

## FEATURE

### Domestic violence is a workplace issue

For close to a year, the Clearinghouse has been working with the Public Service Association (PSA) of New South Wales and the Community and Public Sector Union-State Public Services Federation (CPSU-SPSF) to develop a set of model domestic violence clauses that can be added to awards and enterprise agreements. These clauses entitle victims of domestic violence to take special leave to attend to matters such as court attendances or counselling. They also guarantee confidentiality for workers who disclose experiencing violence, freedom from discrimination and access to safety measures (such as a changed phone number or transfer).

In April 2010, the University of New South Wales (UNSW) became the first Australian employer to be served the clauses. The campaign at UNSW has been gaining momentum and, if successful, will see the university become the first workplace in Australia to implement such protections.

To mark the launch of the proposed clauses, the unions held a public forum at UNSW, opened by Neil Morris, Executive Director of University Services, who observed that 'the higher education sector needs to be a lead in workplaces on this issue'. An impressive line-up of guest speakers lent their support to the clauses at the forum, including: the Hon. Tanya Plibersek MP, Minister for Housing and Minister for the Status of Women; Elizabeth Broderick, Federal Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination; and Ged Kearney, then Federal Secretary of the Australian Nursing Federation (ANF) and President-elect of the Australian Council of Trade Unions. Maria Cirillo, PSA Senior Industrial Officer, outlined the content of the clauses, which are summarised in the text box in this article.

Since the forum, the Clearinghouse has been invited to address the ANF executive and support has also been expressed for the clauses by the Victorian Trades Hall Council, Unions WA, and the Working Women's Centres in South Australia, Queensland and the Northern Territory.

As the campaign moves forward, this article seeks to distill some of the key messages from the UNSW forum, through extracts from the keynote speeches. While each speaker emphasised distinctive aspects of the proposal, all agreed on the importance of implementing provisions within an enterprise agreement, in order to ensure that they are followed consistently and are available to all workers.



**Tanya Plibersek, Commonwealth Minister for Housing and Minister for the Status of Women**

The cost of violence against women is enormous. Recent research shows that violence against women costs the nation \$13.6 billion each year and that figure is expected to increase by two billion dollars over the next decade

if we do not put a stop to violence or at least reduce its incidence.

The impact of domestic violence on women's employment has clear adverse consequences for their economic security and independence. Domestic violence reaches further into the workplace also because of injuries, absenteeism and lower performance and productivity, as victims struggle to put on a brave face at work. Victims of domestic violence are often employed in lower skilled and lower paid jobs, have disrupted work histories and less job stability.

There are no simple answers. As a woman quoted in a paper prepared for the Clearinghouse said: 'When you are employed, especially if you have children, routine is everything. If I went to a refuge, I would lose my routine and have to give up my job, and I didn't want to give up my job'.

While there is a long way to go, things are changing. At the enterprise level, negotiations such as the PSA/CPSU is proposing here at UNSW would allow employers and employees to determine the most supportive and flexible provisions to protect employees experiencing domestic violence, while supporting them to stay at work. This is a really exciting proposal – and if approved, will be the first of its kind in Australia.

Women should not have to suffer the consequences of losing their connection with the workplace – either because they have been a victim of violence or because they have chosen to take action to stop it. By remaining connected to the workplace, a woman has a much better chance of retaining her independence after a perpetrator has been removed from the family home.

Good luck to all of those involved in the campaign.

The full texts of speeches by Tanya Plibersek and Elizabeth Broderick are available at:

[www.tanyaplibersek.fahcsia.gov.au/internet/tanyaplibersek.nsf/content/tp\\_s\\_domesticviolence\\_work\\_15april2010.htm](http://www.tanyaplibersek.fahcsia.gov.au/internet/tanyaplibersek.nsf/content/tp_s_domesticviolence_work_15april2010.htm)

[www.hreoc.gov.au/about/media/speeches/sex\\_discrim/2010/20100415\\_violence.html](http://www.hreoc.gov.au/about/media/speeches/sex_discrim/2010/20100415_violence.html)

### GOOD PRACTICE HOTLINE

The Clearinghouse Good Practice Hotline is available on Wednesdays 2-4pm (Eastern Standard Time). Call: (02) 9385 3843. [www.dawnhouse.org.au](http://www.dawnhouse.org.au)



**Elizabeth Broderick,  
Sex Discrimination Commissioner  
and Commissioner responsible for  
Age Discrimination**

As I have travelled across Australia, talking to thousands of women and men, I have become more and more convinced that building women's economic security is vital to achieving gender equality in this country. The primary way the majority of us lay the foundations of our economic security is through participation in paid work.

