



IT STOPS HERE: the Domestic and
Family Violence Framework for Reform

Public Consultation Paper

**Blueprint for the domestic and family
violence response in NSW**

**Submission by the United Services Union
February 2016**

Introduction:

The United Services Union (USU) appreciates the opportunity to make a submission in support of the New South Wales Government's consultation on improving the response to victims of domestic and family violence.

The USU represents the industrial interests of approximately 35,000 members across a range of industries including local government, clerical and administrative staff, energy, airlines and utilities. Membership coverage extends to employees in wages, salaries and professional classifications, with members working for a large range of employers throughout New South Wales.

The USU was formed on 21 May 2003 following the merger between two branches of the Australian Services Union (ASU) - the Municipal Employees Union and the Clerical and Administrative Branch of the ASU. The union has represented members in local government since 1903, and clerical and administrative members since 1908.

The aim of this submission is to present a range of current provisions and the benefits of paid domestic and family violence leave in industrial instruments and the support that employers can provide to staff. The widespread inclusion of these clauses in agreements and awards will assist those experiencing violence the opportunity to escape violence and seek support while still earning an income and having job security. Leave provisions recognise that domestic and family violence is a serious issue. Those experiencing violence deserve support in the workplace by provision of leave as a right. As an employer and regulator (through legislation and directions to agencies) the NSW Government is able to influence the amount of support provided to employees experiencing domestic and family violence. Although this type of violence is predominantly against women this submission makes no distinction - leave should be available for all affected employees.

The USU is a supporter and a participant in the *White Ribbon* campaign <http://www.whiteribbon.org.au/>, and *Safe at Home Safe at Work* <https://www.arts.unsw.edu.au/research/gendered-violence-research-network/gendered-violence-work/>

The USU provided a submission to the NSW Government's *NSW Domestic Violence Disclosure Scheme*.¹

Accordingly, the union has an ongoing interest in the issue of domestic and family violence, and in particular, the provision of industrial support for those who experience it.

¹ <https://www.women.nsw.gov.au/violence-prevention/domestic-violence-disclosure-scheme>

The Need for Domestic and Family Violence Leave

According to the Australian Bureau of Statistics², 32.5% of women had experienced violence since the age of 15. In the 12 months prior to the 2012 survey 1.5% of women over the age of 18 had experienced violence from a current or previous partner. In the same period 5.3% of men over 18 years of age had experienced violence from a partner and 0.6% had experienced violence in the previous 12 months.

Of those who had experienced violence 39% of women experienced violence from a current partner and 24% of those who experienced violence from a previous partner did not seek advice. For men the comparable figures are 70% and 48%.³

The availability of domestic and family violence leave for all employees is an integral part in addressing the broader issue of domestic and family violence. The Gendered Violence Research Network at the University of NSW has carried out research in this area and the following section is largely informed by this research⁴. In particular, reference is made to two reports:

- *Domestic and Family Violence Clauses in your workplace: Implementation and good practice*⁵
- *Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey*⁶

This research has shown that when domestic and family violence leave is available:

- (i) There is increased reporting of domestic and family violence
- (ii) The employees feel employer is committed to supporting employees
- (iii) Employees feel encouraged that their employer has an understanding of domestic and family violence
- (iv) There can be increase of the workplace being included in violence orders
- (v) Education and training about the issue increases awareness of employees and management about the prevalence and effects of domestic and family violence
- (vi) Colleagues are more aware and supportive
- (vii) An increase in the number of males reporting having experienced violence
- (viii) Paid leave encourages workers to seek legal advice and support (such as finding new accommodation)
- (ix) Domestic and family violence leave can reduce the impact on expenses and productivity in the workplace
- (x) Victims of domestic violence who have access to domestic violence leave feel more secure in their employment

² Australian Bureau of Statistics 4906.0 Personal Safety 2012

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/ProductsbyCatalogue/0556FBD355B2719BCA2571C50074ABF2?OpenDocument>

³ Ibid Table 24 Experience Of Partner Violence(A) Since The Age Of 15, Advice and support seeking behaviours
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/ProductsbyCatalogue/0556FBD355B2719BCA2571C50074ABF2?OpenDocument>

