



Submission to

the Senate Education and Employment Legislation Committee

*Fair Work Amendment
(Family and Domestic Violence Leave) Bill 2018*

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submission

Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the Senate Education and Employment Legislation Committee (the Committee) for the opportunity to provide feedback to the *Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018* (the bill).

Nursing and midwifery is the largest occupational group in Queensland Health and one of the largest across the Queensland government. The QNMU is the principal health union in Queensland covering all classifications of workers that make up the nursing workforce including registered nurses (RN), registered midwives (RM), enrolled nurses (EN) and assistants in nursing (AIN) who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 59,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses and midwives in Queensland are members of the QNMU.

Recommendation

The QNMU recommends:

- The bill provide 10 days paid domestic and family violence leave.

Nursing and Midwifery Workforce

Close to 90% of nurses and 99% of midwives are female who work on 24/7 continuous shifts with a high proportion who are part-time (Australian Institute of Health and Welfare, 2016a). A recent study of Victorian health professionals including nurses, doctors and allied health professionals found one in ten (11.5%) had felt fear of their partner, or experienced physical, emotional and/or sexual violence from them during the previous 12 months (McLindon, Humphreys & Hegarty, 2018).

To put this into context, this is a substantially higher prevalence than the Australian population community sample (2.1%) (Australian Bureau of Statistics, 2012), double the prevalence rate identified in a large workplace survey of Australian teachers and nurses (5.0%) (Australian Institute of Health and Welfare, 2016b), but lower than a clinical sample of

patients in primary care (19.6%)(Australian Bureau of Statistics, 2008; McFerran, 2011). The Victorian study concluded intimate partner and family violence may be common traumas in the lives of female health professionals, and this should be considered in health workplace policies and protocols, as health professionals are increasingly urged to work with patients who have experienced intimate partner and family violence (McLindon, Humphreys & Hegarty, 2018).

As the bill provides five days unpaid domestic and family violence leave to be included in the National Employment Standards (NES), it will likely affect nurses who remain award reliant or who have no such provisions in their enterprise agreement. AINs who are employed in aged care comprise a significant proportion of these workers. They are amongst the lowest paid and therefore most in need of a secure, continuous income during periods of domestic violence.

It is therefore of great concern to us that at a time when the Prime Minister (2018) has announced a Royal Commission into Aged Care Quality and Safety, an industry clearly unable to attract sufficient qualified nursing staff, the coalition government simultaneously introduces a bill providing sub-optimum domestic and family violence leave for employees in this sector. The inferior entitlement provided by the bill may exacerbate the recruitment and retention problems the aged care sector already faces.

The reality is that female workers are most likely to be victims of domestic violence.¹ Again, we see female workers disadvantaged by their family and domestic circumstances. We ask the Committee to consider the lives and incomes of workers and families already under duress. It will force them into a position where they either take other forms of paid leave or go without pay to escape the violence. They will have to choose whether to have income or seek help. These are not the choices a person experiencing such difficulties should have to make.

The coalition government has an opportunity here to provide women workers with a paid, necessary entitlement.

The QNMU asks the committee to respect nurses, midwives and the broader workforce by providing 10 days paid domestic and family violence leave in the NES.

¹ While a small proportion of men are victims of domestic violence and sexual assault, the majority of people who experience this kind of violence are women in a home, at the hands of men they know (Australian Bureau of Statistics, 2006 cited in Council of Australian Governments, 2010). Men are more likely to be the victims of violence from strangers and in public, so different strategies are required to address these different types of violence (Australian Bureau of Statistics, 2006 cited in Council of Australian Governments, 2010).

References

- Australian Bureau of Statistics (2006) *Personal safety survey* (reissue), Cat. No. 4906.0, Canberra.
- Australian Bureau of Statistics (2008) *Family Characteristics and Transitions 2006–07*, Cat no. 4442.0, Canberra.
- Australian Bureau of Statistics (2012) *Personal Safety, Australia, 2012*, Canberra.
- Australian Institute of Health and Welfare (2016a) *Nursing and Midwifery Workforce*.
- Australian Institute of Health and Welfare (2016b) *Authoritative Information and Statistics to Promote Better Health and Wellbeing*, edited by Australian Institute of Health and Welfare, Canberra.
- Council of Australian Governments (2010) *National Plan to Reduce Violence against Women and their Children 2010-2022*.
- McFerran, L. (2011) *National Domestic Violence and the Workplace Survey*, edited by Australian Domestic and Family Violence Clearinghouse, New South Wales.
- McLindon, E., Hmphreys, C. & Hegarty, K. (2018) ‘It happens to clinicians too’: An Australian Prevalence Study of Intimate Partner and Family Violence Against Health Professionals’, *BMC Women's Health*, 18,113.
- Prime Minister, Minister for Health & Minister for Senior Australians and Aged Care (2018) ‘Royal Commission into Aged Care Quality and Safety’, Media Release, 16 September.