

ANROWS

AUSTRALIA'S NATIONAL RESEARCH
ORGANISATION FOR WOMEN'S SAFETY
to Reduce Violence against Women & their Children

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600
By email: eec.sen@aph.gov.au

Re: Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022

Dear Senator Tony Sheldon

ANROWS thanks the Senate Education and Employment Legislation Committee for the opportunity to respond to the inquiry into the Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022.

ANROWS is an independent, not-for-profit company established as an initiative under Australia's *National Plan to Reduce Violence against Women and their Children 2010–2022* (the National Plan). Our primary function is to provide an accessible evidence base for developments in policy and practice design for prevention and response to violence against women, nationally. Every aspect of our work is motivated by the right of women and their children to live free from violence and in safe communities. We recognise, respect and respond to diversity among women and their children, and we are committed to reconciliation with Aboriginal and Torres Strait Islander Australians.

Primary funding for ANROWS is jointly provided by the Commonwealth and all state and territory governments of Australia. ANROWS is also, from time to time, directly commissioned to undertake work for an individual jurisdiction, and successfully tenders for research and evaluation work. ANROWS is registered as a harm prevention charity and deductible gift recipient, governed by the Australian Charities and Not-for-profit Commission (ACNC).

This submission is focused on the enduring financial impacts faced by victims and survivors of domestic and family violence and the importance of paid domestic and family violence leave in ensuring women's safety. It draws on evidence from rigorous peer-reviewed research, including relevant ANROWS research. We would be very pleased to assist the Committee further, as required.

Yours sincerely

Padma Raman PSM
Chief Executive Officer

19 August 2022

The Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022

The Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022 (the Bill) provides for 10 days of paid domestic and family violence (DFV) leave for full-time, part-time and casual employees at their full rate of pay. ANROWS supports the Bill as it offers a protective factor for women in maintaining continuous employment, supports economic security, and does both for a cohort who often experiences enduring economic stress.

The below sets out the evidence underpinning our support of the Bill.

Government policies should aim to support women in the workforce

Women's participation in the workforce is a central factor in economic security. However, the Australian Government's *Women's Budget Statement 2022–23* reflects that women are more likely to be in lower-paid occupations in part-time or casual work (Payne et al., 2022, p. 27). The gender pay gap is also well documented: while it has been decreasing in recent years, it remains at 22.8 per cent, with men earning on average \$25,800 per year more than women (Workplace Gender Equality Agency [WGEA], 2022). Women take home 77 per cent of men's earnings, and more than 85 per cent of Australian employers pay men more than women (WGEA, 2022). Support for women in the workforce, therefore, is crucial.

Sustained employment has many advantages: financial security, independence, social networks and increased self-esteem (Australian Council of Trade Unions, 2016 as cited in ANROWS, 2019a, p. 1). All of these factors are especially beneficial for women who are experiencing, or have experienced, DFV. Paid employment can be fundamental to a woman's ability to safely exit an abusive relationship (Fitz-Gibbon et al., 2021, p. 5).

Domestic and family violence has enduring negative financial impacts, including affecting paid employment

There is a large body of evidence that points to the detrimental financial impact of DFV. DFV generally raises the risk of poverty, and there are costs associated with escaping abuse (Cortis & Bullen, 2016). Cortis and Bullen (2016) found that financial issues are a major factor in women's decisions about whether to stay in or leave a violent relationship, given that economic difficulties arising from violence – including losing property and assets upon separation – increase women's economic hardship in the long term. Even when overt financial abuse is absent, DFV creates enduring economic stress, and individual victims of violence unfairly bear this economic burden of violence (Cortis & Bullen, 2016).

DFV can also directly and indirectly impact paid employment in many ways, including where the perpetrator interferes and sabotages employment through tactics of stalking, abusive phone calls and harassment (Franzway et al., 2007). For victims and survivors, violence has a negative impact on job satisfaction, remuneration and employment stability, and these effects can persist for several years after the violence has ended (Crowne et al., 2011).