⁴ <https://www.arts.unsw.edu.au/research/gendered-violence-research-network/>

⁵ [https://www.arts.unsw.edu.au/media/FASSFile/Domestic and Family Violence Clauses in your Workplace Implementation and good practice.pdf](https://www.arts.unsw.edu.au/media/FASSFile/Domestic%20and%20Family%20Violence%20Clauses%20in%20your%20Workplace%20Implementation%20and%20good%20practice.pdf)

⁶ [https://www.arts.unsw.edu.au/media/FASSFile/National Domestic Violence and the Workplace Survey 2011 Full Report.pdf](https://www.arts.unsw.edu.au/media/FASSFile/National%20Domestic%20Violence%20and%20the%20Workplace%20Survey%202011%20Full%20Report.pdf)

The economic costs of domestic and family violence also need to be taken into consideration. A KPMG study⁷ estimated that violence against women and children cost the Australian economy \$13.6 billion in 2008-09, rising to \$15.6 billion in 2021-22. Of this an estimated two-thirds come from domestic and family violence.⁸ In 2003, an Access Economics study for the Office of the Status of Women estimated the annual cost to business of family and domestic violence at \$175 million.⁹ The KPMG study estimates that the cost to employers of violence against women and children will be \$235 million by 2021-22.¹⁰

Domestic and Family Violence Leave in Australia

The provision of dedicated domestic and family violence leave is relatively new in Australia. The first such clause under the Fair Work Act was in a 2010 enterprise agreement negotiated by the Australian Services Union (ASU) at the Surf Coast Shire in Victoria.^{11, 12}

By the end of the September quarter of 2015 there were 944 agreements with a reference to domestic violence (ranging from expressing support for employees, flexible working arrangements, to dedicated domestic and family violence leave). This represents 3.88% of all agreements covering 804,649 employees. There are 710 private sector agreements (507,576 employees) and 234 in the public sector (297,073 employees). There is a greater proportion of agreements with provisions in the public sector (38.45%) than in the private sector (20.63%).¹³ As noted above, the first agreement was introduced in the public sector.

In 2013 the Fair Work Act was amended to include provisions for an employee experiencing violence or needing to care for a family member experiencing violence to request flexible working arrangements (s.65.1A(e))¹⁴.

While well intentioned, this has limitations – the request must be in writing, the employer has 21 days to respond and the request can be refused on business grounds. Using this provision would take too long to provide support for the employee experiencing violence. In the absence of more immediate support options in the Fair Work Act, specific clauses in agreements and awards are a better way of assisting those experiencing domestic and family violence.

⁷ *The Cost of Violence Against Women and Their Children*

https://www.dss.gov.au/sites/default/files/documents/05_2012/vawc_economic_report.pdf

⁸ Baird, M., McFerran, L., Wright, I. *An equality bargaining breakthrough: Paid domestic violence leave* Journal of Industrial Relations 2014, Vol 56(2) 190-207, p192

⁹ The Cost of Domestic Violence to the Australian Economy

https://www.dss.gov.au/sites/default/files/documents/05_2012/cost_of_dv_to_australian_economy_i_1.pdf
p. vii

¹⁰ *The Cost of Violence Against Women and Their Children*

https://www.dss.gov.au/sites/default/files/documents/05_2012/vawc_economic_report.pdf p.46

¹¹ Baird, M., McFerran, L., Wright, I. *An equality bargaining breakthrough: Paid domestic violence leave* Journal of Industrial Relations 2014, Vol 56(2) 190-207, p190

¹² <http://www.asu.asn.au/news/categories/rightsatwork/140210-asu-bargaining-for-equality>

¹³ Commonwealth Department of Employment *Workplace Agreement Database*: information request 15 December 2015

¹⁴ <https://www.fwc.gov.au/about-us/legislation-regulations/fair-work-act-2009>

For example, the USU/ASU has negotiated the inclusion of domestic and family violence provisions in the following agreements:

