

**A SUBMISSION BY THE AUSTRALIAN EDUCATION  
UNION  
TO THE HUMAN RIGHTS AND EQUAL  
OPPORTUNITIES COMMISSION INQUIRY INTO  
PREGNANCY AND WORK**

**A NICE JOB FOR A  
GIRL - BUT!**

**WOMEN EDUCATORS' EXPERIENCE OF PREGNANCY AND  
WORK IN PUBLIC EDUCATION SYSTEMS**

*March 1999*

Australian Education Union  
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Southbank VIC 3006

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*I have two young children, and I am still on maternity leave. The timing of my second pregnancy was influenced by the choice of losing my permanent position if I stayed home to care for my first child, or becoming pregnant and getting more maternity leave. Part time work was not a possibility as the principal was not in favour of such things, as they 'disrupt the school organisation'. During both pregnancies I felt that the school went out of its way to make things difficult for me, not least by deciding that it was a 'waste' to give me a home room. This decision meant that I had to carry heavy loads of books and other teaching materials from one end of the school to the other between periods, and I was inevitably late. Most of my periods were also timetabled into demountables or 'portable' classrooms, which were very uncomfortable during hot weather in term 1, 1998. One day I measured the temperature at 48°C, and I moved the class into a corridor in the main block. I was not given access to in service opportunities, for example the TILT courses that were offered to every other member of staff, and I was given all the worst playground duty areas, in full sun, with no opportunity to sit down. The reason given was that a casual would be taking over from me, and they didn't want that person to have it 'easy'. I certainly didn't. In addition to this, when I returned to work after my first child, I had to give up providing breast milk for my child because my timetable could not provide time for me to express milk during the day, and the only venue available was a poorly cleaned unisex staff toilet.*

(The above statement is an excerpt from a contributor to the AEU's chat line on Pregnancy and Work 1 -3 March 1999. She identified herself only as 'Mum'.)

## SUMMARY

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The Australian Education Union (AEU) thanks the Human Rights and Equal Opportunity Commission for the opportunity to make this submission.

The AEU has gathered the information collated in this submission from various sources. These sources include:

Research of current appropriate literature, reports and publications;

Information provided by Officers and Officials of the AEU's various Branches and Associated Bodies around Australia;

Informal interviews with employees of the various Departments of Education (however titled) concerned with gender equity and equal employment opportunity;

Direct consultations with members of the AEU and its Branches/Associated Bodies.

In addition the AEU convened a public 'chat line' over the Internet around the subject Pregnancy and Work our first ever 'on line' discussion. The topics discussed through the chat line included:

- A nice job for a girl - but! The positives and negatives of being pregnant and working in the education industry.
- Pregnancy and insecurity. How is the growing movement towards casual and contract employment impacting on women's experience of, and decision making around, pregnancy?
- Pregnant and in the Bush. What are some of the particular and peculiar issues for women working in rural and remote communities?
- Pregnant Teens - A reality being ignored. How can schools and education systems support pregnant students?
- Being the boss and being pregnant? How does pregnancy impact on promotional opportunities?

Within this submission we have included contributions made to the chat line as we believe they give the genuine flavour of the reality of women's experiences in public education systems. These contributions are framed in italics and appear throughout the document.

This submission is therefore a summary of the information collated from all of the above sources. It represents the issues and concerns of our members across the country who are employed within public education systems.

The AEU's Branches/Associated Bodies in a number of States have also taken this opportunity to write directly to the Inquiry to relay information regarding matters peculiar to the members/workers within their States. These State based submission complement this national submission.

## Recommendations

As an affiliate to the ACTU the AEU was involved in the development of the ACTU's submission to this Inquiry. As such the AEU endorses both the content and the recommendations made in this submission. In addition the AEU makes the following recommendations based on the experience of our members:

### General

1. The AEU is concerned that within the Australian community there is still a lack of recognition of the contribution to the Australian society and economy made by women in providing paid labour, unpaid labour and their role as primary care givers. We believe that this translates into bizarre outmoded and discriminatory views within the workplace around pregnancy and towards pregnant women.

As such the AEU recommends that HREOC, in conjunction with other governmental agencies and Non-Government Organisations with particular interest/responsibility for women, develop long term and sustained strategies designed to change cultural perceptions about pregnancy and the role of women in society.

