

25 September 2018

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

By email: eec.sen@aph.gov.au

Dear Committee Secretary,

Please find attached a submission to the Education and Employment Legislation Committee in relation to the *Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018* on behalf of Rape & Domestic Violence Services Australia (R&DVSA).

We thank you kindly for extending the submission date until 26 September 2018.

If you have any questions or would like to discuss further, please do not hesitate to contact me on (02) 8585 0348 or by email at kajhalm@rape-dvservices.org.au.

Yours faithfully,

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**Submission to the Education and Employment Legislation Committee in relation to the
*Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018***

1. Introduction

- a. Rape & Domestic Violence Services Australia (R&DVSA) thank the Education and Employment Legislation Committee for the opportunity to comment on the *Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018*.
- b. R&DVSA is a non-government organisation that provides a range of specialist trauma counselling services to people whose lives have been impacted by sexual, family or domestic violence and their supporters.
- c. R&DVSA endorse the submission made by the Australian Services Union (ASU) to this inquiry.
- d. We strongly support the establishment of family and domestic violence (FDV) leave as a universal entitlement in the National Employment Standards.
- e. However, in line with the ASU, we urge that the Government strengthen this initiative by affording a minimum of ten days of paid leave.
- f. In the sections below, we outline three key arguments for paid FDV leave:
 - i. Paid FDV leave will support individuals experiencing FDV to achieve safety;
 - ii. Paid FDV leave will support primary prevention efforts; and
 - iii. Paid FDV leave represents a cost-effective response to FDV.

2. Paid FDV leave will support individuals experiencing FDV to achieve safety

- a. Paid FDV leave will support individuals experiencing FDV to achieve safety for themselves and their children by allowing them to maintain continuous employment and financial security during the period of leave.
- b. Research demonstrates that FDV often has a highly disruptive impact on individuals' participation in the workforce. Individuals experiencing FDV may need to take time off work to deal with injuries or trauma impacts experienced by themselves or their children as a result of the violence. Crucially, individuals may also require time off in order to

make life-saving safety arrangements, such as finding urgent accommodation, attending appointments with police and lawyers, or attending court dates.

c. As a result of these disruptions:

The evidence is that women with a history of domestic violence have a more disrupted work history, are consequently on lower personal incomes, have had to change jobs more often and are employed at higher levels in casual and part time work than women with no experience of violence.¹

d. This effect is highly concerning given that being in employment represents a key pathway to leaving violence relationships.² Paid employment offers numerous supports which can be critical in escaping violence: financial security, independence, social networks and higher self-esteem. It may be both a precondition to leaving a violent relationship as well as a protective factor against returning to violent circumstances.

e. The provision of FDV leave entitlements aims to resolve this problem by allowing individuals to take time of work in order to secure their safety while maintaining continuous employment.

f. However, so long as FDV leave is unpaid, many individuals experiencing violence will be required to make a false choice between financial security and safety.

g. R&DVSA submit that the provision of pay during FDV leave is vital for several reasons:

i. *To ensure the entitlement is accessible to all people experiencing FDV, who may not have sufficient financial resources to take five days of unpaid leave.* In June 2018, one in four Australian households had less than \$1000 in cash savings³ and 13 percent of Australians were living in relative poverty.⁴ Research shows that on average, people experiencing FDV suffer a 25% loss of income associated with the abuse.⁵ They are also more likely to experience food insecurity, to struggle to find affordable housing and to cover the basic essentials like utility bills.⁶ Thus, for many individuals experiencing FDV, it is simply not possible to forgo a full week of wages in order to take unpaid FDV leave.

ii. *To support people experiencing FDV to fund those additional costs associated with escaping violence.* Research shows that leaving an abusive relationship can be costly. This includes the cost of relocation, medical and counselling bills, increased transportation costs due to moving house or loss of access to a car, as

¹ McFerran, L. (2011). *Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey (2011)*. Sydney: Australian Domestic and Family Violence Clearinghouse and Centre for Gender Related Violence Studies, University of New South Wales, 2.

² Ibid.

³ ME Bank, *Household Financial Comfort Report*, 14th ed, June 2018, 2.

⁴ Australian Council of Social Service and the Social Policy Research Centre, *Poverty in Australia Report 2016*, October 2016.

⁵ Mark W. Smith, (2001), Abuse and work among poor women: Evidence from Washington State, in Solomon Polachek (ed.) *Worker Wellbeing in a Changing Labor Market (Research in Labor Economics, Volume 20)* Emerald Group Publishing Limited, pp.67 - 102

⁶ Kate Farhall, 'Why family violence leave should be paid', *The Conversation*, 28 March 2018, <https://theconversation.com/why-family-violence-leave-should-be-paid-94113>.

well as loss of earnings. The Australian Council of Trade Unions estimates that leaving a violent relationship takes on average \$18,000 and 141 hours.⁷ Paid FDV leave may reduce one source of financial pressure during this time of hardship.

- iii. *To recognise that people experiencing FDV should not be financially penalised as a result of their victimisation.* R&DVSA believe that it is every person's human right to live a life free from violence. The provision of paid FDV serves to acknowledge that safety is a basic right, rather than a privilege to be earned.
- h. Financial security represents a critical building block to achieving safety from violence.
- i. The Government has gone some way to recognising this principle in establishing a scheme for FDV leave. We now urge the Government to go one step further by guaranteeing that every worker is entitled to ten days of paid FDV leave.

