



4 June 2024

Dr Elvio Sinopoli
Independent Review Project Manager
Independent Statutory Review into Family and Domestic Violence Leave

Via: fdvleavereview@flinders.edu.au

Dear Independent Review Team,

RE: SUBMISSION TO THE INDEPENDENT STATUTORY REVIEW INTO FAMILY AND DOMESTIC VIOLENCE LEAVE

On behalf of the Victorian Trades Hall Council (VTHC), I thank you for the opportunity to make a submission into this important review into family and domestic violence leave (FDVL).

VTHC was founded in 1856 and is the peak body for unions in Victoria, representing 40 affiliated unions and over 500,000 workers that reach into each and every industry in the state. VTHC has had a long and proud history of fighting for and defending the rights of all workers in Victoria, and in particular, has led the fight for working women's rights around the country. All workers deserve to be safe in their workplaces and in their homes. Workplaces must support workers who are subjected to family violence, men's violence or gender-based violence.

This submission should be read in support of the Australian Council of Trade Unions (ACTU)'s submission, and in conjunction with any other submission made by an Australian union. VTHC stands in solidarity with the unions representing family violence support workers. VTHC strongly supports workers on the front line of the family violence and men's violence crisis, who are supporting women to access safety every day. The importance of this work cannot be overstated.

VTHC has long fought for family violence to be seen as a workplace issue. Women overwhelmingly make up the majority of family violence victim/survivors,¹ and two-thirds of those victim/survivors are in paid work.² Family violence remains an abhorrent manifestation of gendered power dynamics and inequality. The adoption of universal paid FDVL means security, independence and safety for women workers who have been subjected to family violence.³ The continuation of universal FDVL as part of the National Employment Standards (NES) remains life changing for victim/survivors.

The first FDVL clause was developed in Australia, in conjunction with VTHC. In 2010, the VTHC Women's Committee collaborated with the Australian Family and Domestic Violence Clearinghouse to pursue a paid family violence leave clause or agreement. In

Luke Hilakari
Secretary

Amanda Threlfall
Assistant Secretary

Wilhelmina Stracke
Assistant Secretary

Trades Hall
54 Victoria Street
Carlton 3053

Ph: 03 9659 3511
info@vthc.org.au
weareunion.org.au

¹ According to the ABS 15% of women experience Partner Violence compared to 6% of men, at 4906.0 Personal Safety, Australia, 2016 'Key Findings' <<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4906.0~2016~Main%20Features~Key%20Findings~1>>

² Australian Bureau of Statistics, Personal Safety Survey, Catalogue No 4906.0 (2005), 11, 34

³ Costello, M et. al (2005) "Exploring Alternative Pathways Out of Poverty: Making Connections Between Domestic Violence and Employment Practices", *Australian Journal of Social Issues*, Vol 40, No 2 pp 253-267

2010, the Australian Services Union Victorian and Tasmania Branch, supported by VTHC, negotiated the world's first paid family violence agreement provision with the Surfcoast Shire Council as part of their Enterprise Agreement (EA).

After the ASU's success, Victorian unions rapidly rolled out the adoption of FDVL clauses in EAs. VTHC's model clause included, amongst other elements, 20 days specific paid leave in relation to family violence; that there be a nominated contact person in the workplace to support workers needing to access FDVL; and that a workplace safety plan be implemented to minimise the risk of family violence or abusive behaviour affecting the workplace. In 2016, VTHC supported the Community and Public Sector Union (CPSU) Victoria to negotiate that this model clause form part of the Victorian Public Sector EA. By 2017, approximately 30% of EAs contained FDVL clauses in Victoria and other related provisions.⁴

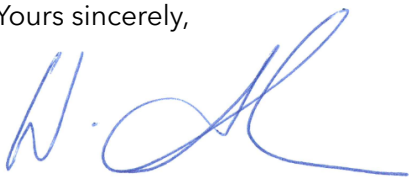
In 2015, the Australian Council of Trade Unions (ACTU) Congress resolved to fight for FDVL to be included in the NES. The campaign also included the 2017 case brought to the Fair Work Commission (FWC) to argue that 10 days paid leave should form part of all Modern Awards. The FWC, instead inserted 5 days unpaid FDVL into Awards, an entitlement that was subsequently legislated as part of the NES. In July 2022, following a change of government, 10 days of FDVL was legislated by the Commonwealth Parliament to become a universal entitlement to all Australian workers as part of the NES.

VTHC is extremely proud that Victorian workers were able to spearhead this ground-breaking reform, that has ultimately led to all workers being able to access paid FDVL.

Every single woman in Australia deserves to live their life free from violence. Victorian unions remain committed to doing whatever work we can to contributing to the end of men's violence against women.

If you should have any further questions about this submission, please do not hesitate to contact Tiarne Crowther, VTHC Advisor on tcrowther@vthc.org.au

Yours sincerely,



Wilhelmina Stracke
VTHC Assistant Secretary

⁴ Internal review undertaken by VTHC in 2017 analysing 2,200 registered workplace agreements, which found 645 had FDVL clauses.