

# Pregnancy in Work and Study Procedure

## Section 1 - Purpose / Objectives

(1) Nil

## Section 2 - Scope / Application

(2) Nil

## Section 3 - Definitions

Miscarriage	Any pregnancy loss up to 20 weeks after conception.
Late Pregnancy Miscarriage	A miscarriage which occurs more than 13 weeks after conception.
Potentially Pregnant	Refers to a woman who may be pregnant and/or who is trying to become pregnant.
Reasonable Adjustments	Refers to changes in working arrangements or the physical environment to ensure equal opportunity in employment. Employers have a legal obligation to provide reasonable accommodations or adjustments for staff with a disability or impairment (Equal Opportunity Act (Vic) 1995 and Disability Discrimination Act (Cth) 1992) or those who have parental or carer responsibilities (Equal Opportunity Act (Vic) 1995).
Risk Period	A period during which the health and safety of a pregnant or potentially pregnant woman is at risk under the existing work or study conditions.
Staff	All persons employed by the University.
Stillbirth	Pregnancy loss more than 20 weeks after conception.
Student	A person who is enrolled in any VU program. This includes students on leave of absence from their studies; research students awaiting thesis examination results; and persons enrolled or registered in non-award programs.
Supervisor/Manager	All University staff members with a responsibility for the management or supervision of staff.
University or VU	Victoria University
Unjustifiable hardship	Adjustments or accommodations which would impose a hardship on the employer (in the case of adjustments to enable a person to perform the inherent requirements of a job) and which would be unreasonable in the circumstances.

## Section 4 - Policy Statement

(3) See [Pregnancy in Work and Study Policy](#).

# Section 5 - Procedures

## Fair and Equitable Treatment

(4) Pregnant and potentially pregnant employees and students must be treated in a fair and equitable manner in accordance with the University's equity and equal opportunity policies and with state and federal anti-discrimination legislation. An employee's work or a student's enrolment and study terms and conditions must not be adversely affected or any other benefit denied, on the basis of pregnancy or potential pregnancy unless requested by the staff member or student, or a health and safety risk is identified and proper consultation and negotiation with the affected staff member or student is undertaken.

## Reasonable Adjustments

(5) Appropriate change and adjustments in the workplace and student environment in relation to pregnant or potentially pregnant staff and students will be made wherever practicable in the following scenarios:

- a. Where direct or indirect discrimination towards pregnant or potentially pregnant staff and/or students has been identified;
- b. Where a health and safety risk to the pregnant or potentially pregnant staff member or student has been identified by the staff member or student, by the manager/supervisor or teacher, or by an OHS representative; or
- c. Where medical issues associated with pregnancy or potential pregnancy arise.

(6) Any reasonable adjustments will be discussed with the staff member or student concerned as well as other affected staff and/or students.

(7) Reasonable adjustments for staff may include (but are not limited to):

- a. Reduced hours (with corresponding pro-rata salary decrease);
- b. Adjusted start and finish times;
- c. Increased breaks of shorter duration;
- d. Temporary changes in duties (for example reduction in the amount of time spent standing, travelling, relief from lifting or exposure to substances potentially harmful to the woman or her child); and
- e. Changes in workplace conditions (for example exemption from wearing a uniform, provision of an ergonomic desk, or of seating for roles usually conducted standing).

(8) Reasonable adjustments for students (including postgraduate students and students on placement) may include (but are not limited to):

- a. Increased breaks of shorter duration;
- b. Temporary changes in study requirements (for example reduction in the amount of time spent standing, relief from lifting or exposure to substances potentially harmful to the woman or her child); and
- c. Changes in study conditions (for example exemption from wearing a uniform, provision of an ergonomic desk, or of seating for roles usually conducted standing).

## Medical Certification

(9) A medical certificate stating that the staff member or student is unable to safely work under the existing conditions must be provided prior to any change in working conditions, transfer to safe duties or the commencement of leave related to the pregnancy or potential pregnancy.

(10) Transfer to safe work or study or the taking of leave must commence as soon as practicable after the manager/supervisor or teacher receives a certificate stating that it is not safe for the employee or student to work/study.

a. Certification Requested by the University

- i. Where a manager or teaching staff believes there may be a health and safety risk to a pregnant staff member or student, or to others associated with a pregnant staff member or student, the staff member or student will be requested to provide medical certification within seven days. Certification will relate to the student/staff member's safety in fulfilling the requirements of the course/position.

b. Certification to Return to Substantive Position

- i. If the risk period ends prior to the commencement of Maternity Leave the staff member or student must present a medical certificate stating that it is safe for her to return to her substantive position and conditions.