There are many ways in which leaving a violent relationship can impact employment, including through the following:

- housing needs (a woman may be in the process of moving, have moved further away, have appointments to secure alternate housing, or have to fulfill requirements as part of refuge housing; see ANROWS, 2019b)
- legal needs (for example, meetings with lawyers or police, lengthy court cases involving multiple appearances, collecting information for court cases; see Langton et al., 2020; Maher et al., 2018; Wangmann et al., 2020)
- other financial needs, for example social security appointments (for research on the economic harms associated with leaving a violent relationship, including Centrelink debts, see Cortis & Bullen, 2016; Morgan & Boxall, 2022; Sleep, 2019)
- medical needs, such as therapy or doctor's appointments (see Salter et al., 2020 for research on the health and psychosocial challenges faced by DFV victims and survivors who experience complex trauma; for an overview of the serious impacts DFV has on women's physical and mental health, see Webster, 2016)
- childcare needs that may have arisen from moving, a lack of a secure place for care, or children's appointments (for a discussion of the resources DFV victim and survivors need to leave an abusive relationship in the context of the COVID-19 pandemic, including affordable childcare options, see Morgan & Boxall, 2022).

It is unsurprising, then, that the latest Personal Safety Survey found that 15 per cent of women who were working while experiencing violence from their current partner took time off work as a result, with that figure rising to 29 per cent of women who experienced violence from their most recent previous partner (ABS, 2020).

Paid domestic and family violence is an important step forward

Paid DFV leave is a necessary consideration in the context of how to increase women's ability to avoid violence or leave violent relationships. Previous ANROWS research has argued that paid DFV leave is necessary to reduce the negative financial impacts of violence on women, particularly when they are ending violent relationships (ANROWS, 2019a). Promising findings from the Workplace Gender Equality Agency's *2020–21 Data Snapshot* indicate that more than half (51%) of employers offered paid DFV leave in 2020–21, up from just over one in 10 (12%) in 2015–16 (WGEA, 2022).

ANROWS currently provides employees with up to 20 days of paid DFV leave. If that leave is exhausted, personal/carers' leave and annual leave may also be taken. Employees are also entitled to request changes to working hours (all employees at ANROWS also work according to a flexible working hours policy), vary their working pattern, or change their work location (including to work from home). The ANROWS DFV workplace policy outlines procedures, roles and responsibilities for staff, including guidelines for responding to disclosures, options for support through the Employee Assistance Program, and provision of IT support where necessary.

Despite this progress, there is still much work to be done to ensure that women experiencing DFV can access workplace support. A recent project conducted by a team from Monash University identified that, in line with best practice recommendations emerging in Australia and internationally, and based on consultation with victims and survivors, there is a need for workplaces to ideally provide unlimited paid DFV leave – but at minimum, they should provide 14 days of paid leave (Fitz-Gibbon et al., 2021, p. 5).

Along with benefits to the victim and survivor of DFV, the benefits to employers choosing to implement paid DFV leave include making a demonstration that their organisation is committed to its staff; raising awareness of DFV as a workplace health and safety, as well as social, issue; and enhancing the overall reputation and status of the organisation (Breckenridge et al., 2015).

Recommendations

1. Given what we know about the nature of women's employment, inclusion of access to leave for both part-time workers and casuals should be retained.
2. Payment for leave at the actual rate of pay (and not base rates) should be retained. Not only does this ensure that actual income matches expected income, but this arrangement is less likely to come to the attention of the perpetrator if the woman is still in the relationship.
3. To minimise the risk of discrimination, and to facilitate environments where staff are comfortable applying for leave, a coordinated effort to educate employers specifically, and the community more generally, on the economic and health impacts of experiencing DFV will be necessary. Appropriate redress – and ensuring this is well known by employees and employers alike – will also be fundamental.
4. Research into, and evaluations of, the efficacy of DFV policies will be important to reviewing the future of paid DFV leave (whether people are taking the leave and in what circumstances, and the experiences of both employers and employees).
5. The 10-day allowance for DFV leave should be reviewed as it currently sits below what the research recommends, which is unlimited paid leave or, at a minimum, 14 days paid leave.
6. Amending the definition of DFV in the legislation has important practical consequences, and any changes will need to work in harmony with existing definitions and legislation that relate to DFV.

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