

Paid domestic and family violence (DFV) leave



Employment is a crucial pathway for women escaping violent relationships.

Sustained periods of employment can provide financial security, independence, social networks and increased self-esteem (Australian Council of Trade Unions, 2016). Paid domestic and family violence (DFV) leave is important for minimising disruption to incomes while women end violent relationships and for reducing the adverse financial impact of violence on women (Cortis & Bullen, 2016).

How does domestic and family violence impact workplaces?

- In Australia, 62% of women subject to intimate partner violence are employed (Cortis & Bullen, 2016).
- Domestic and family violence can act as a barrier to sustaining work, including where the perpetrator interferes and sabotages employment through tactics of stalking, abusive phone calls and harassment. This can result in reduced productivity, absenteeism and illness and job losses (Franzway et al., 2007).
- Around one in ten women took some time off work due to violence from a current partner, and one in five took time off due to violence from a previous partner (Australian Bureau of Statistics, 2017).
- The impact of violence against women and their children is estimated to cost employers in Australia nearly \$2 billion a year (KPMG, 2016).

What are employers' legal obligations?

- Currently, employers are obliged under state and federal laws to ensure all staff have a safe workplace free from discrimination and harassment (Our Watch, 2018).
- As part of its four-yearly review of modern awards, in 2018, the Fair Work Commission ruled that workers covered by the awards would be able to access five days of unpaid domestic violence leave a year.

Are other leave provisions suitable in domestic and family violence situations?

- Personal/carers leave can only be used where the employee is not fit for work, or they are caring for a sick member of their family. The eligibility criteria for personal leave do not necessarily cover situations that arise due to domestic and family violence, such as to attend court, seek specialist services or relocate (ACTU, 2016).
- Annual leave is ordinarily taken for planned absences, where the employee has given the employer as much notice as is required or otherwise by agreement. This will not always be workable for victims/survivors of domestic and family violence, where they may need to take urgent action (ACTU, 2016).

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What are the benefits of paid domestic and family violence leave?

- The cost to employers of having to provide paid domestic and family violence leave will be significantly offset by the benefits of providing paid DFV leave (Kahui, 2014).
- Benefits include: a demonstration that organisations are committed to their staff; raising awareness of domestic and family violence as a workplace and social issue; and enhancing the overall reputation and status of organisations (Breckenridge et al., 2015).
- The experience of employers who have already implemented DFV leave entitlements demonstrate that few employees will apply for this leave (ACTU, 2016).

Is paid domestic and family violence leave suitable for perpetrators?

- There has been contention around whether paid DFV leave should be made accessible to perpetrators of domestic and family violence, including to attend court or counselling.
- Some, including the Australian Council of Trade Unions (ACTU), have said this is not appropriate (Karp, 2016), while some leave provisions, including those set out by the Queensland Public Service Commission (2015), allow perpetrators to access paid leave to address their behaviour.
- Offering appropriate support options to all affected employees (victims, perpetrators seeking behaviour change, bystanders, carers or those assisting) may help to achieve better outcomes (Council of Australian Government, 2016).

What else can workplaces do?

- Workplaces are a key setting for the prevention of violence against women, not only because violence can occur within the workplace, but because workplaces significantly influence our attitudes, beliefs and behaviour, in both our personal and professional lives. Every conversation, policy and action in the workplace has the potential to either reinforce or challenge gender inequality (Our Watch, 2018).
- Industrial entitlements are an important recognition of the relationship between work and domestic and family violence and the impetus for a more comprehensive breadth of initiatives that might also be employer-led (ACTU, 2016).
- In their 2012 review, the Australian Law Reform Commission (2012) found that, at a minimum, enterprise agreements should:
 - include a statement outlining when and what type of verification of domestic and family violence may be required;
 - ensure the confidentiality of personal information supplied;
 - establish lines of communication for employees;
 - set out relevant roles and responsibilities of employers and employees; and
 - provide flexible working arrangements.

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(Kahui 2014).

- In addition, the Queensland Public Service offers employees affected by DFV other reasonable adjustments, including:
 - job redesign or changes to duties;
 - changes to working hours or patterns of work;
 - alternative suitable employment in other teams, offices and locations;
 - changes to email address and telephone numbers; and
 - secure parking. (Queensland Public Service Commission, 2015)

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