- (i) ACT Legislative Assembly Members' Staff Enterprise Agreement 2013 – 2017, cl.F21
- (ii) ACT Public Sector Infrastructure Services Enterprise Agreement 2013 – 2016, cl.F22
- (iii) ACT Public Service Administrative and Related Classifications Enterprise Agreement 2013 – 2017, cl.F22
- (iv) Ausgrid Agreement 2012, cl.35
- (v) CFMEU Work Place Collective Agreement 2015 – 2017, cl.20
- (vi) Endeavour Energy Enterprise Agreement 2012, cl.21
- (vii) Eraring Energy Enterprise Agreement 2013, cl.20.8(b), 20.43
- (viii) Essential Energy Enterprise Agreement 2013, cl.4.12
- (ix) Essential Energy Far West Electricity Enterprise Agreement 2013, cl.4.12
- (x) Finance Sector Union Staff Collective Agreement 2015, cl.9
- (xi) HCF Enterprise Bargaining Agreement 2016, cl.21
- (xii) Knorr-Bremse Australia Pty Ltd and Sigma Air Conditioning Pty Ltd Enterprise Bargaining Agreement 2014, cl.8.9
- (xiii) Armaguard NSW Clerical and Administrative Employees Enterprise Agreement 2013, cl.40 (Linfox Armaguard)
- (xiv) Macquarie Generation Enterprise Agreement 2012, cl.48.9
- (xv) NTEU National Union Collective Agreement 2014-2017, cl.41
- (xvi) Newcastle Permanent Building Society Enterprise Agreement 2015, cl.19
- (xvii) NRMA Contact Centre Enterprise Agreement 2015, cl.5.8
- (xviii) NSWNMA Employment Enterprise Agreement, cl.32
- (xix) Oxfam Australia and Australian Services Union Enterprise Agreement 2015, cl.40
- (xx) Singapore Airlines Enterprise Agreement 2015, cl.27.8
- (xxi) Teachers Federation Health Ltd Enterprise Agreement 2014-2017, cl.48
- (xxii) The Australian Greens Staff Collective Agreement 2015, cl.42.22
- (xxiii) Toll Priority NSW Clerical & Administrative Employees Agreement 2014, cl.32
- (xxiv) TransGrid Employees Agreement 2013, cl.31

Domestic and family violence leave can be accessed in varying ways under agreements, including:

- (i) using annual and personal leave (sick leave) used as domestic and family violence leave until this is exhausted, then domestic and family violence is available
- (ii) annual and/or personal leave can be taken as domestic and family violence leave
- (iii) as dedicated domestic and family violence leave.

The following enterprise agreements are examples of the varying amounts and types of leave available to employees experiencing domestic and family violence.

- The **Newcastle Permanent Building Society Enterprise Agreement 2015**¹⁵ just offers the ability to request flexible working arrangements (as per the Fair Work Act) and no guarantee varied arrangements will be approved and no provision for leave:

19. Family Violence

19.1 NPBS recognises that some Employees may experience violence from a member of the Employee's family, or may be required to provide care or support to a member of the Employee's immediate family or household who is experiencing violence.

19.2 Where Employees have to deal with family violence as contemplated under clause 19.1:

19.2.1 the Employee is encouraged to disclose this to their Line Manager, Department Manager or an Employee Relations and Safety Advisor; and

19.2.2 NPBS will, upon a request by the Employee for a change in working arrangements made in accordance with relevant NPBS policies and procedures, where reasonably possible give consideration to a change in working arrangements relating to the Employee's circumstances.

- The **Toll Priority NSW Clerical and Administrative Employees Agreement 2014**¹⁶ allows employees to use existing annual, personal or long service leave in cases of domestic or family violence. There is no separate provision for domestic or family violence leave and no leave when this leave is exhausted.

32 Domestic and Family Violence Leave

1) The Company recognises that Employees sometimes face situations of domestic or family violence, including physical or mental abuse.

2) In the case of domestic and family violence, the Company will facilitate access to an employee's accrued and unused Annual Leave, Long Service Leave (where permitted under the relevant legislation), or personal leave entitlements at short notice in order to deal with their situation.

3) To be eligible to take the leave to deal with domestic and family violence issues, the Employee must;

a. have a positive leave balance; and

b. provide evidence of family violence in the form of a document issued by the NSW Police, a Court, a Doctor, District Nurse, Mental Health Care Nurse, a Family Violence support service or Lawyer and any other documentation as may be reasonably required by the Company.

4) The Company will facilitate access to the Company's Employee Assistance Program by means which ensure that such access is confidential.

