



Committee Secretary  
Senate Education and Employment Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

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**Canberra Office**

Unit 3, 28 Eyre Street  
Kingston ACT 2604  
Australia

Dear Committee Secretary

**Re: Inquiry into the provisions of the Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018**

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W [www.anmf.org.au](http://www.anmf.org.au)

The ANMF welcomes the opportunity to provide a statement in relation to the Committee's inquiry into the provisions of the Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018.

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**Melbourne Office**

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Melbourne VIC 3000  
Australia

The ANMF is Australia's largest national union and professional nursing and midwifery organisation. In collaboration with the ANMF's eight state and territory branches, we represent the professional, industrial and political interests of more than 275,000 nurses, midwives and carers across the country. Our members work in the public and private health, aged care and disability sectors across a wide variety of urban, rural and remote locations. Through our work with members we aim to strengthen the contribution of nursing and midwifery to improving Australia's health and aged care systems, and the health of our national and global communities.

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**ANMF Journals**

Australian Nursing and  
Midwifery Journal (ANMJ)

The ANMF's membership of nurses, midwives and carers is approximately 90% female. As family and domestic violence predominantly affects women, this means a significant proportion of the ANMF's membership will at some time in their working lives, be affected by family and domestic violence. The introduction of Family and Domestic Violence Leave to the entitlements enshrined in the National Employment Standards is an appropriate and welcome safety net to benefit all working Australians.

Australian Journal of  
Advanced Nursing (AJAN)

The ANMF has considered the ACTU submission to this inquiry dated 24 September 2018 and offers its support to the comments made in the submission. In particular, the ANMF has no objection to the wording of the provisions to the extent that they replicate the provisions of the Award clause. The ANMF agrees with the concerns raised by the ACTU with respect to the definition of 'close relative' and that it should be expanded to include partners who have not separated but are not living together.

ABN 41 816 898 298

The omission of the explanatory note from the Awards with respect to confidential information should be addressed. Confidentiality is the key to those experiencing family and domestic violence having the confidence to seek support in the workplace.



The ANMF agrees with the ACTU that the proposed s40 dealing with resolving uncertainties and difficulties about interaction between enterprise agreements and the NES does not have utility when considered with other sections of the Act. The ANMF agrees that this section should be deleted.

The ANMF takes this opportunity to say, that while welcome, the proposed entitlement does not go far enough. To be truly beneficial and to achieve the aim of minimising the impact of family and domestic violence on employees, the leave must be paid. For workers in low paid work or insecure work the loss of even one day's income may be untenable. For a person, who may already be in an economically vulnerable position because of the effects of family and domestic violence, the threat of loss of pay to take leave may operate as a further disincentive to accessing leave. Shifting the cost of providing leave to employees has the effect of reducing the intended benefits of the leave entitlement.

The ANMF considers the provision of 5 days unpaid leave to be a starting point only. The ANMF calls for family and domestic violence leave to be paid leave and for the cap of five days to be removed. The ANMF's position is that employees should be provided with 20 days of paid family and domestic violence leave per year in addition to all other leave.

Yours sincerely

Lori-Anne Sharp

Acting Federal Secretary