2. That the Federal Government refer to HREOC and the Federal Sex Discrimination Commissioner a further Inquiry pertaining to matters that arise during and post confinement including paid maternity leave and the experience of women returning to work.
3. That the Federal Sex Discrimination give immediate and particular attention to the evidence submitted to this Inquiry regarding the experiences of employees in insecure employment (casual, contract, temporary, relief etc). These experiences demonstrate that women who are engaged in insecure employment are particularly vulnerable and are experiencing direct and indirect discrimination in many ways particularly related to pregnancy.

The AEU therefore recommends that the Federal Sex Discrimination Commissioner target this group of workers for particular attention in the form of a campaign and strategy aimed at:

- Raising with the Federal Government the 'real' experience of these women and the discrimination that these women are being subject to and seeking amendments to the Workplace Relations Act which will limit the impact of this discrimination.
- Bringing to the attention of employers the directly and indirectly discriminatory practices that they may be undertaking with respect to employees in insecure

employment and educating them as to how to avoid these practices.

- Bringing to the attention of trade unions the issues that have arisen with respect to insecure employees throughout the course of the Inquiry and providing advice as to how these practices can be changed.
  - Targeting women in insecure employment to raise their awareness about their rights and entitlements.
4. That the Federal Sex Discrimination Commissioner make specific recommendations to the Federal Government concerning the difficulties of access to pre-natal care for women in remote and rural communities. Such recommendations to include compensation packages for travel costs and loss of income as a result of travelling to access this care.

### **Women Educators' Experience of Pregnancy**

1. That every State and Territory Department of Education and Training (however titled) be encouraged to establish/re-establish and adequately resource gender equity units designed to provide expert advice to systems and schools to overcome discrimination and gender inequality with respect to employees and students.
2. That Departments of Education and Training (however titled) be encouraged to provide training targeted towards middle managers and Principals about pregnancy and discrimination in light of the matters raised in this submission.
3. That Departments of Education & Training (however titled) be encouraged by the Federal Sex Discrimination Commissioner to take action to overcome under representation of women in promotional positions within education systems. Such action to include providing access to flexible work options at this level.
4. That Departments of Education & Training (however titled) be requested to investigate the provision of greater support services and improved entitlements for its employees in remote and rural communities who become pregnant.
5. That the Federal Sex Discrimination Commissioner develop a draft framework for the management of issues pertaining to Occupational Health and Safety and pregnancy that can be adapted for use at industry and workplace level.
6. That every State and Territory Department of Education and Training (however titled) be encouraged to establish/re-establish and adequately resource gender equity units designed to provide expert advice to systems and schools to overcome discrimination and gender inequality with respect to employees and students.

## **Pregnant Teens**

1. That the HREOC recommends that the Commonwealth and all State and Territory Governments support the re-establishment of the Ministerial Council of Employment Education and Training and Youth Affairs (MCEETYA) Gender Equity Taskforce as an expert group providing advice on gender equity strategies particularly those with respect to girls at risk.
2. That the HREOC commence investigations into the experiences of pregnant teenagers. That this investigation particularly focus on these girls' experiences with respect to schooling and whether Education Department/schools are meeting their obligations under international covenants and various State/Territory and Commonwealth Anti-Discrimination laws in relation to the provision of education to these girls.
3. That Departments of Education and Training (however titled) be encouraged to develop system wide strategies to support pregnant girls within schools. That these strategies be aimed at providing:
  - A supportive school environment
  - Inclusive curriculum
  - Practical support and flexibility in terms of the organisation of study and attendance time and the provision of facilities and services.
  - Access points for students to make links with other agencies and service providers.
  - Planning, monitoring and evaluative processes to review the success of these strategies overtime.
4. That State and Territory Departments of Education (however titled) be encouraged to gather and publish statistics on the number of teenage girls who become pregnant whilst at school and their retention rates.

## **BACKGROUND**

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### About the Australian Education Union (AEU)

The Australian Education Union represents 155,000 educators employed in public pre-schools, schools and colleges throughout Australia. AEU members work as teachers, principals, administrators and allied educational staff in schools, kindergartens and TAFE.

The AEU campaigns for its members, and for those who rely on public education as students and parents, to achieve the highest standards of employment and educational outcomes. The AEU pursues these goals through workplace and community action as well as through courts and tribunals.

At the Federal level the AEU employs a full-time Women's Officer whose work, in summary, includes the development of strategies to promote the activism of women within the union; the examination of the position of women within the education and training workforce and the identification of the barriers to the achievement of equal employment opportunities for women within the workforce; and the promotion of gender equity initiatives for students.

