



## Experiences of Discrimination at the Workplace Based on Parenthood

Summary of Case Studies conducted in Austria and Croatia:  
'Parents@Work – Changing Perceptions!'

Authors of the Austrian Report: Aufhauser, Katharina, Bergmann, Nadja,  
Pretterhofer, Nicolas, Sorger, Claudia & Wagner-Steinrigl, Sabine

Authors of the Croatian Report: Kučer, Lana & Tkalčec, Anamarija

Vienna, Zagreb, April 2020



 Gleichbehandlungsanwaltschaft



Centar za edukaciju, savjetovanje i istraživanje



Supported by the Rights, Equality  
and Citizenship Programme  
of the European Union (2014-2020)



The content of this report represents the views of the authors only and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

# 1 Introduction

The first activity of the project 'Parents@Work: Changing Perceptions!' was researching workers' perceptions and impressions of discrimination or difficulties they experienced in the workplace or in employment because they were or would become parents. The purpose is to better understand which underlying problems employees who are parents might face alone due to the fact that they try to reconcile personal and professional life, and how they perceive their employers dealing with this fact.

First, this report looks at answers to causes and manifestations of discrimination or other difficulties that parents experience in their workplaces. Second, the goals are to find out what helps parents in these situations, what they expect from employers and how such problems can be avoided in the future.

Focusing on these topics two studies were conducted, one in Austria and one in Croatia, picking two different methodological approaches. In Austria 18 qualitative face-to-face interviews with persons, who experienced discrimination because of (upcoming) parenthood, were conducted and analysed. In Croatia a total of 40 cases were analysed. The first part was conducted through an online questionnaire (32) and telephone interviews (2). The second part of the report analyses cases from the Ombudswoman's for gender equality's archive and was conducted through telephone interviews (3) and by analysis of discrimination cases (3). In both cases the researchers were supported by the national equality bodies, Ombud of Equal Treatment in Austria and Ombudswoman for gender equality of the Republic of Croatia.

We would like to express our sincere thanks to all employees for taking part in the case studies and for sharing their experiences with us – in the hope to contribute considerably to the improvement of others parents' working situation in near future.

## 2 Case Studies Austria

In Austria the data collection was carried out by conducting 18 qualitative interviews with persons, who experienced discrimination regarding their parenthood at their workplace. All of the interviewees were (former) clients of the Austrian Ombud for Equal Treatment (OET), the cooperation with this organisation is also the way how the interviewees were acquired. Among them there are 13 women and 5 men, most of them with high education and therefore also in high professional positions. 12 of them live in Vienna, the other 6 come from different federal countries in Austria (Styria, Lower Austria, Salzburg and Tyrol). The interviewees were distributed on the following branches of business: information technology (3), banking and finance (3), education (3), health (2), production (2), legal field (1), retail (1) and public administration (1). For reasons of anonymity, two of the interviewees did not state the branch of business they work(ed) in. Beside two, all of them experienced the discrimination during working in big companies or corporations.

The discriminating actors reacted to the interviewees (upcoming) parenthood, their (planned) parental leaves or their (planned) reduction of working time for parenthood reasons in different ways. Many of the discriminated employees lost their professional position and had to work in less favourable positions, often not fitting their level of qualification and/or experienced mobbing. Some others were fired or had to face disadvantages regarding their income. In the end, most of them had to change their workplace after they made a stand against the discriminatory practice. In the next chapter three cases will be presented to give a first idea how the story of a person discriminated at the workplace for family reasons can look like.

### 2.1 Examples of analysed cases

#### Case no.1.

Case no.1 was employed in a management position, when he told his manager, that he wants to reduce his weekly working hours from fulltime to 30 in order to spend more time with his child. (This is a legal entitlement for employees due to the Austrian „Parental Part-time Act“). After experiencing first signs of discrimination, like getting only appointments with customers at times of the day that make it impossible for him to spend time with the child, he reduced his weekly worktime to 9,5 hours a week. This was the moment when the mobbing started. When he rejected the offer of his boss to raise his weekly working time again after 5 tough years of mobbing, the situation escalated completely and the interviewee contacted the Ombud of Equal Treatment (OET)

and the Chamber of Labour to help him with. This worsened the situation at the workplace, which also led to serious health problems. Facing this situation, he saw no other option than quitting the job abruptly without getting any compensation. Therefore, he went to court afterwards, supported by the Chamber of Labour and the OET. The case was not finished at the point of time the interview was done. The interviewee documented the mobbing with protocols and sound recordings; therefore, his chances seem to be good to win the case.

### Case no.2.

When Case no.2 wanted to return from a short parental leave with reduced weekly working hours, her plan encountered heavy resistance. Especially her wish to work on fix days was rejected by the management. They convinced her to make no agreement on fix working days by promising her to fulfil her preferences according the working days as good as possible. But this was not fulfilled – on the contrary, the interviewee was transferred to a new branch very far and difficult to reach from her home and the management did not stick to her preferred working days at all. And she experienced also mobbing after her return to work: She was for example repeatedly blamed for doing something wrong for no reason. After contacting the Ombud of Equal Treatment and the Chamber of Labour she went to court against her employer. Everything ended with a compromise settlement out of court and she left the company.

