

Committee Secretary  
Senate Education and Employment Committees  
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Dear Committee Secretary,

I welcome the opportunity to make a submission in relation to the Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018 (Cth).

I am a Teaching Fellow at the University of New South Wales, where I teach international law and business law. I have recently been awarded a PhD in international human rights law.

The Fair Work Amendment (Family and Domestic Violence Leave) Bill provides all employees in Australia with five days unpaid leave from their employment “to deal with the impact of ... family and domestic violence” (s 106B(1)(b)). The Bill incorporates this form of leave in the National Employment Standards, in conformity with the five days unpaid family and domestic violence leave provided in Australia’s modern awards from 1 August 2018.

The Bill follows other initiatives of the incumbent government concerning family and domestic violence. These initiatives include “\$11.5 million for 1800RESPECT, \$6.7 million for DV-alert, \$14.2 million for the Office of the eSafety Commissioner to help make cyberspace safe for women, and \$22 million to combat elder abuse” (Minister’s Second Reading Speech, 13 September 2018, p. 3).

Ostensibly, the Bill is aimed at easing the suffering of people experiencing family and domestic violence, particularly women. However, the Bill represents yet another measure that fails to confront family and domestic violence squarely. The Bill affords those subjected to family and domestic violence time to “deal with” its effects, whether through legal mechanisms or other measures directed at avoiding or managing the violence. But the Bill, like the initiatives mentioned above, does not ensure that victims will not continue to experience family and domestic violence in some form. Nor does the Bill address dynamics in Australian society that legitimise and perpetuate family and domestic violence.

The Australian government has a responsibility to keep Australians safe from harm. To fulfil this responsibility, the government must look to the causes of family and domestic violence in Australia. The most fundamental causes are economic in nature. They include poverty, financial pressures, the financial dependence of women on men, and lack of employment opportunities. They also include lack of social integration and social support.

Beyond requiring employers to provide leave for employees to deal with the *effects* of family and domestic violence, the government should examine what role it can play in addressing the *causes* of family and domestic violence, both in relation to work and welfare.

The government should look to shape Australian society so that people, especially women, are not unemployed, underpaid, underprivileged, and isolated. Moreover, the government should look to shape a society that models equitable relationships in people's working lives, rather than exploitative relationships premised on profit-making. Exploitative relationships in one area of life can beget harmful dynamics in other areas. The quality of a person's working life influences the quality of their family life.

Importantly, the Bill connects family and domestic violence to the employer. It makes the employer bear some responsibility for protecting its employees from family and domestic violence. Yet, beyond providing leave to employees who experience harm from family members and intimate partners, employers must cease harmful practices that are reproduced in social and familial relations.

I would be pleased to provide further information on the issues raised in this submission, at the convenience of the Committee.

Yours sincerely,  
Dr Dorothea Anthony