We must develop better workplace responses to domestic and family violence to ensure that women can stay attached to the workforce. Doing this will mean three things. Firstly, we will protect women's financial security in the immediate term – women will be less likely to lose their job in a period of crisis. Secondly, if we can keep women attached to the labour market, we will better protect their economic security in the longer term – they will be less likely to live in poverty in their twilight years. But thirdly, and most importantly from an employer's perspective, individual businesses will be better able to prevent the unnecessary loss of talented staff. Provisions such as additional special leave and security measures, as proposed by the PSA/CPSU at UNSW, will go a long way towards supporting women to remain attached to their workplace.

Moreover, enshrining these sorts of arrangements within the enterprise agreement means that they become a workplace entitlement – a regular part of the employment terms and conditions. That means that they won't be discretionary or vulnerable to revocation. It recognises the fact that anyone who experiences domestic or family violence needs the support of their workplace to recover, to settle, to organise children, to attend doctor's appointments, court dates and so on. Making this understanding and support explicit means that those who need it, won't have to struggle to take it.

I hope that what we are seeing today is the beginning of a new language and a new model for committed employers. I look forward to being able to share this with all the employers I meet and the international human rights community more broadly.

## SUMMARY OF THE PROPOSED CLAUSES

### General measures

- No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing domestic violence.
- Employees experiencing domestic violence will be able to raise the issue with their immediate supervisor and/or a Human Resources contact who has received training in domestic violence and privacy issues.
- All personal information will be kept confidential.

### Leave

- Employees experiencing domestic violence will be able to access up to 20 days per year of paid special



**Ged Kearney,  
Federal Secretary of the  
Australian Nursing Federation**

What the PSA/CPSU has done here today is a landmark action for Australian unions. Seeking to have the rights [set out in this proposal] included in industrial instruments, and therefore enforceable, is a very important step for unions in Australia. This clause doesn't only provide basic protections for those experiencing domestic violence but will make it a workplace right and an entitlement.

I think what we've learnt today is that it's vitally important for all of us to take these issues to our members and ensure they have rights and proper workplace procedures in place. Australian unions must continue to be at the forefront of developing these rights because they are so relevant to our over two million members.

For my part, as Federal Secretary of the Australian Nursing Federation, with about 175 000 members, 90% who of whom are women – I'm going to take this back to my Federal Executive and I'm going to urge them to implement these clauses. The thing about being a nurse is that we see all too often the consequences of domestic violence, terrible consequences, usually in emergency departments and in refuges. It's terrible for my members as nurses to see how domestic violence impacts on women, and let's face it, a lot of my own members face it themselves.

This is a prime example of how unions are working for a better life for everyone: unions working for a better society and unions being leaders and agents for important social change. This really is fantastic and I can't congratulate you enough.

I, too, urge UNSW to take this issue seriously, as you've shown you are today. Be at the forefront of change with us, with the union, with your women workers, because together the unions and UNSW can lead the way. They can make a real difference to the lives of your employees and to the university in such an important way.

leave to attend medical appointments, legal proceedings and other related activities.

- Employees supporting a person experiencing domestic violence will be able to access carer's leave to go to court, to hospital, or to mind children.

### Individual support

- Employees experiencing domestic violence will be able to request safety measures at work.
- Employees experiencing domestic violence will be referred to the Employee Assistance Program and/or other local resources.

The full set of clauses is available at:

[www.psa.labor.net.au/news/files/DV%20draft%20clause%20100415.pdf](http://www.psa.labor.net.au/news/files/DV%20draft%20clause%20100415.pdf)