



**Domestic Violence Workplace Rights
and Entitlements Project**

*a project of the Australian Domestic and Family Violence
Clearinghouse (ADFVC), funded by the Commonwealth Department of Education, Employment and Workplace
Relations*

26th October 2010

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2066

Re: Discrimination on the Grounds of Family Violence

The Australian Domestic and Family Violence Clearinghouse (ADFVC) has been funded by the Commonwealth Department of Education, Employment and Workplace Relations to promote domestic violence clauses in enterprise agreements and other industrial instruments. The ADFVC has prepared a proposed amendment to the Fair Work Act demonstrating how domestic violence as a workplace issue could be incorporated into workplace legislation.

We note that the Queensland Working Women's Service has raised concerns that industrial legislation does not adequately protect women from adverse action as a result of the impact of domestic violence, and have commended the New York Anti-Discrimination legislation, which now prohibits employment discrimination on the grounds of domestic violence.

The Clearinghouse is aware of a series of positions held in this country on what the better remedy for adverse action in relation to domestic violence might be; we believe that this is an important discussion that needs to take place.

As such, the Clearinghouse believes that we now need a national discussion on these issues. We are in the process of seeking advice from a number of labour lawyers, working women centres, industrial organisations and the Australian Human Rights Commission. We currently do not have a developed position on the relative merits of each remedy at this time but would like to flag with the Inquiry that this is a matter we would like considered in the future.

One important development will be the Inquiry by the Australian Law Reform Commission into employment laws and effective remedies for domestic violence. This Inquiry will continue for 12 months and we will be contributing to this Inquiry.

We would seek leave to inform you of any developments in any further deliberations. And would welcome the opportunity to present at a public hearing.

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