Each of the AEU's Branches and Associated Bodies has a designated Officer with responsibility for the development and implementation of strategies to promote the achievement of gender equality and equal employment opportunity within public education systems.

The AEU has significant policy on matters related to this Inquiry including the following:

'Elimination of Sexism in Education and Employment'(1988) and

'Gender Equity' (1996).

The above policies form the foundation of the AEU's submission to this Inquiry and are attached at Appendix A

The AEU's Annual Federal Women's Conference forms a significant part of the AEU's decision making processes. The Conference makes recommendations to the AEU's Federal Executive and Annual Federal Conference. These recommendations always hold significant weight. On a number of occasions the AEU's Federal Women's Conference has dealt with matter specifically related to pregnancy at work. As such the outcomes from various Annual Federal Women's Conferences also inform the content of this submission.

### About the Education Industry

Education is often referred to as a feminised industry. Whilst it is true that women make up the majority of employees within the industry the AEU has concerns about the way the term feminised/feminisation is used in the public arena. These concerns relate to:

- Descriptions of feminisation as a negative phenomenon and that re-masculinisation will benefit the industry; and
- Labels of the industry as feminised disguising the gender segmented nature of the industry with women predominant in classroom teaching areas (particularly in early childhood and primary) and men dominating promotional positions. Further women are disproportionately represented in insecure forms of employment (mainly casual, contract and supply/relief) particularly within the TAFE sector.<sup>1</sup>

Figures gathered by the AEU for its submission to the Senate Inquiry into the Status of Teaching demonstrate that whilst women make up almost 70 percent of the primary and secondary teaching workforce they make up less than 30 percent of those in promotional positions (in some systems they are even less than 15 percent).<sup>2</sup>

This gender segmenting is even further compounded when you take into account the gender stratification of administrative and support positions such as school services officers, library assistants, teacher aides etc. 92 per cent were female in 1996.<sup>3</sup> These women are the most disadvantaged (in relation to terms and conditions of employment) group in schools.<sup>4</sup>

The average age of the teaching workforce in Australia is around 46 taking into account State and Territory variances.<sup>5</sup> Projections suggest that this average age will continue to increase until on today's trends the average age in 2007 will be 50 years. Some may celebrate this as a reason to ignore issues associated with pregnancy. The AEU suggests that the opposite is the case for three main reasons:

- Firstly that even given the above scenario projections to the year 2002 indicate that 44 per cent of the workforce will be between the ages of 21 - 40 years, prime childbearing years;
- Secondly as a consequence of the above trend it is widely recognised that in the next decade Australia will experience a teacher supply shortage brought about by a range of factors including the retirement of a significant proportion of teachers. To counter this shortage a range of initiatives designed to bring 'new' graduates into teaching are being

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<sup>1</sup>Note the Senate Employment, Education and Training References Committee Inquiry into the Status of the Teaching Profession (the Senate Inquiry), March 1998 found that over 40 % of TAFE workforce in Victoria was casualised, p123.

<sup>2</sup>*Ibid* p.119

<sup>3</sup>*Ibid* p.120

<sup>4</sup>*Ibid* p.120

<sup>5</sup>*Ibid* p.239

- developed. Many of these new graduates will be young women who will during the course of their employment consider becoming, or become, pregnant; and
- Thirdly, during a period of supply shortage it will make it even more important for systems to retain qualified and experience staff. For many systems this will require them to address female teacher's concerns about the balance between work and family responsibilities.

The above factors provide the impetus for systems to develop and trial innovative human resources strategies. The AEU in its submission to this Inquiry whilst pointing out some of the difficulties experienced by our members in relation to pregnancy, aims also to provide information to these education systems so that they can improve their current practices.

## **GENERAL PRINCIPLES: THE AEU'S STARTING POINT**

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The AEU has worked from the following set of principles in compiling its submission to this Inquiry:

1. That the education industry is and will remain one in which a significant number (the majority) of employees will be women.
2. Sound human resource practice requires that systems (and schools/institutions) take into account the life cycle of employees when developing strategies and implementing employment policies. A part of these strategies/policies will include maximising the retention of skilled and experienced staff in which intellectual capital has been invested.
3. Given 1 and 2 above life cycle factors (such as pregnancy) which will impact on a majority of a system's (school's/institution's) employees should be planned for and incorporated into human resources strategy as a normality.
4. For education systems (schools and institutions) to treat the pregnancy of an employee as anything less than normal and manageable as opposed to problematic and inconvenient is unacceptable and poor human resource practice.