### Case no.3

When she became pregnant, case no.3 was in the training process for a higher position in her company. Following her parental leave, she planned to return to her fulltime job. She was promised to achieve the promotion after her absence, but when she came back after parental leave, she was told that the position she aspired did not exist any more and her old job was given to somebody else. She was transferred to a job in another era with no real tasks (she called it a “pseudo-job”) and stayed there until her next pregnancy and the following parental leave. After that, she was offered a lower position. At this moment she contacted the Ombud of Equal Treatment with the outcome, that her employer managed to find an appropriate position for her. After a while she received a financial incentive to leave the company. Since she did not feel comfortable at her workplace anymore, she accepted the offer and left. She thinks what happened to her was very unjust, but she does not want to bring the case to court.

## 2.2 Some general conclusions

Beside displaying the individual stories of the analysed cases by showing what it means to be discriminated against at the workplace, illustrating the negative consequences of discrimination on the affected persons and making visible the difficulties experienced by the interviewees in order to combat discrimination, one additional goal of the study was to look for structural conditions that foster discrimination for parenthood reasons. Five such structural conditions were identified.

- First, stereotypical expectations on what role women and men should take on in a societal division of labour between “male” breadwinners and “female” carers, including some extra earning for mothers. This structural condition for example fosters discrimination against men, who want to reduce their working hours or consume parental leave. This deviance against the “classic” male role as the “breadwinner” was sanctioned in the analysed cases by discrimination. But also women who had children and showed career ambitions, for example after their parental leave, do not fit into this stereotype pattern und were discriminated against out of it.
- Second, the normative idea of only fulltime labour being sufficient labour was identified as a root of discrimination for parenthood reasons. Especially for management positions fulltime labour seems to be an informal requirement. The labour of parents therefore tends to be rated as insufficient, which leads to discrimination in many of the analysed cases.
- Third, the idea of parenthood as something with negative effects on the performance of an employee leads to discrimination of parents. In the analysed cases for example, the bare wish of parents to have fix working days or hours obviously led to the perception of performing badly and was rejected or at least torpedoed by the management. In the cases analysed, there was not a single evidence of parenthood being seen as a resource by the management.
- Forth, many of the discriminated persons that were interviewed talked about a lack of rules and routines regarding the parenthood of employees. This lack of implemented supporting structures in favour of (becoming) parents in companies leads to the possibility of despotism through actors on the management level. Also, the organisational culture of companies plays an important role as potential catalyst of discrimination against parents. Discrimination happened in the analysed cases often in companies, where for example reducing weekly working hours for parenthood reasons is not a usual thing to do.

- Fifth, also legal structures play an important role in the analysed cases. Most of the interviewees perceived the employer as way more powerful during their lawsuit, some did not even go to court because of this perception. So the balance of power was not there, even though the employees were all supported by counselling organisations. Those who went to court suffered specially from the long duration of the proceedings. Those, who won their lawsuits received small compensations, which did not really hurt the companies budget a lot. The outcome therefore was always worse for the discriminated ones, not for those, who discriminated.

What we also found out when analysing the different cases: These five structural conditions do not appear isolated, but interfere with each other or underlie mostly unconscious the attitude of management personnel as they are underlying society in general. Based on the identification of these five structural conditions, the final report contains recommendations on how to improve the situation of (becoming) parents in the world of work.

### 3 Case Studies Croatia

As mentioned in the introduction, in Croatia a total of 40 cases were analysed. The first part was conducted through an online questionnaire (32) and telephone interviews (2). The second part of the report analyses cases from the Ombudswoman's for gender equality's archive and was conducted through telephone interviews (3) and by analysis of discrimination cases (3).

#### 3.1 Results of the online survey (32) and interviews (2)

The respondents were 33 women and 1 man. The reasons for discrimination and negative experiences the employees experienced in their workplace are taking maternity/parental leave, pregnancy and taking sick leave due to pregnancy complications, taking sick leave for childcare and other. Most respondents were discriminated against or had negative experiences based on one reason mentioned above; however, some respondents were discriminated against or had negative experiences based on two or more. The most common manifestations of discrimination or negative experiences are negative comments/mobbing and misunderstanding of parents' needs; transfer to less favourable or a lower-paying position and denial of promotion; termination of employment; other. Unfortunately, most respondents did nothing while some tried to intervene with their employer to protect their rights and some turned to an external body/institution/organisation. The vast majority of respondents were dissatisfied with their employer's behaviour and stated that other employees had similar problems. Only three employees have started legal proceedings in front of a court, two of which are still pending, and in one case, a judgment was issued in favour of a female worker. The vast majority also declare that they know of others from their surroundings that have been in similar situations. Likewise, almost all respondents recognize the employer's behaviour as discriminatory. The following examples will give a first insights into how discrimination for parenthood reasons can look like.

