



**Finance Sector Union Submission
Finance and Public Administration References
Committee Inquiry
Domestic Violence in Australia**

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Introduction

The Finance Sector Union (FSU) is the trade union representing employees working in the banking, finance and insurance sector. This industry consists of around 420,100 employees nationwide¹, with women making up a slight majority of the total number of staff within the sector (51%).

Approximately 68% of the members of the FSU are women, and we work very closely with these members to address issues pertaining to women in the industry.

We support the submission to this inquiry made by the ACTU, to the Senate Finance and Public Administration Committee Inquiry into Domestic Violence in Australia and welcome this opportunity to add some further comments as they pertain to our experiences within the finance industry.

Research from the 2012 ABS Personal Safety Survey and Australian Institute of criminology shows that women in Australia experience substantial levels of violence, including:

- 89 women were killed by their current or former partner between 2008-2010 – this is almost one woman per week;
- 1 in 6 women had experienced physical or sexual violence from a current or former partner;
- 1 in 4 women had experienced emotional abuse

Domestic violence is overwhelmingly committed by men against women. While in no way downplaying the experiences of men who are subjected to domestic violence, for the purpose of this submission we will be referring to women's experiences of violence.

The Terms of Reference of this Inquiry are broad and relate to the adequacy of a wide range of policy and services to prevent and support those experiencing domestic violence.

The FSU submission focusses on women's economic independence and the need to support women in employment as the area where our expertise can make the best contribution to the Inquiry.

There are a number of important interrelationships between domestic violence and employment, of particular note:

1. Employment provides the capacity for financial independence and has a significant role to play in women being able to escape violence;
2. Domestic violence impacts on the capacity of women to maintain employment; and
3. Domestic violence impacts on the safety of women at work

In this context, our comments are particularly relevant to the following terms of reference of the Inquiry:

1. The effects of policy decisions regarding... women's economic independence on the ability to escape domestic violence; and
2. How the federal government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children.

¹ ABS, *Labour Force Australia: Detailed, Quarterly, Nov 2013*, (2013), <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6291.0.55.003Nov%202013?OpenDocument> Viewed 24/01/2014

The FSU has been working closely with our members and with employers in the industry to improve the capacity of our members to escape violence, and will provide further information about this as part of the submission.

If you would like additional information on this submission, please contact Veronica Black, National Coordinator, Organising & Development by email - Veronica.Black@fsunion.org.au.

The importance of employment

Maintaining an employment relationship has a major impact on the ability of women to escape domestic violence. Economic independence & financial security make it more feasible for women to leave violent situations. In addition, a workplace may be one of the few places that a woman can seek assistance and support, as it is a place where she is away from her abuser, and where she can maintain social networks and support that could be critical to gaining safety.

There is more work to do on ensuring that women who are experiencing domestic violence can maintain these important employment relationships at the same time as being able to take the time off work needed to ensure their safety. This could include time off for such things as medical & legal assistance, counselling, relocation, and court dates. Often women experiencing domestic violence do not have large reserves of leave available and are not in a financial position to take unpaid leave.

FSU welcomed the amendments to the Fair Work Act that have provided an extension of the right to request flexible working arrangements to employees who are experiencing family violence or who are caring for or supporting a family or household member who is experiencing family violence that came into force in July 2013.

However, these changes do not go far enough in providing the support required.

FSU is working closely with finance sector employers to extend on the rights outlined in the Fair Work Act. In doing so we have been seeking to have clauses in Enterprise agreements that clearly outline the rights of those experiencing domestic and family violence, as this provides some legal certainty for our members in relation to their entitlements. Where we have been unable to get provisions in enterprise agreements we have worked with employers on policy responses.

A leading example of a clause in an enterprise agreement in our industry is the National Australia Bank Agreement 2014.

Case Study – National Australia Bank Enterprise Agreement 2014

Domestic Violence means any violence between family members including current or former partners in an intimate relationship, whenever and wherever the violence occurs. It may include physical, sexual, emotional or financial abuse.

50. Domestic Violence Support

50.1 Any employee who is experiencing domestic violence can raise the issue with their People Leader or Workplace Relations in the knowledge that the matter will be treated sympathetically and confidentially.

50.2 NAB and People Leaders are required to:

- (a) Provide a sensitive and non-judgemental approach;
- (b) Discuss measures to prioritise safety in the workplace and make all reasonable efforts to provide a safe work environment for the employee;
- (c) Provide employees with access to EAP to provide support in relation to the issues;
- (d) Contact Workplace Relations for advice and assistance; and
- (e) Where practicable, work with the employee to grant reasonable leave and adjust work schedules or location if required.