The AEU submits that the above principles appear obvious however our members' experiences of pregnancy in the workplace would suggest that the employer continues to work from a framework within which pregnancy is seen as 'unusual' and inconvenient.

Our members' responses suggest that there are a number of issues that arise within the education industry that are within the scope of this current Inquiry. These issues include:

- Directly and indirectly discriminatory practices
- Hostile treatment and harassment
- Fear of loss of job particularly on the part of those in insecure employment
- Lack of access to promotional opportunities
- Difficulties managing pregnancy in rural and remote communities
- Ignorance as to the particular occupational health and safety concerns of pregnant women
- Ignorance of managers and systems as to good practice with respect to pregnant employees
- Genuine tension between women's workplace aspirations and family responsibilities
- Concern about the treatment of pregnant students within schools.

Further the experience of our members suggests that there are many more issues that arise related to post birth and return to work experiences and in particular access to paid maternity leave. We therefore strongly recommend a further Inquiry into these matters.

**The AEU is concerned that within the Australian community there is still a lack of recognition of the contribution to the Australian society and economy made by women in providing paid labour, unpaid labour and their role as primary care givers. We believe that this translates into bizarre outmoded and discriminatory views within the workplace around pregnancy and towards pregnant women.**

**As such the AEU recommends that HREOC, in conjunction with other governmental agencies and Non-Government Organisations with particular interest/responsibility for women, develop long term and sustained strategies designed to change cultural perceptions about pregnancy and the role of women in society.**

**The AEU recommends that the Federal Government refer to HREOC and the Federal Sex Discrimination Commissioner a further Inquiry pertaining to matters that arise during and post confinement including paid maternity leave and the experience of women returning to work.**

# **THE EXPERIENCE OF WOMEN EDUCATORS**

Within this section the AEU will provide information about the experience of our members with respect to matters raised within the terms of reference of the Inquiry and the Issues Paper. This information is organised under the following sub-headings:

- General perceptions about pregnancy
- Insecurity of employment
- Promotional Opportunities
- Isolation
- Occupational Health and Safety
- Dispute resolution

## **General Perceptions**

*"My partner was a bit worried about telling people when she was pregnant. She felt that people began to treat her more as a pregnancy than as a person.*

*She also felt that she had to be very careful that she didn't miss out on important information because she was bypassed."*

David

*"My opinion is that pregnancy is only the beginning and really marks the shape of things to come when women begin to experience the difficulties of working hours, childcare, fatigue etc. It is very understandable that many wonder what on earth they are doing if they have come up against a hostile workplace."*

Sharon

*"I thought it interesting when I put a notice in today's daily notices at school (large metro high school, 1400 students years 8 - 12) that one of the comments I heard was that it wasn't relevant because most of the women on staff were presumed to be finished with childbearing - and with the average age of teachers in SA being about 47 I think, this is probably statistically true. So what then for efforts at reform around this issue? Will it get less support than a few years ago when our teaching force was younger and more were having children? Have the older ones forgotten? Do men think this chat group is for women? Will there be less support for reform in the union on this issue? I have not myself been pregnant yet but am hoping to be soon and until hearing these comments hadn't realised what an unusual minority on this staff I will be if it happens whilst I'm here - but it probably won't as I'm in a short-term appointment."*

Mary

*“I was pregnant (3 months) when I applied for a promotion to my current position but had deliberately not told anyone because I didn't want to risk being discriminated against because of my pregnancy. Fortunately I won the position and took 12 months leave before taking up my promotion.”*

Hil

*“When I was pregnant in 1993, I found that I was to be named in excess if the numbers at my school dropped. I told my boss that was discrimination and she said it was easier to move me than disrupt a class.”*

Anonymous

The above quotes demonstrate that:

- Women who are pregnant or are thinking of becoming pregnant perceive that they will be discriminated against in terms of promotional opportunities, renewal of contracts and participation in information sharing processes.
- Some women have experienced negative feedback from work colleagues when seeking to raise concerns regarding pregnancy in the workplace. They now perceive themselves as an 'unusual minority' because they have these concerns.