¹⁵ <https://www.fwc.gov.au/documents/documents/agreements/fwa/AE415753.pdf>

¹⁶ <https://www.fwc.gov.au/documents/documents/agreements/fwa/AE414241.pdf>

• The **Knorr-Bremse Australia Pty Ltd and Sigma Air Conditioning Pty Ltd Enterprise Bargaining Agreement 2014**¹⁷ specifies that while other leave can be used in cases of domestic and family violence there are limits on how much of this leave can be used and no mention of how or what leave is available when these limits have been reached. An employee who does not meet the requirements as specified would be unable to take any domestic and family violence leave:

8.9 Family Violence

The Company recognises that employees sometimes face situations of violence and abuse. In the case of domestic and family violence, the Company will provide employees with the opportunity to utilise accrued annual leave entitlements (as per clause 8.2), long service leave entitlements (as per clause 10.12) or accrued personal/carer's leave entitlements (as per clause 8.1.2) in such circumstances.

To be eligible to take leave for domestic and family violence circumstances:

- i. The employee must provide proof of family violence in the form of a document issued by the Police Service, a Court, a Doctor, District Nurse, Maternal Health Care Nurse, a Family Violence Support Service or Lawyer, if requested by the Company; and*
- ii. Once the leave for domestic and family violence is taken, the employee must have a balance of 4 weeks accrued annual leave and 15 days accrued personal/carer's leave left; or*
- iii. The employee can utilise their accrued long service leave entitlements if employed with the Company for ten (10) continuous years or more.*

• The **Ausgrid Agreement 2012**¹⁸ provides much more comprehensive and supportive arrangements for employees, including 20 days paid leave specifically for domestic and family violence:

35 DOMESTIC VIOLENCE

35.1 General Principle

35.1.1 Ausgrid recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Therefore, Ausgrid is committed to providing support to staff that experience domestic violence.

35.2 Definition of Domestic Violence

35.2.1 Domestic violence includes physical, sexual, financial, verbal or emotional abuse by an immediate family member as defined in this Agreement.

35.3 General Measures

35.3.1 Proof of domestic violence may be required and can be in the form of an agreed document issued by the Police Service, a Court, a Doctor, a Domestic Violence Support Service or Lawyer.

35.3.2 All personal information concerning domestic violence will be kept confidential in line with Ausgrid Policy and relevant legislation. No information will be kept on an employee's personnel file without their express written permission.

¹⁷ <https://www.fwc.gov.au/documents/documents/agreements/fwa/AE410459.pdf>

¹⁸ <https://www.fwc.gov.au/documents/documents/agreements/fwa/AE401999.pdf>

35.3.3 No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing domestic violence.

35.3.4 Ausgrid will identify a contact in Human Resources who will be trained in domestic violence and privacy issues. Ausgrid will advertise the name of the contact within the organisation.

35.3.5 An employee experiencing domestic violence may raise the issue with their immediate supervisor or the Human Resources contact. The supervisor may seek advice from Human Resources if the employee chooses not to see the Human Resources contact.

35.3.6 Where requested by an employee, the Human Resources contact will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of support to provide in accordance with sub clauses 35.4 and 35.5.

35.3.7 Ausgrid will develop guidelines to supplement this clause and which details the appropriate action to be taken in the event that an employee reports domestic violence.

35.4 Leave

35.4.1 An employee experiencing domestic violence will have access to 20 days per year of paid special leave for medical appointment, legal proceedings and other matters and activities arising from domestic violence.

35.4.2 This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.

35.4.3 An employee who supports a person experiencing domestic violence may take carer's leave to accompany them to court, to hospital, or to mind children.

35.5 Individual Support

35.5.1 In order to provide support to an employee experiencing domestic violence and to provide a safe work environment to all employees, Ausgrid will approve any reasonable request from an employee experiencing domestic violence for:

35.5.1.1 Changes to their span of hours or pattern or hours and/or shift patterns;

35.5.1.2 Job redesign or changes to duties;

35.5.1.3 Relocation to suitable employment within the Ausgrid;

35.5.1.4 A change to their telephone number or email address to avoid harassing contact;

35.5.1.5 Any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.

35.5.2 An employee experiencing domestic violence will be referred to the Employee Assistance Program (EAP) and/or other local resources. The EAP shall include professionals trained specifically in domestic violence.

NSW State Government Employees

The Public Service Association of NSW negotiated the inclusion of domestic and family violence leave in *the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*¹⁹.

