



AMWU GUIDE: Negotiating Family Violence Agreement Clauses

These clauses are for anyone, female or male, experiencing family violence (also called domestic violence). Every State or Territory domestic or family violence legislation defines it differently. Nearly two thirds of women reporting domestic violence are working (Australian Bureau of Statistics).

Family violence is an industrial issue affecting workers and employers

Up to 77% of workers in a recent Australian workplace survey who had experienced family violence reported that their work performance had been negatively affected (UNSW).

Family violence may affect workers':

- attendance at work
- performance
- safety

The most common risk factors at work are abusive person physically approaching the workplace, or abusive calls and emails.

Cost to the workplace

Family violence and sexual assault perpetrated particularly against women costs the nation \$13.6 billion each year and may rise to \$15.6 billion by 2021 (KPMG 2009). Costs to employers include:

- lost productivity
- absenteeism

- staff turnover
- recruitment and retraining

There are further hidden costs from employees who are abusing their family members during work hours and using work resources.

AMWU-endorsed 7 key principles

1. Family violence leave should be dedicated, additional, paid leave
2. Confidentiality of employee details must be assured and respected
3. Workplace safety planning strategies to ensure protection of employees should be developed and clearly understood by the parties concerned
4. An agreement should provide for referral of employees to appropriate domestic violence support services
5. Agreed nominated contact person(s), including union delegates or occupational health and safety representatives if appropriate, must be provided with appropriate training and paid time off work to facilitate their role
6. Employees entitled to family violence leave should also be able to access flexible work arrangements where appropriate
7. Employees must be protected against adverse action or discrimination on the basis of their disclosure of, or experience of, family violence

These protections work together to make sure that workers who experience family violence are supported at work. It's important to negotiate as many of the provisions as possible.

Why paid leave is important

If family violence is affecting attendance, performance and safety then the levels of violence are becoming serious and dangerous.

Information and support to get legal protection is really important, to protect individuals, in their homes and also in their workplace. This means taking paid time to go to court, talk with legal advisers, and with domestic violence counsellors.

Where possible it is important to negotiate additional leave which can be accessed prior to depleting other leave because workers in a domestic violence crisis need all available leave for the express purposes of that leave.

Currently in workplaces with family violence clauses, employees have been accessing short amounts of paid family violence leave to get very practical things done in working hours.

Balancing Confidentiality and Safety

We suggest the following wording to get the balance right between confidentiality and safety:

'Employee records concerning family violence are to be kept confidential and may only be divulged in exceptional circumstances, and after consultation with the employee, where it is imperative to maintain the safety of that employee, co-workers and or clients/customers.'

Why should *this* workplace support workers who are victims of family violence?

It is vitally important that where possible those experiencing family violence are the ones able to stay safely in their jobs.

Economic dependency keeps people trapped in violent relationships.

The indicators are that the violence is seriously escalating when it impacts on attendance, performance and safety. Threats of intimate partner and family violence and domestic homicides happen at work. All employees, clients and customers need to be protected from the risk

The role of the workplace is not to fix the problem but to treat this as a workplace issue

Employees need to be supported to get to work and to do their job safely. For all other support, refer members to the domestic violence experts - free, confidential national phone counselling: 1800 RESPECT

**BE PART OF THE AUSTRALIAN COMMUNITY THAT SAYS NO TO VIOLENCE
START BY SUPPORTING THOSE AFFECTED IN YOUR WORKPLACE**