



19<sup>th</sup> August 2022

Committee Secretary  
Education and Employment Legislation Committee Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600  
AUSTRALIA  
Australian Government

Dear Education and Employment Legislation Committee,

**RE: Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022**

**Submission - by the Aesthetic & Beauty Industry Council**

My name is Stefanie Milla and I am the Director and CEO of the Aesthetic and Beauty Industry Council, the official representative association for the professional beauty industry.

I have owned and run several small business over the past twenty years, currently I own four business in the beauty industry and employ upwards of thirty staff.

This submission is proffered on behalf of our Council, our members and the beauty and aesthetic industry which comprises of >>>>> business, >>>>sole trader and >>>>> employees.

Approximately, 98% of our professional industry consists of females and 95% of our clientele are female.

ABIC and its members are in favour of the principle behind the Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022

of providing 10 days of leave for people that are in Domestic Violence situations.

Our proposal is that the duty of care and responsibility for domestic violence victims and their complex needs are best served and funded by the national government and the resources at their disposal.

The following outlines some key points for consideration in support of our proposal.

### **The burden of disclosure by the victim of domestic violence**

The primary concern of the proposed bill begins with the victim of domestic violence.

The Human Rights Commission has reported that “Almost two thirds of women affected by domestic and family violence in Australia are employed”. Of those, a staggeringly low 0.3% or less inform their employer of their circumstances.



This displays a clear indication that privacy in the workplace is paramount for victims.

This can be for various reasons, some of which may include the victim experiencing work as a safe zone where they are not seen as victims, and can assert some control over their personal image and treatment.

This bill would force victims to share personal information regarding the violence that they are experiencing, which can often lead to feelings of humiliation and vulnerability, the workplace is not the correct or responsible setting for this type of intimate disclosure to occur.

This can also open up feelings of self-doubt and insecurity by the victim, in cases where they are not granted promotions or advancement opportunities in workplace.

It can also lead to intentional or unintended discrimination, or unconscious differential treatment of the victim by the employer concerning work advancement opportunities.

There are all the privacy issues to consider when it comes to how Domestic Violence Leave is recorded, and who has access to this information.

It is challenging to keep this type of leave confidential if it is to be recorded by administration staff, bookkeeper's and financial personnel.

We must consider privacy when recording this type of leave on financial documents such as Payslips and performance reviews, which often detail types of leave taken by staff throughout the calendar year.

Payslips and financial documents are required when people are applying for a loan, leasing a car or renting a house. We must consider the implications of having this information accessible to third parties and how this can influence the victims rights to unbiased consideration.

### **The burden of duty of care**

The secondary issue is that once disclosure of domestic violence has occurred to an employer, there will be an inherent and presumed duty of care assumed into the employer.

When a victim of domestic violence finally has the courage to come forward or tell someone, it is usually as they are seeking help. It is then reasonable to expect the victim to want support, ask questions and seek that help from the person they are confiding in.

Whether intended or not, the presumed duty of care will undoubtedly fall with the confidant, in this case, the employer.

Even if every business owner was to receive information regarding where to refer victims of domestic violence, after the victims disclosure, the act of referral on the part of the employer infers a degree of responsibility as to the measure of support that victim will receive, and an implied responsibility to follow up and show future care to the victim.

This is beyond the scope of responsibility of any business and especially exceeds the capabilities of small to medium businesses and business owners.

### **Business Owners - Lack of adequate resources and training**

Whilst larger or corporate business may have some HR resources in place to be able to address some of the emotional elements that come with supporting victims of domestic violence, there are also mental and physical aspects to consider, and different types of violence including sexual and emotional abuse.

Dealing with victims of domestic violence in any capacity is a specialised skill.

Leave requests for domestic violence will be significantly different in nature to other situations concerning staff leave requests.

Even large corporate companies will need to hire and train HR personnel with the correct skills to be able to adequately answer questions, support victims, and guide them in the right direction, or to the appropriate support organization.

Small to medium business do not have the resources, staff or training to be able to undertake the responsibility of supporting a victim of domestic violence.

This would also place significant psychological pressure and burden on business owners.

### **Domestic Violence Leave for Business Owners and Sole Traders**

An area of concern regarding the bill is that it does not address or take into consideration Domestic Violence Leave for small business owners and sole traders.

The amendment is designed to support people in a domestic violence situation, however under this proposed bill, business owners and sole traders will, in essence, be required to support themselves in taking this leave.

Small business owners often do not take a wage and they are often not in a financial position to take leave without external financial supplementation.

Sole traders generate their own daily income by offering a service or goods, if they are absent from work there is generally no auxiliary income to support these individuals in taking paid Domestic Violence Leave.

This bill should seek to support all victims of domestic violence fairly.



### **Financial Burden on Small and Medium Businesses**

Small to medium businesses operate on tight margins, and lack of profitability is a typical concern.

Businesses have been burdened with the effects of Covid Lockdowns for the past two years, followed by inflation, the rising cost of wholesale goods and operations, increased wages and superannuation, and an expanding amount of diverse staff leave entitlements.

In service industries such as beauty and aesthetics, in addition to supporting the victim with paid Domestic Violence Leave, the business will need to endure loss of income for the leave period.

The services provided in the aesthetic and beauty industry are not easily transferable to a replacement contractor or employee, as detailed patient treatment plans are involved, along with the treatment of skin concerns in a progressive manner, using modalities which require specialised training.

The cumulative financial burden to small businesses in specialised service industries has not been fully considered.

The mental and emotional strain experienced by business owners due to these financial challenges is weighty.

We want to also consider this pressure, in addition to supporting the victims.

Therefore, we propose that in cases of paid Domestic Violence Leave, it be funded by the national government.

If an employee applies directly to the national government for assistance, they are able to be guided to the correct support associations, the burden of duty of care and responsibility is removed from the business owner, and most importantly the victim is cared for in the correct manner.

The Aesthetic and Beauty Industry Council wish to support victims of domestic violence, however we have identified significant flaws in the proposed bill that will fail to protect and support both victims and businesses, and we ask that our feedback be thoroughly considered.

Kindest regards,

Stefanie Milla

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