## 3.2 Results of cases (6) from the Office of the Gender Equality Ombudswoman in Croatia

In analysed cases 5 complainants were women and in one case the complainant was a group of injured parties (the complaint was filed by an association). All of the complainants are employed in the public sector (6). "Reasons" for discrimination are use of maternity and/or parental leave (5) and pregnancy (2).

The manifestations of discrimination are denial of promotion (1); transfer to less favourable position (3); termination of employment (1); discriminatory employment contracts (1).

All respondents recognized the employer's treatment as discriminatory and decided to report the discrimination to Ombudswoman's for gender equality. They state that they have felt injustice and have decided to use the means at their disposal. They are all very pleased with the work and treatment of the Gender Equality Ombudswoman and feel that this has been a great help in solving their problem. 4 cases were resolved with a positive outcome, while in 2 cases the decision of the employer is still pending.

### 3.2.1 Examples of analysed cases

#### Case no.1.

The complainant (female, police officer) was prevented from taking the exam needed in order to be promoted because the time spent on maternity leave wasn't counted in time spent at work which is required to qualify for taking the said exam and therefore could not progress in her workplace. This practice was defined by an official act of the Ministry of internal affairs. The complainant, since the employer did not show her willingness to solve this problem, turned to the Ombudswoman for help. She also contacted a lawyer who advised her not to pay the expensive litigation and said the outcomes are often unfavourable in this kind of cases. She contacted her union as well, but they did not provide her with adequate help and support. The employer took into account the recommendation of the Ombudswoman and after returning from her second maternity leave the practice was changed, but the employer still refused to include the time spent on maternity leave for her first child, so she remained behind her colleagues who all required the time needed to take the exam. Even though in her case the employer changed this practice; the complainant stated that this discriminatory practice still remains the same in other parts of the country.



### Case no.2.

Upon her return from maternity leave, the complainant was assigned to a less favourable position and was denied her previous management position because the time she spent on maternity leave wasn't counted as time she spent working. As a result, she didn't have the same qualification as her male counterpart who was given this position instead of her, even though she had worked in said position for 6 years. Also, she wasn't even informed of this fact until she came back from her maternity leave. She felt this was unjust and she immediately returned on maternity leave and decided to contact the Office of the Gender Equality Ombudswoman, but she was also ready to file a lawsuit. Other female co-workers were in the same situation, but unfortunately some accepted less favourable positions while others quit. The Ombudswoman contacted the employer and issued a letter stating that the law prohibits such behaviour and that the employer is legally obligated to secure the same working position or a similar one with same working conditions upon returning from maternity/parental leave. The matter was finally resolved by agreement of the complainant and the employer who took the Ombudswoman's letter very seriously.

### Case no.3.

A group of injured parties (an association) complained about the discriminatory provision of employment contracts for workers on medical specialization in a hospital stating that if they use maternity or parental leave or sick leave due to complications in pregnancy their specialization is extended for the amount of time they spent on the leave. The Ombudswoman sent a letter to the hospital instructing it to remove the discriminatory provisions of the employment contract, which the hospital accepted, although it refused to acknowledge the discrimination, so the Ombudswoman considered it necessary to send detailed explanations of the legislative provisions applicable in this case.

## 3.3 Some general conclusions

In conclusion, we analyze several patterns that have emerged in the cases.

First, we can say that still only few women report discrimination in the workplace or in employment processes, although most recognize that they are discriminated against. Likewise, very rarely do they decide to start court proceedings. Some of the reasons for not reporting discrimination are lack of information about their rights, distrust of the legal system and institutions, and fear of dismissal or mobbing.

Second, almost all respondents were dissatisfied with their employer's behavior and felt that they did not show the willingness to solve the problem that arose. Most stated that other employees had similar problems in the workplace, and about half stated that they noticed different treatment of mothers and fathers. Two main causes of such behavior by employers have been identified. One is that often, at employer level, there are no policies or procedures set in place to address the issue of anti-discrimination in more detail, or they are not properly conducted. Therefore, it is important to work on organizational culture of companies to develop measures and procedures to address such problems in the workplace.

The second cause to note is that women continue to be perceived as contributing less to work because of their caregiving role, and also, pregnancy/parenthood is not desirable in the workplace. It is necessary to work with companies to better understand the subject of work-life balance because in the cases parents, especially mothers, did not have any support from their employers in regard to their parenthood.

Furthermore, given the impact of the legislative structure in the analyzed cases, it is important to strengthen the legislative framework regarding protection against discrimination. Also, more work should be done on informing parents about their rights. In addition, it is necessary to continuously inform the public about the work of the Gender Equality Ombudswoman and to encourage victims of discrimination to turn to this institution for protection. This especially concerns parents employed in the private sector, as they are less protected than workers in the public sector.

Although more women are recognizing discrimination and violation of their rights, more should be done to inform and educate workers and employers about discrimination and other difficulties experienced by parents in the workplace. It would also be helpful to develop tools for employers in order to improve the support and flexibility in reconciling personal and work obligations.