### **Transfer of Staff to Safe Duties or Conditions**

(11) Where occupational health and safety and medical issues cannot be addressed in the substantive work area, or under the existing work conditions, the University may temporarily transfer a pregnant or potentially pregnant staff member to a comparable position in another area.

(12) The staff member will retain their substantive position and full rate of pay (for the position held immediately before the transfer) for the hours that she works in the risk period and with no other change to the employee's terms and conditions of employment.

(13) The staff member will return to their substantive position at the end of the risk period or, with due consideration to any contracts for replacement staff, when it is safe and appropriate to do so.

a. 'No Safe Job' Leave

- i. If no appropriate safe job is available the staff member will be granted paid 'No Safe Job' Leave' for the risk period at the staff member's base rate of pay for the staff member's ordinary hours of work in the risk period.
- ii. Entitlement to 'No Safe Job' Leave ends when the period of Maternity Leave commences — which for the purpose of 'No Safe Job' Leave shall be no later than 6 weeks prior to the expected date of confinement or the date at which the pregnancy ends (whether due to the birth of the child, miscarriage or still birth), whichever should occur earlier.
- iii. Unpaid Maternity Leave is reduced by any amount of paid 'No Safe Job' Leave. A staff member may, however, request to extend unpaid maternity leave as per the provisions outlined in the Parental Leave Policy and relevant Industrial Agreement.

### **Transfer of Students to Safe Environment and Conditions**

(14) Where occupational health and safety and medical issues cannot be addressed in the study environment, or under the existing study arrangements, a student may not be in a position to continue the course or to meet the inherent requirements of a course or subject. In such circumstances leave of absence or other reasonable options may be explored to ensure that the University meets its health and safety obligations and disadvantage to the student is minimised.

### **Sick Leave**

## **Staff**

(15) Pregnant or potentially pregnant staff may use sick leave for the purposes of recuperation from pregnancy-related illness (including illness associated with fertility treatment) or to attend prenatal medical or associated appointments. Where all sick leave has been used staff may take other forms of paid leave such as annual leave, time-off-in-lieu or long service leave. Where all paid leave options have expired a staff member may apply for leave without pay.

## **Students**

(16) Pregnant or potentially pregnant students may apply for leave from study in consultation with teaching staff. Where appropriate and possible, alternative arrangements should be made in relation to class time or assessment.

## **Termination, Miscarriage or Stillbirth**

(17) Staff and students who terminate or miscarry are entitled to access normal sick leave arrangements as per clauses (16) and (17) of these procedures.

(18) A staff member who has a medically defined late pregnancy miscarriage or the birth of a stillborn child and who has commenced paid maternity leave may request to complete some or the balance of their paid maternity leave.

## **Potential Risks**

(19) Staff and students should be aware of any potential risk to pregnant or potentially pregnant staff or students and actively address these when they arise. These include, but are not limited to:

- a. Dangerous goods/hazardous substances;
- b. High risk physical tasks (eg. heavy lifting, tasks requiring constant use of stairs or long periods of standing or working on ladders);
- c. Seating;
- d. Working outside; and
- e. Infectious diseases.

## **Harm minimisation procedures**

### **Disclosure**

(20) Staff and students who are pregnant should, but are not obliged to, advise their supervisor or teacher and discuss their needs in relation to work and study. The University acknowledges that women who are pregnant may not yet have had their pregnancy confirmed and/or may not wish to disclose their pregnancy. It also acknowledges that women who are trying to become pregnant may not wish to disclose this information. Where disclosure is not made, staff and students should acknowledge the limitations this may place on the University in relation to minimising risk and making appropriate adjustments. The University will take all reasonable steps to ensure that all staff and students are aware of potential work and study related risks to pregnant and potentially pregnant women, and that where possible risks are minimised and staff and students are aware of how they may gain further information and advice.

(21) All supervisors and teaching staff should treat pregnancy advice seriously and sensitively. Factors to consider when in receipt of such advice include the:

- a. Case by case nature of each woman's circumstances;
- b. Need for confidentiality;
- c. Need for flexible hours, particularly for medical appointments;
- d. Seeking of advice from Human Resources, Staff Equity and Student Equity.

## **Keeping in Touch provisions (Staff)**

(22) The University provides for keeping in touch with staff on Parental leave. This involves supervisors making all reasonable efforts to keep in touch with their staff who are absent from work because of pregnancy or on parental leave and keeping them informed of workplace matters, particularly workplace change. For further information on these provisions, refer to the relevant Human Resource Advisor and the University's Human Resources web-site .

## **Section 6 - Guidelines**

(23) [Parental Leave and Returning to Work Toolkit](#) (located under 'Flexible work and parental leave').

## Status and Details

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