**That every State and Territory Department of Education and Training (however titled) be encouraged to establish/re-establish and adequately resource gender equity units designed to provide expert advise to systems and schools to overcome discrimination and gender inequality with respect to employees and students.**

**That Departments of Education and Training (however titled) be encouraged to provide training targeted towards middle managers and Principals about pregnancy and discrimination in light of the matters raised in this submission.**

## **Insecurity of Employment**

The AEU is particularly concerned about the growing number of women on temporary contracts or casual arrangements who experience discrimination and the impact this is having on these women's experience of work and the choices they are making about caring for their child.

*“As a part time employee of Wollongong TAFE (NSW) I have no access to maternity leave benefits even though I have been working full time for the last two years. Because TAFE has not been recruiting full time positions (in the last 5 to 7 years) I have had no chance to apply for a full time position. As a result there are now more full time casual teachers in TAFE than full time permanent teachers. Therefore access to LSL and maternity leave for most women teachers in NSW TAFE is unavailable.”*

Joanna

*“I am pregnant at the moment and have been told that I have no rights so far as maternity leave goes. This is placing me in the position of feeling the need to return to work much quicker after the birth of my baby than what I would prefer.”*

Joanna

*“Under casual conditions or contracts, employers ask everything and give nothing. It's as if we are playing a game - as if having a job - for which you've studied, trained, re-trained and committed yourself for years - means nothing. For a woman who is considering becoming pregnant, no assurances are offered - just - well, we'll see if there are any vacancies if/when you're ready to return to work. Some of us were lucky - circumstances for me turned out OK in the mid 1980s and I was able to get back into work without there being too much anxiety. I was also wonderfully supported at home. I look at my colleagues trying to make that decision these days and wonder what's wrong with organizations expressing some kind of loyalty - what really do they have to lose? Why should a woman have to risk so much? Is it a crime to have a child - or as the lawyers would say - just 'vexatious' and inconvenient to these precious organizations.”*

Anonymous

*“I am an Organiser for the AEU in the ACT. We have a number of teachers here who are on fixed term contracts of between one term and one year's duration. The contracts can be either full-time or part-time. The majority of people on these contracts are young beginning teachers, mostly women. They are usually gravely concerned that their contracts will be cancelled if they become pregnant or if they should already be pregnant and they tell their Principals that they are. Unfortunately, many are ignorant of anti-discrimination laws and of their rights. Some are so afraid of losing employment that they think by being seen to involve the Union in any way it could be detrimental! There was in fact a case last year where one teacher told her Principal that she was pregnant after the Department had awarded her a contract but before she actually took up the position. She was told by her Principal that she would no longer be required as she obviously could not serve out her full contract time. We intervened with the Department and had her contract restored.”*

Naomi (Union Organiser)

Issues of concern are:

- The inequality in bargaining power around casual, temporary and contract arrangements making employees fearful of becoming pregnant or losing employment once they have become pregnant.
- Employers using casual engagement as a usual method of employment on a large scale as a method to avoid LSL and maternity leave entitlements.
- Fear of cancellation or non renewal of contracts if Principals become aware of pregnancy.

- A lack of understanding on the part of casual and contract employees of their rights under anti-discrimination legislation.
- A fear by these insecure employees that involving the union in resolving their complaint would be detrimental to their employment.
- Concerns that if you are temporary (particularly in a relieving capacity) and pregnant you won't be called on for work.
- Being required to return to work earlier than anticipated or wanted in order to maintain benefits.
- Incorrect advice around the impact that maternity leave has on the continuity of a contract.

**The AEU recommends that the Federal Sex Discrimination give immediate and particular attention to the evidence submitted to this Inquiry regarding the experiences of employees in insecure employment (casual, contract, temporary, relief etc). These experiences demonstrate that women who are engaged in insecure employment are particularly vulnerable and are experiencing direct and indirect discrimination in many ways particularly related to pregnancy.**

**The AEU therefore recommends that the Federal Sex Discrimination Commissioner target this group of workers for particular attention in the form of a campaign and strategy aimed at:**

- **Raising with the Federal Government the 'real' experience of these women and the discrimination that these women are being subject to and seeking amendments to the Workplace Relations Act which will limit the impact of this discrimination.**
- **Bringing to the attention of employers the directly and indirectly discriminating practices that they may be undertaking with respect to employees in insecure employment and educating them as to how to avoid these practices.**
- **Bringing to the attention of trade unions the issues that have arisen with respect to insecure employees throughout the course of the Inquiry and providing advice as to how these practices can be changed.**
- **Targeting women in insecure employment to raise their awareness about their rights and entitlements.**

## Promotional Opportunities

This submission has already outlined the fact that the percentage of women in promotional positions within the industry is disproportionately low. Whilst we believe that a number of factors impact on this it is continually recognised that past discriminatory practices and the unwillingness of systems to provide and promote flexible staffing arrangements (i.e. part-time and job sharing) at this level have been major contributing factors.