The dedicated leave is only accessible after other leave types are exhausted and the allowance is only 5 days.

This Award (and the other equivalent public service/public sector Awards) has the advantage that it covers tens of thousands of public servants in NSW and that there was no need to negotiate its inclusion agency by agency.

84.11 Matters arising from domestic violence situations.

When the leave entitlements referred to in clause 84A, Leave for Matters Arising From Domestic Violence, have been exhausted, the Department Head shall grant up to five days per calendar year to be used for absences from the workplace to attend to matters arising from domestic violence situations.

84A. Leave for Matters Arising from Domestic Violence

84A.1 The definition of domestic violence is found in clause 3.71 of this award.

84A.2 Leave entitlements provided for in clause 71, Family and Community Service Leave, clause 79, Sick Leave and clause 81, Sick Leave to Care for a Family Member, may be used by staff members experiencing domestic violence.

84A.3 Where the leave entitlements referred to in subclause 84A.2 are exhausted, Department Heads shall grant Special Leave as per clause 84.11.

84A.4 The Department Head will need to be satisfied, on reasonable grounds, that domestic violence has occurred and may require proof presented in the form of an agreed document issued by the Police Force, a Court, a Doctor, a Domestic Violence Support Service or Lawyer.

84A.5 Personal information concerning domestic violence will be kept confidential by the agency.

84A.6 The Department Head, where appropriate, may facilitate flexible working arrangements subject to operational requirements, including changes to working times and changes to work location, telephone number and email address.

Local Government

Although domestic and family violence leave is not covered by the *Local Government (State) Award 2014*, it was raised during negotiations. Subsequently, the parties to the Award (the USU, The Local Government Engineers Association, the Development and Environmental Professionals' Association and representing employers, Local Government NSW) issued a joint statement supporting the adoption of practices to support victims of domestic and family violence²⁰. Councils such as Ashfield Council, Canterbury City Council, Leichhardt Council, have done so. The allowances vary from council to council and can include paid leave.

¹⁹ <http://www.lawlink.nsw.gov.au/irc/ircgazette.nsf/webviewdate/C8041?OpenDocument>

²⁰ <http://www.usu.org.au/news/1160-protecting-victims-of-domestic-violence-work>

Other Jurisdictions

On 17 December 2015 the Victorian Government announced agreement had been reached on a new agreement that would include 20 days paid domestic and family violence leave.²¹

The Queensland Government commissioned the 'Not Now, Not Ever' – Putting an End to Domestic and Family Violence in Queensland report²² which recommended the introduction of paid domestic and family violence leave. In November 2015 the Queensland Premier announced that state public servants would receive a minimum of 10 days domestic and family violence leave a year.²³

As part of its review of modern awards the Fair Work Commission is reviewing whether family and domestic violence leave should be included in modern awards²⁴, although this will not be heard until at least October 2016. The ACTU submission to the review is:²⁵

X.1 Definition

For the purpose of this clause, family and domestic violence is defined as any violent, threatening or other abusive behaviour by a person against a member of the person's family or household (current or former).

X.2 Family and Domestic Violence Leave

X.2.1 An employee, including a casual employee, experiencing family and domestic violence is entitled to 10 days per year of paid family and domestic violence leave for the purpose of:

- (a) attending legal proceedings, counselling, appointments with a medical or legal practitioner;*
- (b) relocation or making other safety arrangements; or*
- (c) other activities associated with the experience of family and domestic violence.*

X.2.2 Upon exhaustion of the leave entitlements in clauses X.2.1, employees will be entitled to up to 2 days unpaid family and domestic violence leave on each occasion.

X.3 Notice and Evidentiary Requirements

X.3.1 The employee shall give his or her employer notice as soon as reasonably practicable of their request to take leave under this clause.

X.3.2 If required by the employer, the employee must provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in clause X.2.1. Such evidence may include a document issued by the police service, a court, a doctor (including a medical certificate), district nurse, maternal and child health care nurse, a family violence support service, a lawyer or a statutory declaration.

