

From: Sophie Ismail <sismail@actu.org.au>
Sent: Friday, November 11, 2016 4:52 PM
To: Chambers - Watson VP
Cc: 'Julian Arndt'; 'Ruchi Bhatt'
Subject: Updates and amendments to folders - AM2015/1 - Four yearly review of modern awards - Family and domestic violence clause

Dear Associate,

The ACTU is preparing two folders for the witness box, one containing the experts' statements and one containing the lay witness's statements.

The Commission has most of this material in hard copy already. The following updates and amendments will be made to the folders for the witness box:

Expert Statement of Natasha Cortis

The Embargoed Compass and Horizon Reports will be replaced by the publically available copies. We confirm that there have been minor proofing changes only:

<http://media.aomx.com/anrows.org.au/s3fs-public/page-attachments/ANROWS%20Compass%20Report%20-%20Domestic%20violence%20and%20womens%20economic%20security.pdf>

<http://media.aomx.com/anrows.org.au/s3fs-public/page-attachments/ANROWS%20Horizons%20Report%20-%20Domestic%20violence%20and%20womens%20economic%20security.pdf>

Expert Report of Dr Martin O'Brien

This has been filed but not previously provided in hard copy.

Dr Peta Cox - Supplementary Report

This has been filed but not previously provided in hard copy.

Dr Cathy Humphries – updated report

This has been filed but not previously provided in hard copy.

Additional material as per earlier email

Links below:

Witness	Statement Reference	Material
Dr Peta Cox	Paragraph 6.13 (Note paragraph reference was incorrect in earlier email)	ANROWS, <i>Violence Against Women in Australia: Additional Analysis of the Australian Bureau of Statistics' Personal Safety Survey 2012</i> (Horizons Research Report), October 2015. http://media.aomx.com/anrows.org.au/s3fs-public/151022%20Horizons%201.1%20PSS.pdf
Dr Natasha Cortis	Paragraph 6.	ANROWS, <i>Building Effective Policies and Services to Promote Women's Economic Security Following Domestic Violence: State of Knowledge paper</i> (Landscapes Report), Aug 2015. http://media.aomx.com/anrows.org.au/s3fs-public/4.6%20Cortis%20&%20Bullen%20150821.pdf

Witness	Statement Reference	Material
	Paragraph 8.	McFerran, Cortis and Trijbetz, <i>Safe at Home, Safe at Work: Domestic Violence Clauses in Your Workplace</i> , Centre for Gender Related Violence Studies, UNSW (June 2013). https://www.arts.unsw.edu.au/media/FASSFile/Domestic and Family Violence Clauses in your Workplace Implementation and good practice.pdf
Ms Ludo McFerran	Report 2, [5.7].	McFerran, <i>Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey (2011)</i> , Australian Domestic and Family Violence Clearinghouse/Centre for Gender Related Violence Studies, UNSW (December 2011). https://www.arts.unsw.edu.au/media/FASSFile/Key Findings National Domestic Violence and the Workplace Survey 2011.pdf
Mr Mick Doleman	Paragraph 11.	Maritime Union of Australia draft clause. (Attached)
Ms Emma Smallwood	Paragraph 3.	Emma Smallwood, <i>Stepping Stones: Legal Barriers to Economic Equality after Family Violence</i> (Women's Legal Service Victoria, September 2015). http://www.womenslegal.org.au/files/file/WLSV Stepping%20Stones%20Report UPDATE digital.pdf

Please do not hesitate to contact me if the Commission requires any further material or information for next week.

Yours sincerely,

Sophie

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The ACTU respectfully acknowledges that our building stands on the lands of the traditional owners and continuing custodians of Melbourne, the Boon Wurrung and Woi Wurrung language groups of the greater Kulin Nation.

29.0 DOMESTIC VIOLENCE SUPPORT

29.1 General Principle

(a) The Employer recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Therefore, the Employer is committed to providing support to staff that experience domestic violence.

29.2 Definition of Domestic Violence

Domestic violence includes physical, sexual, financial, verbal or emotional abuse by an immediate family member as defined in this Agreement.

29.3 General Measures

(a) Proof of domestic violence may be required and can be in the form an agreed document issued by the Police Service, a Court, a Doctor, a Domestic Violence Support Service or Lawyer.

(b) All personal information concerning domestic violence will be kept confidential in line with Company Policy and relevant legislation. No information will be kept on an employee's personnel file without their express written permission.

(c) No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing domestic violence.

(e) The Employer will identify a contact in Human Resources who will be trained in domestic violence and privacy issues. The Employer will advertise the name of the contact within the Company.

(f) An employee experiencing domestic violence may raise the issue with their immediate supervisor or the Human Resources contact. The supervisor may seek advice from Human Resources if the employee chooses not to see the Human Resources contact.

(g) Where requested by an employee, the Human Resources contact will liaise with the employee's supervisor on the employee's behalf,

and will make a recommendation on the most appropriate form of support to provide in accordance with sub clauses 4 and 5.

(h) The Employer will develop guidelines to supplement this clause and which details the appropriate action to be taken in the event that an employee reports domestic violence.

29.4 Leave

An employee experiencing domestic violence will have access to 20 days per year of paid special leave for medical appointments, legal proceedings and other activities related to domestic violence. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.

An employee who supports a person experiencing domestic violence may take carer's leave to accompany them to court, to hospital, or to mind children.

29.5 Individual Support

In order to provide support to an employee experiencing domestic violence and to provide a safe work environment to all employees, the Employer will approve any reasonable request from an employee experiencing domestic violence for:

- changes to their span of hours or pattern or hours and/or shift patterns;
- job redesign or changes to duties;
- relocation to suitable employment within the Company;
- a change to their telephone number or email address to avoid harassing contact;
- any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.

An employee experiencing domestic violence will be referred to the Employee Assistance Program (EAP) and/or other local resources. The EAP shall include professionals trained specifically in domestic violence.