- NSW Anti-Discrimination Act
- Workplace Gender Equality Act (Cth)
- Australian Human Rights Commission - Pregnancy Guidelines (Cth)
- Work Health and Safety Act (Qld and NSW)
- Family Leave Award – State (Qld)
- Fair Work Act
- Equal Employment Opportunity Act