

# Pregnancy, parenting and the PALM scheme

by Lindy Kanan

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Reproductive justice is the human right to maintain personal bodily autonomy, have children or not have children, and parent children in safe and sustainable communities. In [a recent study](#), I explored the experiences of Pacific Australia Labour Mobility (PALM) [scheme participants](#) in relation to reproductive justice. I interviewed over 50 people, including PALM participants, employers, health professionals and other stakeholders. In this blog I share some key themes that emerged in relation to pregnancy and parenting, and offer some suggestions for policy reform.

First, pregnancy can be a time of vulnerability for PALM participants. Research participants spoke about the “shame” of being pregnant as well as fears relating to uncertainties about the costs of childbirth (or termination of pregnancy), whether they could stay in Australia to give birth, and what pregnancy would mean for their current and future PALM employment. Low uptake of antenatal care was common, as well as a tendency for women to hide their pregnancy, even up until the point of going into labour.

Second, pregnant people face discrimination at various stages of their involvement with the PALM scheme. PALM participants reported that pregnancy testing is done in their country prior to departure and that if someone is found to be pregnant, they cannot join the scheme. Pregnant PALM participants described being told by their employer that they have no option other than returning to their home country to give birth, essentially having their employment terminated. Some were told that they can keep their job but that they will have to return to Australia without the baby.

This practice seems contrary to the [Convention on the Rights of the Child](#) (CRC) which Australia ratified in 1990 and requires state parties to “ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.”

Australia's *Fair Work Act 2009* prevents employers from dismissing, demoting or treating an employee unfairly because they are pregnant. My research found that some PALM-approved employers did not have a good understanding of how to apply Australian laws in the PALM employment context.

Third, PALM participants can experience structural reproductive coercion. Research participants said that women can feel “stuck” if they become pregnant while working in Australia with the PALM scheme. Some feel like they can't keep working and earning money due to the pregnancy but that they can't go home either because the pregnancy won't be accepted by their community (for example, because it was a result of sexual coercion or assault or an “unapproved” relationship). Multiple interviewees mentioned that women face threats of violence if they return home.

Structural barriers include a 12-month waiting period for pregnancy-related services under the PALM private health insurance policies and lack of access to maternity protections such as Parental Leave Pay. PALM participants do not meet the [residency requirements](#) for Parental Leave Pay, despite long-term PALM participants being [residents for tax purposes](#).

Research participants spoke of PALM participants being left with no option but to terminate pregnancies in secret because of the stigma attached.

Fourth, pregnant people are at increased risk of “disengaging” from the PALM scheme. Related to the feeling of being stuck, mentioned above, some PALM participants have disengaged following a pregnancy, meaning that they left their employer (who is also their visa sponsor) without official permission. On a field trip to a town in regional Australia, I was told of seven different women who had “run away” after becoming pregnant.

Finally, PALM participants who give birth in Australia have limited support options. Apart from those taking part in the [family accompaniment pilot](#), PALM participants do not have access to social safety nets such as the Family Tax Benefit, Child Care Subsidy and Medicare. This situation means that some PALM participants face hardship around the period of their pregnancy and childbirth. The lack of support, together with other complex factors, means that some children of PALM participants are being adopted out or monitored by child protection services.

Beyond the previously noted apparent contraventions of the Convention on the Rights of the Child, some practices that research participants spoke about contravene the [Convention on the Elimination of All Forms of Discrimination against Women](#) which Australia ratified in 1983.

For example, CEDAW requires state parties to prohibit dismissal on grounds of

pregnancy, ensure the application of the same employment selection criteria (so, no pregnancy testing) and implement maternity leave with pay. CEDAW also requires signatories to ensure that women have access to pregnancy-related health services, granting free services where necessary, and encourages states to provide access to childcare facilities. Importantly, **CEDAW obligations apply** to citizens and non-citizens, including migrant workers.

The PALM scheme **website** states that all participating workers have **the same rights and protections as Australian workers**. My research found that this is not that case, since PALM participants do not have access to rights and protections such as paid parental leave, free pregnancy healthcare and other social protections.

Four areas warrant review in relation to pregnancy, parenting and the PALM scheme.

The first is **the 12-month insurance waiting period** for pregnancy related services, which is being **removed** for international students who take out a two-year policy.

The second is **Parental Leave Pay**, which is available for permanent migrants after a **two-year waiting period** but seemingly unavailable to PALM participants, even after being in Australia for multiple 4-year contracts.

The third is **offshore pregnancy testing**, where we might look to the example of **Taiwan** which has banned pregnancy testing of migrant workers at the point of recruitment and prohibits employers from terminating the contract of and deporting a migrant worker who becomes pregnant.

And the fourth is **childcare and social safety nets**, where Australia should extend access to Medicare, Family Tax Benefit and Child Care Subsidy from a minority of PALM workers to all.

These changes would help to ensure that PALM participants really do, as has been claimed, have the same rights and protections as Australian workers.

*Lindy Kanan will present the findings of the **'It's not illegal to be pregnant' research report on reproductive justice and the Pacific Australia Labour Mobility scheme** at the Pacific Migration Workshop on Day Three of the 2025 Pacific Update in Suva. Visit the **2025 Pacific Update website** for more information on the program and a link to the livestream.*

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