50.3 Guidelines for discussing workplace safety in the case of domestic violence

- (a) When assisting an employee who is the victim of domestic violence, the People Leader must contact Workplace Relations and should consider what changes, if any, could be made in their workplace to make an employee less vulnerable to any domestic violence. They should also consult with Security Services where appropriate.
- (b) If it is determined that other employees or customers of NAB may be at risk of physical harm, the People Leader must discuss this with Workplace Relations and take reasonable measures to ensure their safety.

50.4 Leave

- (a) NAB will provide paid leave to employees who are victims of domestic violence and need time off work for medical and legal assistance, court appearances, counselling, relocation or to make other safety arrangements. The amount of leave provided will be determined by the individual's situation through consultation between the employee, the People Leader and Workplace Relations.
- (b) An employee may be required to produce evidence to support the need for leave such as a medical certificate, a document issued by the police service or a court or a statutory declaration.

50.5 Confidentiality

Information concerning matters of domestic violence will be treated confidentially by the People Leader and Workplace Relations and will only be divulged if required by law or to maintain the safety of the employee or any other employee or customer of NAB.

50.6 Anti-discrimination

NAB will not discriminate against anyone who has been subjected to domestic violence, in terms of their existing employment or career development

This clause is then supported with further information contained in internal policy documents.

We have been negotiating with many other employers in the industry around these types of responses for members escaping domestic violence.

While the FSU is working to engage with employers in the industry in order to support our members, we are concerned that this degree of support is dependent on bargaining as we believe it should be available for all women experiencing domestic and family violence and not only to women working in unionised areas where there is the capacity to negotiate these types of provisions.

Recommendations

FSU sees a need to address gaps in the protections available for workers experiencing domestic violence within the current legislative and policy framework. This includes:

1. **Strengthening the “right to request” provisions under s65 of the Fair Work Act 2009 by**
 1. **Removing the qualification requirements in section 65(2)(a) of the FWA (ie the requirements for 12 months continuous service)**
 2. **Introducing a positive duty on employers to reasonably accommodate a request for flexible working arrangements**
 3. **Establishing a procedural appeals process through the Fair Work Commission for decisions related to the right to request flexible working arrangements to ensure processes set out in the FWA have been complied with**
2. **Providing access to paid leave under the National Employment Standards**
3. **Amending Section 351 (1) and 772(1)(f) of the FWA (2009) to extend protection from discrimination to employees experiencing domestic violence.**
4. **Amending discrimination legislation to extend protections from discrimination to employees experiencing domestic violence.**

Education – community awareness and employer training

There is significantly more work to do around raising community awareness of domestic violence, and a specific need for education of employers, particularly line managers.

FSU commends the work being done to raise awareness of the issue of violence against women through “White Ribbon Day”, and is working with employers in our industry to support this initiative – for example we have been involved in co-hosting white ribbon day breakfast events with Westpac.

While the work of the White Ribbon Foundation is to be applauded, there is also clearly a role for government in raising awareness of this important issue and appropriate responses from employers towards workers who are subjected to domestic and family violence.

In our experience, despite discussions with employers, agreement clauses being negotiated and clear policies being adopted around domestic violence, if line managers and human resources professionals are not properly trained, our members continue to have issues. See case studies below:

Case study 1

Sue was working for a major bank in a branch in a regional area, and had been the subject of domestic violence. She had applied for an Apprehended Violence Order (AVO) against her former partner *Joe*. *Joe* continued to come to her workplace to do his banking. Despite good company policy on domestic violence, the branch manager told *Sue* that this was an unacceptable situation and that *Joe* should not be prevented from coming to the branch to do his banking. *Sue* was told to drop the AVO or that she would be transferred out of the workplace.

Case study 2

Jill was working for a major bank in a call centre. She had confided in her manager that she had recently left her partner following domestic violence, and that her ex partner was continuing to harass her and follow her. She was advised to leave her problems at the door. *Jill* was subsequently put onto performance management due to issues with her attendance (such as being late to work when her ex partner was following her and she went to the police station rather than to the workplace).

Names have been changed

Recommendations

FSU strongly believes that there needs to be appropriate education available for employers in relation to the best ways to support employees experiencing domestic violence.

- 1. Fund specialist employer education programs such as the training previously provided by the Domestic & Family Violence Clearinghouse;**
- 2. Develop case studies of best practice examples of support employers can provide to employees experiencing domestic violence**