

## PAID LEAVE

Eligible employees who have worked six months or more for the same employer are entitled to up to 13 weeks (increasing to 14 weeks in 2005) **paid** parental leave. Payment is based on earnings up to a maximum of \$346 before tax per week. This scheme is taxpayer-funded and is administered by the Employment Relations Service (contact details below).

**Department of Labour, Employment Relations Service (0800 800 863) or [www.ers.dol.govt.nz/parentalleave](http://www.ers.dol.govt.nz/parentalleave).**

## WHAT YOU CAN DO ABOUT DISCRIMINATION

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

- keep a record of the incidents that you think are a problem
- talk it over with someone you trust to help clarify your best course of action
- talk to your manager, a human resources person, your union representative or someone else in your workplace who can help solve the problem



- call, fax or email the Human Rights Commission InfoLine or visit our website to get information on your rights
- if your problem is about parental leave, contact the Employment Relations Service.

While we have tried to make this educational information as complete and legally accurate as possible, it should not be regarded as legal advice. Please contact a lawyer for specific legal advice.

## COMMISSION CONTACT DETAILS



For more information ring the Human Rights Commission InfoLine on  
**0800 4 YOUR RIGHTS**  
**0800 496 877** (toll free)  
**TTY** (teletypewriter) **0800 150 111**  
or contact us on  
**infoline@hrc.co.nz**  
**<http://www.hrc.co.nz>**

## YOUR RIGHTS AS A PREGNANT WORKER



- THE LAW
- PREFERENTIAL TREATMENT
- PARENTAL LEAVE

## 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 at some future time.

Discrimination can be either direct or indirect and can occur when:

- you are treated less favourably than another person because of your pregnancy

**Example:** If you are dismissed or your job changes because of your pregnancy, and there are no good reasons for this, you may have been directly discriminated against.

- a workplace practice that is imposed on everyone disadvantages you because you are pregnant.

**Example:** If everyone in the workplace is expected to do a small number of heavy lifting jobs occasionally and you are unable to because of your pregnancy, insisting that you do the lifting may indirectly discriminate against you.

“All the other sales reps were sent to a training seminar last week. My boss withdrew my registration as soon as he found out I was pregnant. ‘Doesn’t matter,’ he said when I complained, ‘you’ll have things other than work on your mind in a few months.’ I feel like I’m not important to the company any more.”

Examples of unlawful pregnancy discrimination may be when, because of your pregnancy, 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 other jobs (unless there are valid medical or safety reasons for this)
- demoted or have your seniority reduced or your continuity of service cancelled.

“When I told my manager I was pregnant, she transferred me to back room duties. I thought this was really unfair, because I enjoy working with customers and was able to do a good job. But my manager said customers didn’t want someone serving them with ‘a big belly sticking out’.”

## 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. This type of treatment is not considered discriminatory.

## PARENTAL LEAVE

You are entitled to receive some form of parental leave if you have worked at least an average of 10 hours each week, including at least one hour per week or 40 hours per month, for the same employer for six months before the *expected* date of the baby’s birth.

Adoptive parents and spouses or partners can also be eligible for parental leave. Contact the Employment Relations Service (details on back) for specific information on

eligibility.

## SPECIAL LEAVE

Eligible employees are entitled to take up to 10 days special leave without pay for reasons connected with their pregnancy. If you are eligible for and choose to take special leave because of your pregnancy or your state of health during pregnancy you cannot be

“I became ill late in my pregnancy and had to take time off work. My employers didn’t let me access my sick leave because they said that the reasons for my illness were related to my pregnancy. They insisted that I start my parental leave three weeks earlier than I had planned. This didn’t seem right to me, and then I found out that my employers can’t force me to take leave early unless there is a health and safety concern.”

dismissed for this.

## UNPAID PARENTAL LEAVE

Employees that have worked for the same employer for 12 months are entitled to up to 52 weeks **unpaid** leave from work. Unpaid leave means that your job must be held open for you until you return from leave. Failure to do so may constitute unlawful pregnancy discrimination.

There are some situations where an employer may indicate that a job cannot be kept open because it is a key position in the