The AEU could write a treatise exploring its concerns about the lack of opportunity for women in the industry to move into promotional positions however for the purpose of this submission we will focus on those matters pertaining to pregnancy and the decision to become pregnant.

*“My main concern however is around being able to return to work part-time. I am currently employed full-time at a reasonably senior level and am aware of an entrenched view about senior positions not being able to be undertaken on a part-time basis. I think this is a real area for change as it has such a direct impact on maintaining gender equity at senior levels. Last time someone in the office attempted to go part-time it was deemed too difficult (inconvenient) to manage.”*

*“I was pregnant (3 months) when I applied for a promotion to my current position but had deliberately not told anyone because I didn't want to risk being discriminated against because of my pregnancy. Fortunately I won the position and took 12 months leave before taking up my promotion. Where I do feel discriminated against, though, is that the leave entitlements in WA allowed me a maximum of 1 years maternity leave because I had gained a promotion but had not taken up the position before taking leave. However, if I had taken up the new position I would have been entitled to extend my leave by an extra year. Do you think this is fair?”*

Hil

*“The QTU recently wrote to the dept of education here to request some data on the number of part-time employees per sector and per district, with a gender profile. The results were predictable in that the vast majority of part-timers are women, (2870 as opposed to 175 males.) The total of 3045 represents 9.21% of the teacher workforce with larger numbers of part-timers employed in areas of larger population, eg. Gold Coast has over 300 part-time workers and the Cape and Gulf Region has only 3. Of these 2870 part-time employees, only 17 hold promotional positions; there are 7 part-time deputy principals, six part-time Heads of Department, and four part-time Teachers in Charge of Preschools. There are no principals who are job-sharing at all...is this the case in other states and territories? The Dept. policy that governs part-time work and classified teaching positions states; "Any request by teachers in classified positions to work part-time will be examined on a case-by-case basis and will be subject to satisfactory arrangements being made in relation to the maintenance of lines of authority and accountability in the school setting. More senior positions may be restricted to job-sharing arrangements and the view of the*

*school community for such arrangement may be required to be taken into consideration" With policy like that, it is no surprise that there are no takers."*

(Leah Mertens Women's Officer Queensland Teacher's Union (QTU))

*"...some women tend to view going for promotion in association with having to choose between becoming pregnant or not. For many female teachers first looking at promotions positions seems to occur about 7 to 10 years into their careers, so many are in their late 20s/early 30s by then. Having children at that stage of your life then becomes more of an issue. It also seems that often partners are at a similar stage in their careers in terms of promotion and some teachers I speak with who are partnered by other teachers also find themselves in situations of discussing which one of them will go for the promotion and when or if to start a family."*

Naomi (Union Organiser)

*At a meeting between the Federation and the Department of Education and training a department official asked a primary school teacher if she ever considered applying for a promotion position. The teacher's response was "Why? I can barely manage my work and family commitments as it is. Why add more stress?"*

(From New South Wales Teacher's Federation submission to this Inquiry)

*"Voluntarily returning part-time after birth of child. This meant my career (promotion opportunities) put on hold for 8 years (self imposed to some degree!) In order to give my best to child in terms of time at home."*

*"Pregnant therefore not considered for - in school promotions - won't last the distance mentality etc."*

*"I have four children - I found I could not be all things to everyone - I am now 0.4 - best of both world and have kissed goodbye any idea of promotion."*

(The above three quotes are taken from a survey of South Australian members carried out by the AEU SA Branch and contained within this Branch's submission to this Inquiry.)

The AEU is of the view that current trends in the management of education systems will only compound the gender inequality within education promotion positions because:

- It is clear that as school/community based selection for Principals increases general community prejudices against women in management/leadership and 'innovative' staffing arrangements will continue to impact.

- Given women's responsibilities outside of the workplace it is becoming increasingly apparent that women are being required to make a choice between having children and taking up promotional opportunity or significantly delaying movement towards promotion until after children have grown.

The effect of this is to deny to the education of our children the quality educational leadership that would come from experienced and talented women taking up these positions.