3. Paid FDV leave will support primary prevention efforts

- a. Workplaces represent "a largely untapped resource in the work of primary prevention of men's violence against women".⁸
- b. To understand how workplace initiatives such as paid FDV leave might contribute to primary prevention efforts, it is necessary to first consider how workplaces contribute to the problem of FDV. As Holmes and Flood explain:

First, workplace gender inequalities – including unfair divisions of labour and power and norms of male dominance – contribute to women's economic and social disadvantage and men's privilege. Workplaces thus can intensify the wider gender inequalities in which violence against women flourishes. Second, the cultures of some workplaces encourage and institutionalise violence-supportive social norms. Women in these institutions or in contact with their members face greater risks of victimisation, and the male members are more likely than other men to tolerate and perpetrate violence. Third, workforces can contribute to violence against women through the ways in which they respond to employees who are victims of violence or its perpetrators.⁹

- c. Initiatives such as FDV leave may serve to redress workplace norms that contribute to gender inequality and violence.
- d. At a workplace level, the introduction of FDV leave may challenge attitudes and workplace cultures that support or condone violence against women. It may assist individual staff and managers to recognise and respond to signs that an employee might be experiencing violence at home. Further, as the Victorian Royal Commission into

⁷ SBS World News, 'Cost of fleeing violent relationship is \$18,000 and 141 hours: ACTU', 13 November 2017, <https://www.sbs.com.au/news/cost-of-fleeing-violent-relationship-is-18-000-and-141-hours-actu>.

⁸ Scott Holmes and Michael Flood, 'Genders at Work: Exploring the role of workplace equality in preventing men's violence against women', *White Ribbon Research Series – Preventing Men's Violence Against Women*, Publication No. 7, 6.

⁹ *Ibid* 4.

Family Violence stated, “Such programs ... offer an opportunity to build a respectful and gender-equitable workplace culture.”¹⁰

- e. At a societal level, the introduction of FDV leave may contribute to gender equality by reducing women’s economic and social disadvantage. Where women lose employment as a result of FDV, there are likely to be flow on effects throughout their career. As noted above, one US study estimated that women abused as adults earned at least 25% less than women who were not abused.¹¹ Thus, initiatives such as FDV leave which aim to reduce the impact of FDV on women’s career progression may be instrumental in redressing economic inequality along gendered lines.

- f. As Homes and Flood state:

Work has also been one of the most significant ways that men have built and maintained dominance over women in most cultures. Therefore, any actions that advocate for work and workplaces to be gender-equitable will have impacts far beyond the workplace itself.¹²

4. Paid FDV leave represents a cost-effective response to FDV

- a. Research shows that FDV results in diminished workplace productivity and participation. Key impacts include “higher rates of absenteeism, loss of productivity, reduced employee morale and increased need for support in the workplace for victims”.¹³
- b. FDV also has a direct impact on the economy. The cost to the Australian economy of women experiencing physical violence, sexual violence or emotional abuse by a partner is estimated to be \$12.6 billion. The economic cost for women who have experienced any type of violence is estimated to be \$21.7 billion, and if no further action is taken, is projected to rise to \$323.4 billion over a thirty year by 2044-45.¹⁴
- c. According to a recent study conducted by the Australian Institute Centre for Work, the total cost to employers of providing paid FDV leave is likely be between \$80 and \$120 million per year.¹⁵ This cost represents a fraction of the cost imposed by FDV on

¹⁰ State of Victoria. (2014-16). *Royal Commission into Family Violence: Report and recommendations*, Vol III, Parl Paper No 132, 39.

¹¹ Mark W. Smith, (2001), Abuse and work among poor women: Evidence from Washington State, in Solomon Polachek (ed.) *Worker Wellbeing in a Changing Labor Market* (Research in Labor Economics, Volume 20) Emerald Group Publishing Limited, pp.67 - 102

¹² Scott Holmes and Michael Flood, ‘Genders at Work: Exploring the role of workplace equality in preventing men’s violence against women’, *White Ribbon Research Series – Preventing Men’s Violence Against Women*, Publication No. 7, 9.

¹³ Wells, L., Lorenzetti, L., Carolo, H., Dinner, T., Jones, C., Minerson, T., & Esina, E. (2013). *Engaging Men and Boys in Domestic Violence Prevention: Opportunities and promising approaches*. Calgary, AB: The University of Calgary, Shift: The Project to End Domestic Violence, 19.

¹⁴ PWC, *A high price to pay: The economic case for preventing violence against women*, November 2015.

¹⁵ J Stanford, *Economic aspects of paid domestic violence leave provisions*, The Australia Institute Centre for Future Work, December 2016, 3.

Australia's economy. Moreover, the study found that the cost to employers would be "largely or completely offset" by reduced staff turnover and improved productivity.¹⁶

- d. Thus, paid FDV represents a cost-effective approach to redressing the devastating social and financial impacts of FDV on society.

¹⁶ Ibid.