



Minister for Education and Early
Childhood Development
Minister for Housing and Suburban
Development
Minister for the Prevention of Domestic
and Family Violence
Minister for Women
Minister for Sport and Recreation

Member for Ginninderra

Minister for Community Services and Social
Inclusion
Minister for Disability, Children and Youth
Minister for Aboriginal and Torres Strait
Islander Affairs
Minister for Multicultural Affairs
Minister for Workplace Safety and
Industrial Relations

Member for Kurrajong

Vice President Watson
Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

23 NOV 2016

By email: chambers.watson.vp@fwc.gov.au

Cc: amod@fwc.gov.au

Dear Vice President Watson

RE: AM2015/1 four yearly review of modern awards – Domestic and Family Violence Leave clause

We write on behalf of the ACT Government as an interested party to this matter, being an employer of people subject to a modern award, and in our capacity as the ACT Deputy Chief Minister, Minister for Women and Minister for the Prevention of Domestic and Family Violence; and Minister for Workplace Safety and Industrial Relations respectively, to make this Government's views known to the Commission.

The ACT Government supports the Australian Council of Trade Unions (ACTU) application for the inclusion of domestic and family violence leave in all modern awards as a means of providing a universal entitlement for workers in the federal industrial relations system. We also note that the Victorian Royal Commission into Family Violence recommended (Rec.191) that the *Fair Work Act 2009* (Cth) be amended to include an entitlement to paid family violence leave for employees.

The ACT Government recognises that domestic and family violence is a workplace issue, and that the workplace has a crucial role to play in a whole-of-community response to domestic and family violence.





The provision of leave and other entitlements that provide workplace support for victims of domestic and family violence is important in establishing a workplace culture that accepts a shared responsibility for supporting those affected by domestic and family violence. Since May 2014, the ACT Government public sector employment agreement has included an entitlement to 10 days domestic and family violence leave.

Paid leave allows an employee subjected to domestic or family violence to take an absence from work to attend appointments with medical, legal or financial professionals, or to make arrangements to relocate or ensure their children's protection, without suffering financial disadvantage.

This not only supports people subjected to current violence, but also facilitates safe escape from dangerous situations, thus helping to reduce or eliminate further violence.

The ACT Government's view is that employees should not be penalised for requiring leave to attend to domestic and family violence related matters, that they should not be required to exhaust other forms of leave when attending to such matters, and that access to leave should not be left to the discretion of the employer.

The ACT Government has been a national leader in Australia's response to domestic and family violence, both through Territory law reform and the *Safer Families* package announced in the 2016 Budget. Our *Safer Families* package emphasises that domestic and family violence is everyone's business. Tackling this issue requires a collective response, and we believe employers should play their part – as many have voluntarily chosen to do.

Thank you for your consideration of our views on this matter. Should you wish to discuss any aspect of this correspondence please contact Michael Young, Executive Director – Workplace Safety and Industrial Relations, on 02 6205 3095.

Yours sincerely,

Yvette Berry MLA
Acting Chief Minister

Rachel Stephen-Smith MLA
Minister

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