**That Departments of Education & Training (however titled) be encouraged by the Federal Sex Discrimination Commissioner to take action to overcome under representation of women in promotional positions within education systems. Such action to include providing access to flexible work options at this level.**

## **Isolation**

For many women educators the isolation that accompanies teaching in rural and remote communities has meant that they are unwilling to choose this option when they are considering becoming pregnant. This not only denies the children in these communities from accessing their skills and experience it also disadvantages many women where country service has historically been a requirement to access further promotional opportunities.

The thinking of one of our members who is considering becoming pregnant and who is within an isolated community accurately reflects what is in fact women's experience in these areas:

*“Given it (pregnancy) is something I am considering in the future I am wondering what issues I will face should I remain in a rural area. Some of my muddled thoughts include; I wonder if the small school setting actually placed additional pressure on the pregnant teacher/educator given there are fewer people to offload responsibilities onto. I can imagine that teachers in this position would be mindful of meeting the community and Departmental expectations, perhaps at the cost of their own health. What about those communities that are a distance away from health/medical support. Would teachers in this place be disadvantaged by not feeling as though they can take time to travel to main centres for doctors appointments and pre/post natal workshops? Accommodation is sometimes limited in small communities eg silver bullets/caravans. These would hardly be comfortable for a family. Also, access to childcare to enable the women to continue working.”*

Cheryl-Anne

*“We have the situation in WA where male teachers in the remote schools get paid paternity leave (3 days)and return airfare for the birth and women teachers just get the return airfare and unpaid maternity leave! I call this peculiar (to be polite)”.*

Ruth Ellis (Field Officer -Women) State School Teacher's Union of Western Australia)

*“Other issues that impact on me at the moment is the added need for support for women who are pregnant whilst living/working in a remote community. That goes for being pregnant yourself, and also for the time and effort needed to support other women colleagues who are also teaching out bush. I also think all bush teachers suffer from guilt whenever their school has to close due to lack of relief teachers - pregnancy is just one more reason why this might happen to add to the list.”*

Denyse

**The AEU recommends that the Federal Sex Discrimination Commissioner make specific recommendations to the Federal Government concerning the difficulties of access to pre-natal care for women in remote and rural communities. Such recommendations to include compensation packages for travel costs and loss of income as a result of travelling to access this care.**

**That Departments of Education & Training (however titled) be requested to investigate the provision of greater support services and improved entitlements for its employees in remote and rural communities who become pregnant.**

## **Occupational Health and Safety**

A number of things within the education workplace and environment can potentially impact on pregnant women. The experience of our members indicates that the following are common areas of concern with respect to occupational health and safety:

- Exposure to infectious diseases (eg. Measles) and a lack of willingness by Departmental staff to transfer teachers temporarily in this circumstance;
- Lifting and other manual handling dangers in early pregnancy particularly in pre-primary and special education classes;
- Access to toilet facilities and regular breaks due to the increased need to urinate; and
- Harassment and violence from students creating genuine fears for personal safety and the safety of their unborn child.

In at least one system the union's approaches to have the Department develop a specific policy/guidelines for schools regarding pregnancy and occupational health and safety has been refused. In this circumstance the union published its own information through its union journal. The AEU is concerned that refusals of this kind reflect a lack of understanding of the need to deal specifically with matters that might arise during pregnancy.

**That the Federal Sex Discrimination Commissioner develop a draft framework for the management of issues pertaining to Occupational Health and Safety and pregnancy that can be adapted for use at industry and workplace level.**

## **Dispute resolution**

In most cases the union is involved in settling complaints with respect to pregnancy internally through negotiation between union officials and departmental representatives. On a few occasions the union has assisted members to refer matters to Anti-Discrimination tribunals at the state/territory level. On almost all of these occasions however the union has been concerned about the long delays associated with this course of action (particularly at a time where considerable stress can be detrimental) and the fact that our members are intimidated by this process. This intimidation particularly occurs at the point of any public tribunal hearing with members opting to let the complaint lapse rather than face this process.

The AEU is concerned that the number of complaints that need to be taken to Departmental level for resolution indicates that at the school or line management level (say within a TAFE College) there is a lack of expertise in this area and that many managers are unaware of the indirectly discriminatory effects of their actions. We believe therefore that urgent and specific action needs to be taken at this level.

Our fear is that a number of employees who are not aware of their rights or who are in vulnerable situations may be subject to these discriminatory practices without being aware of their rights. We believe that recent decisions by Department's of Education to collapse or downsize their equity units will further compound the risk of discriminatory practices.

