



## Ten days of paid domestic and family violence leave - Supporting families experiencing crisis

October 2021

We are all made equally in the image of God, and God desires hope-filled lives for all of us. Our faith reminds us that to love God is also to love others as well as ourselves. In our homes and through our most intimate relationships we learn foundational characteristics of love, respect and trust. The effects of violence are far deeper than physical damage. Violence impacts us mentally, emotionally and spiritually – to our very sense of self. When it takes place in the home by people who are trusted, violence has an even deeper impact on those things that are foundational and life-giving in relationships; trust, respect, and a sense of being loved.

Domestic and family violence is a significant issue for the Australian community and affects employees of all ages and backgrounds. Often employees experiencing domestic and family violence are unable to take enough paid leave from their employment to make safe arrangements for themselves and their families. This leave from work could be to attend legal proceedings, counselling, appointments with a medical or legal practitioner, the making of safety arrangements and finding safe alternative accommodation. The introduction of ten days of paid domestic and family violence leave would provide valuable financial support to all employees experiencing domestic and family violence.

The Fair Work Commission is currently reviewing the need for paid leave terms in modern awards for workers experiencing family and domestic violence. **The matter will be listed for hearing in the week commencing 29 November 2021.** The following issues will be considered during the review:

- whether employees should be able to access paid personal/carer's leave for the purpose of taking family and domestic violence leave;
- the adequacy of the current unpaid family and domestic violence leave entitlement; and
- whether provisions should be made for paid family and domestic violence leave.

The Australian Council of Trade Unions (ACTU) has put forward a claim to the Fair Work Commission review, for ten days paid family and domestic violence leave. Currently, under the National Employment Standards and all industry and occupation awards, all employees are entitled to five days unpaid family and domestic violence leave each year. Employees covered by registered agreements, enterprise awards or state reference public sector awards may be entitled to other paid or unpaid entitlements that they can access if they are in a situation of family and domestic violence. Some businesses already provide paid or unpaid family and domestic violence leave entitlements in their employment contracts or workplace policies that go well beyond the five days of unpaid leave.

In early September, the Chief Executive of the Business Council of Australia, Jennifer Westacott, argued that paid domestic violence leave should be a "universal entitlement, it should not depend on who your employer is." Ms Westacott revealed she had grown up witnessing the family violence her mother had been subjected to.

In the recent final report from the *Inquiry into family, domestic and sexual violence*, the Federal Parliament House Standing Committee on Social Policy and Legal Affairs (the Committee) considered the importance of leave for people experiencing family, domestic and sexual violence. It was concluded that leave is an important tool to allow victim-survivors to access services to support them, and that without an ability to take leave, those experiencing domestic and family violence may be faced with a choice between accessing services and maintaining employment. As many services that support victim-survivors are only open or are primarily open during business hours, the Committee concluded that wherever possible victim-survivors should be supported to continue their employment.



Dealing with the consequences of family and domestic violence takes time and money. The ACTU says that trying to escape violence, find alternative accommodation and access legal assistance costs on average almost \$20,000 and takes more than 140 hours.

The 13% increase in those experiencing domestic and family violence across Australia during the COVID-19 pandemic in 2020 has highlighted the need for paid leave for all employees. ACTU President Michele O'Neil has stated:

*Working from home during the pandemic has made it harder for many Australian workers to escape family and domestic violence and made the campaign for paid leave even more urgent.*

*I recall recently assisting a woman who had access to ten days paid domestic violence leave from her employer. From assisting her it was clear that having paid leave meant that she could think about a safety plan, knowing that she could take the time to put this in place. It also meant that she did not have to worry about losing her home or her ability to support her children. She was able to take the time to leave the violent relationship and continue to provide her children with a home and what they needed.*

From the submission of the ACTU to the Fair Work Commission at

<https://www.fwc.gov.au/documents/sites/family-domestic-violence-leave/submissions/am202155-sub-ws-sp-actu-300721.pdf>

We need to show our concern to the Commonwealth Government about the lack of access for all employees to sufficient paid domestic and family violence leave. We can also show our support for the ACTU claim that has been submitted to the review being done by the Fair Work Commission.

### What You Can Do

Write polite and respectful letters to:

**Senator The Hon. Michaelia Cash**

Minister for Industrial Relations  
PO Box 6100  
Senate  
Parliament House  
Canberra ACT 2600

Salutation: Dear Minister

**Senator The Hon Anne Ruston**

Minister for Women's Safety  
PO Box 6100  
Senate  
Parliament House  
Canberra ACT 2600

Salutation: Dear Minister

**The Hon. Scott Morrison MP**

Prime Minister  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Salutation: Dear Prime Minister

**The Hon. Justice IJK Ross**

Fair Work Commission  
11 Exhibition Street  
Melbourne VIC 3000  
By email: [chambers.ross.j@fwc.gov.au](mailto:chambers.ross.j@fwc.gov.au)

Salutation: Dear Justice Ross

Points to make in your letters:

- Highlight the reasons that women and men in the paid workforce may need to access paid family and domestic violence leave, such as to find and move to safe accommodation, access legal assistance, and attend court hearings.
- State that the need for this has increased due to the increase in family and domestic violence being experienced during the COVID-19 pandemic.
- Ask that they implement ten days paid family and domestic violence leave as a minimum, to be prioritised for all employees in Australia.