²¹ <http://www.theage.com.au/victoria/victorian-public-servants-win-10-per-cent-pay-rise-20151217-glq64o.html>

²² <http://www.qld.gov.au/community/getting-support-health-social-issue/dfv-read-report-recommendation/index.html>

²³ <http://www.abc.net.au/news/2015-11-25/extra-leave-for-domestic-violence-victims-in-public-sector/6971514>

²⁴ <https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/4-yearly-review/am20151-family-and-domestic-violence-0>

²⁵ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/common/AM20151and2-sub-actu-150615.pdf>

X.3.3 The employer must take all reasonable measures to ensure that any personal information provided by the employee to the employer concerning an employee's experience of family and domestic violence is kept confidential.

The inclusion of domestic and family violence leave in modern awards would result in 1.86 million employees having access to this leave.²⁶

Employers that do not provide domestic and family violence leave in agreements may offer it in policy - Telstra and the National Australia Bank, are an examples²⁷. The variations in the type of leave available (dedicated leave, using personal leave etc.) reflect the variations in agreements and awards as noted above. An estimated 1.6 million employees are covered by agreements and policy²⁸.

Mandatory Domestic and Family Violence Clause

The USU supports the introduction of mandatory domestic and family violence leave clauses in agreements and awards. Domestic and family violence leave clauses will hopefully be included in modern awards resulting from the Fair Work Commission review. For employees under enterprise agreements, a domestic and family violence clause should be included in the National Employment Standards in the same way as annual leave and personal leave.

The NSW Government has the opportunity to follow the example of the Queensland and Victorian governments and mandate the inclusion of a clause in its awards and agreements for the public service, public sector, and as the shareholder of State Owned Corporations.

The USU preferred clause has the following elements:

- (i) At least 10 days separate paid domestic and family violence leave, that is leave that is not converted from other leave such as personal and carers leave
- (ii) The availability to use other paid leave when domestic and family violence leave is exhausted
- (iii) The availability of unpaid domestic and family leave when paid leave is exhausted
- (iv) 10 days unpaid leave for casual employees with further unpaid leave available if required
- (v) Guaranteed privacy and confidentiality for employees either using or enquiring about domestic and family violence leave
- (vi) Flexible working arrangements such as changes in working hours as required by the employee
- (vii) Changes in email addresses, phone numbers, and if possible work locations
- (viii) Verification from a variety of sources, such as police, lawyers, refuges, court officers or by statutory declaration

The need for domestic and family violence leave is supported by an ACTU and Gendered Violence Research Network survey²⁹. The main findings of the survey included:

- (ix) One third of respondents reported at least one domestic violence leave request in the past 12 months

²⁶ Fair Work Commission Annual Report 2014-2015 p.83 gives this figure as the number of employees being "award reliant" https://www.fwc.gov.au/documents/documents/annual_reports/fwc-ar-2015-web.pdf

²⁷ <http://www.afr.com/news/policy/industrial-relations/telstra-introduces-domestic-violence-leave-20150113-12na7h>

²⁸ Ibid

²⁹ <http://www.actu.org.au/media/886450/acturelease-151122-domestic-violence-leave.pdf>

- (x) Of those employees who requested domestic violence leave, 92% were women
- (xi) The typical amount of leave taken was two to three days
- (xii) One quarter of employers had received requests for alternate work arrangements, such as differing starting times, alternate car parking and change in phone numbers to improve their safety

According to the report employers were in favour of paid domestic and family violence leave and there were very few problems in providing the leave and changing work arrangements. Employees felt safe and supported at work and had less fear about losing their jobs while seeking support.

Not all agreements have domestic and family violence leave clauses and not all clauses are equal. As a minimum, the USU endorses the 10 days' specific purpose leave in the ACTU submission to the Fair Work Commission. In addition to the leave there should be provision for flexible work arrangements such as varying hours, work locations (if possible), email addresses and telephone numbers as victims of violence are often harassed at work by the perpetrator.

When introducing domestic and family violence it is important that managers and staff receive training and that information about the effect of domestic and family violence is readily available. This is supported by the results of the Gendered Violence Research Network studies and survey noted earlier in this submission. The more training and information that is available the more likely employees are to use the leave and the more likely they are to receive support from colleagues and in turn provide support. Trade unions are able to assist by providing training for members, providing fact sheets and supporting victims of violence.

Conclusion

The USU believes the NSW Government should, wherever possible, as part of its reform process, mandate the provision of dedicated domestic and family violence leave in industrial instruments.

Graeme Kelly

GENERAL SECRETARY

5 February 2016