**That every State and Territory Department of Education and Training (however titled) be encouraged to establish/re-establish and adequately resource gender equity units designed to provide expert advise to systems and schools to overcome discrimination and gender inequality with respect to employees and students.**

## **PREGNANCY AND SCHOOLING: THE EXPERIENCE OF PREGNANT TEENS**

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In its submission to this Inquiry the AEU does not want to speak on behalf of teenage girls but wishes to put forward the concerns that many of our members have expressed about the way Education Departments deal with pregnancy amongst teenagers.

The work of Collins et al in the publication '*Gender and School Education*' found that systems were no longer monitoring the completion of school education of girls in 'at risk' <sup>6</sup>categories (including those who became pregnant). We believe that this is symptomatic of a downgrading of commitment by education systems in assisting pregnant girls to complete their education.

It is well founded that pregnancy places most young mothers (and some young fathers) at risk of not completing secondary education. Some reasons for this include:

- The stigma of teenage pregnancy.
- Lack of information about available financial and other support.
- School administration that is unfamiliar with the issues and possible areas of support.
- Negative reaction of parents, students, and teachers.
- Sexual harassment.
- Lack of facilities (eg breastfeeding or child care).
- Lack of flexibility regarding hours involvement, assessment tasks and extra curricula activities.
- Lack of flexibility in the school timetable.

Schools should be concerned that many of the above reasons relate to behaviours and attitudes that are either directly or indirectly discriminatory.

In the process of preparing this submission the AEU contacted a number of Education Departments to discuss their policies with respect to teenage girls and pregnancy. There were a diverse range of approaches:

- Some indicated that during the early 1990s as a result of the National Action Plan for the Education of Girls 1993 -1997 strategies had been identified however these were no longer monitored on a system wide basis.
- Some indicated that they no longer had gender equity units or field staff designated to work within this area.

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<sup>6</sup>Collins C et al *Gender and School Education*, Australian Council for Educational Research, June 1996.

- One indicated that in the past that a recommendation to develop a school age pregnant and parenting students policy had been rejected and that no policy within this area therefore existed.
- Another has not included pregnancy in its recently developed policy and strategy designed to target students at risk. This is despite the fact that this system has a large Aboriginal population amongst whom teenage pregnancy is high.
- Most acknowledged that resources to the area had declined and that it was really left to decisions at the school based level as to how these girls are treated.

The AEU does not wish to imply that the above summary reflects a scientific analysis of all of the information available as our approach to those providing this information was an informal one. We do however believe that it provides a snap shot of how teenage pregnancy is currently treated within these systems. We acknowledge the co-operation of those Departmental staff who were prepared to discuss this matter with us.

In the past the Ministerial Council for Education Employment Training and Youth Affairs (MCEETYA) Gender Equity Taskforce provided advice to Education Ministers around strategy and policy in this area. The funding for this taskforce ended in 1997 and has not been renewed. This combined with a State and Territory reduction of resources to the area represents a breakdown of structures designed to assist systems to develop policy and strategy that may assist girls in this area.

The AEU believes that Education Departments and schools may be in breach of Anti-Discrimination legislation in their States/Territories in failing to action strategies to ensure the retention and support of school age pregnant women and young parents.

**That the HREOC recommends that the Commonwealth and all State and Territory Governments support the re-establishment of the Ministerial Council of Employment Education and Training and Youth Affairs (MCEETYA) Gender Equity Taskforce as an expert group providing advice on gender equity strategies particularly those with respect to girls at risk.**

**That the HREOC commence investigations into the experiences of pregnant teenagers. That this investigation particularly focus on these girls experiences with respect to schooling and whether Education Department/schools are meeting their obligations under international covenants and various State/Territory and Commonwealth Anti-Discrimination laws in relation to the education of these girls.**

**That Departments of Education and Training (however titled) be encouraged to develop system wide strategies to support pregnant girls within schools. That these strategies be aimed at providing:**

- **A supportive school environment.**
- **Inclusive curriculum.**
- **Practical support and flexibility in terms of the organisation of study and attendance time and the provision of facilities and services.**
- **Access points for students to make links with other agencies and service providers.**
- **Planning, monitoring and evaluative processes to review the success of these strategies overtime.**

**That State and Territory Departments of Education (however titled) be encouraged to gather and publish statistics on the number of teenage girls who become pregnant whilst at school and their retention rates.**

# **APPENDIX A**

AEU Policies on:

- Elimination of Sexism in Education and Employment (1988)
- Gender Equity (1996)