

Former Virgin Blue employees launch adverse action claims

Two Virgin Blue female employees made redundant last year - one while pregnant and the other on return from maternity leave - have begun adverse action claims against the airline.

Maurice Blackburn Lawyers principal Terri Butler, who is representing the women, told *Workplace Express* they will argue Virgin Blue breached the [s340](#) general protections and [s351](#) discrimination provisions of the *Fair Work Act 2009*.

Butler says both women were public relations executives who had worked together as part of an eight-person team until mid-2010 when they and another woman due to take parental leave were made redundant.

The two had 16 years service between them, and both had received positive performance appraisals during their time at the company.

Butler says the women will also claim the airline breached its parental leave policy - incorporated into their employment contract - in failing to provide for a return to their old job or a commensurate position.

As an alternative, they will claim Virgin - which maintains the redundancies were genuine - breached its redundancy policy, which requires it to consult and seek alternate employment opportunities.

The women will also claim that incidents leading up to their redundancy breached the implied term of trust and confidence in their employment contract.

Butler maintains the women were exposed to inappropriate comments about their physical appearance when pregnant and had previously "heard comments by executive management including that 'all females should be on contract so that when they get pregnant it is easy for the company to get rid of them'."

Butler says mediation before Fair Work Australia's Commissioner Chris Simpson took place on February 3, but with no resolution reached. A S.369 certificate was issued on Monday, and the claim will be filed in either the Federal Court or Federal Magistrates Court within the required 14 days.

Background

According to Maurice Blackburn Lawyers, both women lost their jobs in June last year. The first, who was pregnant, was told that her role was redundant following a restructure and there were no suitable positions that would suit her "specialist" skills.

The second woman had returned to work on a part-time basis in November 2009 following the birth of her first child, but was told in May last year that part-time employment was no longer available and she would have to go back on maternity leave. She commenced annual leave at the request of the general manager in May, but was then told that her position was also no longer required. Two jobs with the same title as her old role were subsequently advertised and recruited for.

AAP has reported that the airline had completely rejected the allegations.

"Virgin Blue is an industry leader in supporting working mothers," a spokesperson said, continuing that more than half of the airline's workforce was female and 28% of the total workforce had flexible arrangements in the last 12 months."