Labor’s Plan for a Workplace Response to Domestic Violence

Domestic violence is a national scourge. According to the Australian Bureau of Statistics one in six Australian women have experienced physical or sexual violence from a current or former partner.

Intimate partner violence is the leading contributor to death, disability and ill-health in Australian women aged 15-44. Over 12 months, on average, one woman is killed every week as a result of intimate partner violence.

The number of women affected by domestic and family violence negatively impacts business productivity across Australia.

Over a decade ago, domestic violence cost Australian businesses around $175.2 million each year, with employee absenteeism, permanent loss of labour, and employee death all contributing factors. Without any effective intervention, this figure has been projected to rise to $456 million in 2021-22.

The Australian Government (Department of Social Services) reports that violence against women and their children cost the Australian economy an estimated $13.6 billion in 2009. Without appropriate action to address violence against women and their children, an estimated three-quarters of a million Australian women will experience and report violence in the period of 2021-22, costing the Australian economy an estimated $15.6 billion.

Family and domestic violence leave benefits those experiencing violence as well as business through improved productivity, increased employee retention and reduced absenteeism. This applies equally to small and large businesses.

Australian of the Year, Rosie Batty, has said “The ability to maintain your employment, keep your job, it helps secure somewhere to live, it helps you to have that ongoing working contact with your colleagues, it’s a really important part of your journey.” Labor acknowledges that many employers are already paving the way in the area of domestic violence leave, with major companies like Telstra, NAB, Virgin Australia, IKEA and Blundstone Boots. Through their actions, these employers are helping to reduce the stigma that often accompanies domestic violence.

The Australian Law Reform Commission has recommended considering the inclusion of a specific domestic and family violence leave clause in the NES.

**What will Labor do?**

Labor is committed to addressing the national disgrace that is family and domestic violence.
A Shorten Labor Government will provide for five days paid domestic and family violence leave in the National Employment Standards (NES).

The National Employment Standards provide statutory minima for all employees covered by the national workplace relations system.

Labor’s plan is a part of the solution to reduce the costs of domestic and family violence to individuals suffering domestic violence, as well as businesses and the Australian economy.

Those who will have access to the leave entitlement will retain their job and income, which gives women choice, reduce isolation, and help them to care for their children and provide them with a safe home environment.

Providing those impacted by domestic violence with time to attend court appearances and related appointments, to seek legal advice and make relocation arrangements will contribute to employees returning to work and contributing to business productivity. Labor will provide the necessary educational support to employers, particularly small businesses, to implement the mandatory arrangements.

Labor believes businesses, which already offer a variety of forms of leave, including sick leave, annual leave, and long service leave, will see a reduction in lost revenue associated with absenteeism and decreased productivity.

It is vital for people who have experienced family and domestic violence that their workplace understands the impact violence has on their lives, and for leave arrangements to be handled sensitively and confidentially, which will happen as part of Labor’s plan.

**What does it mean?**

People experiencing family and domestic violence will gain leave entitlements to be able to access legal advice, counselling or medical appointments. They will be able to meet with financial advisers, the school principal, and pick up the children from counselling sessions. The ability to keep a job ensures financial security and contact with colleagues, which Rosie Batty has said is such an important part of moving beyond the violence.

Business will benefit through increased employee retention and decreased absenteeism. KPMG estimates the cost of paying for extra leave is outweighed by these benefits.

**How will it work?**

The national minimum wage and the National Employment Standards (NES) make up the minimum entitlements for employees in Australia. An award, employment contract, enterprise agreement or other registered agreement can’t provide for conditions that are less than the national minimum wage or the NES. They can’t exclude the NES.

The NES currently include 10 minimum employment entitlements that must be provided to all employees covered by the national workplace relations system. Only certain entitlements apply to casual employees.

Domestic and family violence leave will be added to the NES. The addition to the NES
will provide an employee with up to five days away from work to help them deal with family violence and its consequences. Casual staff will be entitled to five days unpaid family violence leave.

Consistent with Labor’s longstanding, cooperative approach to workplace relations, we will work with business, unions and other stakeholders to discuss the specific implementation arrangements for Labor’s plan.

To ensure the impact and effectiveness of Labor’s proposals, a review will be conducted two years after its implementation. The review will consider the costs, quantum and operation and will involve consultation with key stakeholders.

**Labor’s record**

In March, Labor made specific commitments to address domestic and family violence including holding a national crisis summit on family violence if elected, within the first 100 days of office.

A national crisis summit is required for the Commonwealth, State and Territory Governments to provide a forum for stakeholders, victims and families to openly and transparently lay down the key policy challenges for addressing family violence including demand, innovation and coordination of services and build momentum for urgent reform, implementation of prevention strategies and additional investment.

As a first step, Labor is committed to making a series of critical investments in services and programs that directly support women and children escaping family violence. Labor’s interim package will deliver more than $70 million over three years in targeted funding to ensure those suffering from family violence can access critical services.

Labor will invest $42.9 million in frontline legal services to ensure women threatened by violence are not alone in going through the legal system. $4.5 million will also be invested in Family Violence Prevention Legal Services (FVPLS) to support Aboriginal and Torres Strait Islander women and their children experiencing family violence. We will provide an initial $15 million in grants to community organisations, local government or other appropriate providers that help people affected by family violence stay safe in their own homes and in their communities.

Labor will invest $8.4 million into improving perpetrator accountability by boosting research on mapping perpetrator interactions across family violence, law enforcement, justice, child protection and related systems.

These commitments build on the National Plan to Reduce Violence against Women and their Children that Labor established in 2010, as the first long-term national strategy to address family violence.

**Liberal’s record**

In September, the Prime Minister announced a package of initiatives, most of which are being funded through the National Plan established by Labor. This package did not include an entitlement to domestic violence leave.

It is disappointing that this year the Coalition Government Senators rejected a Senate Committee recommendation stating there should be access to appropriate
leave provisions and that the Commonwealth Government should investigate how to implement these across the public and private sectors.