SEVERAL OF AUSTRALIA’S largest and most well known companies are providing domestic violence leave for their employees, meaning this relatively new workplace entitlement is likely to be widely adopted by big employers as unions campaign to have the policy written into all awards.

Telstra, Australia’s largest communications company, is the latest to announce that it will provide domestic violence (DV) leave for its 34,000 employees. Currently 1.6 million Australian workers have access to DV leave. Virgin Australia, Ikea, McDonald’s, the National Australia Bank and a number of shire councils have adopted the policy while companies including the Commonwealth Bank and BHP Billiton have flexible workplace arrangements in place to assist those affected by domestic violence.

Flexible working measures can include employers helping employees to change their phone number or their workplace location, or moving a woman from reception to the back office to try to prevent them from being harassed by their perpetrator either on the phone or in person. Employers also commonly give women extra days off work to move house to escape a perpetrator. Companies that have not yet adopted a DV leave policy tend to grant special leave on a case-by-case basis.

The Australian Council of Trade Unions (ACTU) President Ged Kearney has described Telstra’s announcement as “a great leap forward for a cause that has for far too long been behind closed doors”.

Unions hope that by having DV leave written into awards, those affected would not have to use annual or sick leave to attend medical, counselling or court appointments, nor fear losing their job.

Australian Bureau of Statistics (ABS) figures show that one in three Australian women have experienced physical and or sexual violence perpetrated by someone known to them, and two-thirds of these women are in paid employment. It was this statistic that led Telstra to adopt its DV leave policy.

Troy Roderick, the General Manager of Diversity and Inclusion at Telstra, told ASR the one-in-three figure meant there would have to be people within his organization who were either victims or perpetrators.

Telstra’s policy, first announced on White Ribbon Day in November 2014, provides ten days’ paid leave a year for all employees regardless of whether they work full- or part-time, in addition to other paid entitlements such as annual, parental, compassionate, carer’s and...
sick leave. After manager approval, such leave can be taken on a confidential basis. Casual workers will have access to ten days’ unpaid DV leave.

“In essence it’s about recognizing that worrying about work when you’re experiencing domestic violence is probably the last thing you want to do,” Roderick said.

The CEPU, the union that covers workers in the communications industry, including Telstra, is concerned that Telstra’s policy is not enforceable. It claims the actual amount of leave any employee receives would be at management’s discretion, whereas a workplace entitlement would make a DV sufferer feel more secure in requesting the leave. However, the CEPU says Telstra’s policy is an important step towards making DV leave a recognized workplace right, alongside parental and annual leave.

In October last year, the ACTU made a submission to the Fair Work Commission seeking to have a policy similar to Telstra’s included in all 122 awards. It is also asking for flexible workplace arrangements to be available to those affected by domestic violence.

Kearney says the ability to change start and finish times can be an important protection against stalking by former partners. If the claim succeeds, the ACTU says a further 1.5 million low-paid workers could be entitled to DV leave. The Fair Work Commission told ASR no date has been set for the submission to be heard, but it is likely to be part of a broader hearing into modern-day award agreements.

“Having flexibility is an important part of (this process), but it’s not enough,” Kearney told ASR. “We really need to have victims of domestic violence able to confidently take time off to deal with the issues, knowing they can come back to work afterwards.”

Not everyone is a fan of DV leave becoming a workplace entitlement. The Australian Chamber of Commerce and Industry (ACCI) believes domestic violence is a societal issue, not a business one.

“My experience is that employers are incredibly flexible and understanding with regards to domestic violence issues,” ACCI CEO Kate Carnell told ASR. “But employers can’t solve this.”

Carnell says that while big corporations such as Telstra have a large number of workers to backfill if an employee is away for an extended period of time, small-to-medium enterprises could suffer.

“It is a social, broader-based issue and beyond being flexible employers can’t do much else. This is a huge cost at a time when businesses are struggling.”

“I think the Chamber of Commerce is just showing how backward-thinking they are,” says the ACTU President in response.

The Business Council of Australia, of which Telstra is a member, has yet to develop a DV leave policy.

White Ribbon Australia, an organization that encourages men to campaign against violence against women, has applauded companies that have DV leave. Chief Executive Libby Davies believes domestic violence is both a societal and a business issue because both victims and perpetrators are in workplaces.

White Ribbon argues that the cost to businesses of paying extra leave is far outweighed by the benefits such as increased productivity, reduced absenteeism and workplace retention.

White Ribbon argues that the cost to businesses of paying extra leave is far outweighed by the benefits such as increased productivity, reduced absenteeism and workplace retention. The organization has estimated that violence against women and children costs the Australian economy $14.4 billion per year in legal fees, victim compensation, homelessness, loss of income and lost productivity.

“You only have to look at all the research around productivity in small and large business,” says Telstra’s Roderick.

“If you can enable people to manage and deal with the things that are happening in their lives so they can get back to work, then that is a good thing.”

Juliette Saly
See Primary Sources: DV Toolkit, page 82