



PARLIAMENTARY BUDGET OFFICE

NSW Parliament • Parliament House, Macquarie Street Sydney 2000

Election Costing Request Form

Details of request	
Party:	Australian Labor Party (NSW Branch)
Name of Policy:	Pregnancy, return to work and pay discrimination
Date of request:	12 February 2015

Description of policy	
Summary of policy (please attach copies of relevant policy documents):	See <u>Attachment 1.</u>
What is the purpose or intention of the policy?	Improve protections for pregnancy and related areas of discrimination.
Has the policy been publicly released yet?	

Your estimated costing of the policy ¹						
	2014/15 \$'000	2015/16 \$'000	2016/17 \$'000	2017/18 \$'000	Other years ² \$'000	Total \$'000
Impact on General Government Sector (GGS) net operating result ³	-	-	-	-	-	-
Impact on GGS capital expenditure ⁴	-	-	-	-	-	-
If different from above, impact on total State Sector net financial liabilities ⁵	-	-	-	-	-	-

¹ Amounts should be expressed in nominal dollars. GGS - General Government Sector.

² Please provide information on other years if spending occurs outside the forward estimate years and will be required to cost the policy.

³ Negative for a saving that reduces expenditure

⁴ Negative for a reduction in capital expenditure.

⁵ Only required if proposal is outside GGS. Negative for a reduction in net financial liabilities.

Key assumptions made in the policy	
Does the policy relate to a previous announcement? If yes, which announcement?	No.
What assumptions have been made in deriving the financial impacts in your estimated costing? <i>(See checklist)</i>	This policy is primarily regulatory in nature. Potential costs associated with administering the regulation are to be absorbed within existing agency resourcing. Any costs associated with implementing the regulation in the NSW public sector are to be absorbed within existing resourcing.
Is there a range for the costing or any sensitivity analysis that you have undertaken?	No.
Are there associated savings, offsets or expenses? If yes, please provide details.	Regulatory oversight associated with this policy should be met from within the Office of Industrial Relations' existing resourcing.

Administration of policy	
Intended date of implementation:	Upon formation of government.
Intended duration of policy:	Over the forward estimates.
Who will administer the policy (e.g. Government entity, non-government organisation, etc.)?	Office of Industrial Relations.
Are there any specific administrative arrangements for the policy that need to be taken into account?	Legislative change will be required for some elements of the policy.
Are there transitional arrangements associated with policy implementation?	No.

If the policy is mainly an expenditure⁶ commitment	
Demand driven or a capped amount:	N/a.
Eligibility criteria or thresholds:	..

⁶ Expenditure is operating expenses, e.g. salaries, interest cost and grants. Expenditures are fully included in the impact on operating balance.

Attachment 1 – Pregnancy, return to work and pay discrimination

Labor government will amend NSW discrimination laws to include a positive legal duty on employers to reasonably accommodate:-

- the needs of workers who are pregnant and/or have carer/ family responsibilities; and
- requests for flexible working arrangements.

This will include an obligation on the employer to respond in writing to any request for flexible or changed work within 28 days. This obligation will apply to any request made by a worker who is pregnant or is returning, or has returned, to work after pregnancy, or has family/carer responsibilities.

Where a request is declined, it must be declined for a proper reason being a reason not related to the employee being pregnant or returning to work after pregnancy, or having family/carer responsibilities.

In addition, Labor in government will legislate for:

- new protections from redundancy, dismissal and the non-renewal of contracts for employees who are pregnant, on parental leave or have family and caring responsibilities; and
- improved pay discrimination laws, including mechanisms for inquiry, evaluation and correction of gender pay discrimination.

A Labor Government will also:-

- co-ordinate across all government and statutory agencies the production and communication of information about employer obligations, employee rights and leading practices and strategies;
- develop materials for employers regarding legal obligations in relation to the work health and safety needs of pregnant employees, employees undergoing fertility treatment and those returning to work after childbirth, miscarriage or stillbirth. This material will be developed with a view to the introduction of a code of practice under the *Work Health and Safety Act*.
- collaborate with peak bodies from business, unions and community, to develop these materials and assist with their delivery.

As an employer a Labor Government will:

- ensure the effective delivery and communication of relevant materials and leading practices and strategies throughout all public sector agencies, particularly to line managers have responsibility for managing pregnant employees, employees on parental leave those returning from parental leave;
- identify and remove harmful stereotypes and eliminate practices and behaviours that perpetuate harmful stereotypes including through reviewing and auditing existing policies; revising policies and practices; reviewing how information is provided to managers and employees; training all employees, including line managers; and monitoring and evaluating the implementation of policies and practices which support pregnant employees and all working parents; and
- create a dedicated unit within the Office of Industrial Relations to develop practical solutions that address discrimination faced by pregnant women and mothers in workplaces across NSW and assist to combat pregnancy, return to work and pay discrimination.⁷

⁷ To be developed within the resources currently allocated to the OIR