Workplaces FOR Women
EQUALITY RESOURCES

Safety for pregnant workers

See Occupational Health and Safety Act s. 21 and the Fair Work Act s 80 – 82A for more information

Does my workplace need to be safe for pregnant workers

Absolutely.

Every employer needs to provide a safe working environment that is without risks to health, for all workers including those who are pregnant (so far as is reasonably possible).

To achieve this, employers will think about: identifying and assessing hazards and risks, thinking about measures to control or eliminate any risks, and may propose changes to the way work is done to ensure that work can continue safely during and after a worker's pregnancy.

Any proposed changes must be done in consultation with you and your elected health and safety representative.

I can work, but I have some concerns that my role isn't safe while I'm pregnant. What should I do?

If you are fit for work, but you can't perform your role because it poses a risk or hazard to your pregnancy, you have a right to be transferred to an appropriate safe job.

If an alternative safe job is available, you must be offered it on:

- Your same ordinary hours, unless you agree to work different hours; and
- You must be paid your full rate of pay (including your penalties loadings and allowances).

Your employer may ask for a medical certificate as evidence before you start.

In the Fair Work Act, this entitlement is called *"transfer to a safe job"* and it is your workplace right.

What if there is no safe job available?

If you are fit to work, but there is no appropriate safe job available, and you are entitled to unpaid parental leave, then you have a right to take *"paid no safe job leave"*.

This means that your employer will pay you, at your base rate of pay, for your ordinary hours during the risk period, to not come to work.

In the Fair Work Act, this entitlement is called *"paid no safe job leave"* and it is your workplace right.

If you are not eligible for unpaid parental leave, you will be entitled to take unpaid no safe job leave for as long as your current job is unsafe.

"No safe job leave" ends when your parental leave starts. Your employer may ask for a medical certificate to confirm that you are still fit for work 6 weeks before your parental leave starts.

I think I need some support to balance work and being pregnant. Are there any options?

Yes, there are. Pregnant workers (including casuals) have a workplace right to request a flexible working arrangement.

This could include:

- More frequent breaks
- A temporary change to your start and finish times
- Temporary change to your work hours
- Flexibility in your working hours so you can attend appointments
- Any other change you need.

To apply, you need to put your request in writing. Make your application via email and keep a copy. Your employer must respond within 21 days, letting you know whether your request is approved or refused.

See our factsheet about flexible working arrangements for more information about your rights at work.

Since becoming pregnant, I feel that work has treated me differently. What should I do?

Know your rights.

It is against the law to discriminate against a worker because (among other things) you are or might be pregnant, you are breastfeeding or you are a parent or carer.

Workers can experience direct and indirect discrimination in connection with becoming a parent. Some examples of discrimination might include:

- Not being hired because you are pregnant
- Not being promoted because you are pregnant
- Not being offered training or professional development opportunities because you are pregnant

Discrimination is against the law, and you do not have to tolerate it.

Australian Government

weareunion.org.au/w4w

I have been really sick during my pregnancy. What leave options do I have?

If you are unwell during your pregnancy you have different options available.

- You can take any accrued paid sick leave.
- You lose nothing by asking for additional paid sick leave – the worst thing that happens is work will say no
- You could consider applying for any paid leave entitlements (annual leave, ADOs, long service leave)
- If you have a pregnancy related illness, and have exhausted your paid sick leave, you can take unpaid special parental leave until you start your parental leave

"I have been pregnant twice while working and they helped me change my role while at the end of both pregnancy as it became too hard on my body."

- Mine Operator

Workplaces FOR Women EQUALITY RESOURCES

This project received grant funding from the Australian Government.

Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.

Rights at work resources here

"Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change."

- Trades Assistant

"I just think women thrive in this industry and we're bloody good at it!"

- Bus Operator