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

Who we are

The Australian Women Against Violence Alliance (AWAVA) brings together women's organisations and individuals across Australia to share information, identify issues and their solutions, to respond to and prevent violence against women and their children. AWAVA ensures that women's voices and particularly marginalised women's voices are heard by governments, amplifying the work of its member organisations and Friends & Supporters.

WESNET is Australia's national peak body for specialist women's domestic and family violence services, with almost 350 eligible members across Australia. WESNET represents a range of organisations and individuals including women's refuges, shelters, safe houses, and information/referral services.

Observations on the Bill and accompanying documents

WESNET and AWAVA congratulate the Government on the introduction of an amendment to the Fair Work Act to provide 10 days of paid family and domestic violence leave as part of the National Employment Standards. This amendment, once in force, will be an important component of supporting women and children escaping domestic and family violence. There is sound evidence that this type of leave can help reduce the disruptions experienced when ending a violent relationship¹, as well as contribute to long term economic security and stability².

We welcome in particular:

- The extension of the paid leave entitlement to casual employees who are rostered on, and that casuals who are not rostered on for the exact shift will still be entitled to be absent from work without pay for 10 days per year to deal with the impacts of

¹ Cortis, N., & Bullen, J. (2016). *Domestic violence and women's economic security: Building Australia's capacity for prevention and redress: Final Report* (ANROWS Horizons, issue 05/2016). Sydney, NSW: ANROWS.

² Australian Council of Trade Unions. (2016). *Family and domestic violence leave: Submission to the Fair Work Act 2009 Section 156 – 4 yearly review of modern awards*. Melbourne, VIC: ACTU.

family and domestic violence, without having to worry about losing their jobs. This will be important for the disproportionate number of women experiencing precarious workforce attachment.

- The enabling of immediate access to the full entitlement from the commencement of employment will also operate as an important safeguard to women's employment.
- Broadening the definition of perpetrator to include a member of an employee's household, or a current or former intimate partner of an employee recognises diverse forms of violence and relationships, beyond de facto partners as currently defined in the Act.

Recommendations

WESNET and AWAVA recommend that the Bill be supported.

WESNET and AWAVA recommend that the Explanatory Memorandum make clear that an employee's safety is the preeminent consideration in granting leave:

"An employee who is experiencing family and domestic violence would be able to take the leave if they needed to do something to deal with the impact of family and domestic violence and it was **unsafe or** impractical to do that thing outside their work hours." (p. 3).

WESNET and AWAVA recommend that the Fair Work Commission, Working Women's Centres and other organisations as appropriate, be resourced to develop educational materials to ensure that both employers and employees are aware of the amended provisions and their applicability. A strong implementation plan - comprising awareness-raising, training and educational materials - will be essential to ensuring the provisions are accessible and administered equitably.

WESNET and AWAVA endorse the submission made by Women's Legal Centre ACT.

We thank you for the opportunity to make a submission. If you would like to discuss the contents of the submission further, please contact Karen Bentley, CEO WESNET, using the details below.

Signed



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