



2 November 2016

The Hon. Vice President G Watson  
Fair Work Commission  
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Dear Vice President Watson,

I write to support the application before the Fair Work Commission for a new modern award entitlement to 10 days' paid family and domestic violence leave. The NRA has long expressed the view that employees subjected to family and domestic violence require additional support beyond existing entitlements such as personal leave and annual leave. We commend the ACTU for bringing this issue to national prominence.

Other organisations have raised with the Commission statistics underlining the widespread nature of domestic violence in Australia, so I won't repeat them. Suffice to say that the NRA shares those concerns about the significance of this issue. Domestic and family violence is an issue that's deeply complex - it affects people from all demographics, all social classes, all ages, all cultures and all jobs.

The retail sector is one of the most affected of all industries by domestic violence. As the largest employer of young people in the country, and one of the most gendered industries, we simply cannot ignore the fact that the highest proportion of victims - women aged between 18 and 24 - are also the most likely to be working in retail.

However, I write to you not only as the CEO of the National Retail Association, but also as a lawyer with many years' first-hand experience of supporting victims, through the Women's Legal Service in Queensland. In my direct experience, women in situations of domestic violence usually require 18 days' additional leave, over and above their existing entitlements.

Drawing on this experience, I also understand that the proposal before the Commission will not solve this issue or remove its impacts from workplaces. We know that women often go to extraordinary lengths to hide from friends or family the fact that they are even in such situations, but even more so to hide it from their employer or colleagues.

Additionally, we know that when a woman moves out of these dangerous situations, her workplace is almost always the first place a perpetrator will go to try and track her down, and also the most likely time that a perpetrator will escalate his violent behaviour. And when these issues do spill over into the workplace, the average employer has absolutely no idea what to do, what their responsibilities are, or how to deal with sometimes dangerous ramifications.



These ramifications are not only for the woman concerned, but also her colleagues and members of the public who may be inside a business premises – a retail store, for example – when a violent situation arises. There are also ramifications around privacy, and ensuring that details of her movements or contact details are not inadvertently given out to perpetrators of domestic violence.

Many of our members, and other business owners, already provide the kind of leave you are being asked to consider – either through their existing employment arrangements, or informally. In small businesses, long-serving and trusted employees often come to be regarded as quasi-family members, and in these cases it is sometimes the employer to whom a woman turns for support or even emergency accommodation. For such employers, providing additional paid leave will merely formalise what they consider to be a normal human response.

However, even in these cases, the act of regulating a responsibility for employers will impose legal and moral obligations on employers that extend beyond simply providing additional paid leave. The NRA has been working with State and Federal Governments to address these obligations on employers. We have been calling on governments to ensure employers have a clear understanding of their obligations to victims, to other staff and to other people who may be accessing the business premises.

These are weighty matters to which you have no doubt already given considerable thought. They are not easily solved. However, as outlined above, the NRA does support this application on balance. We agree that Australia is in the grip of a major crisis relating to domestic violence, and we believe it is incumbent upon all elements of our society – including business – to address it in any way possible.

We wish you well with your deliberations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dominique Lamb', written in a cursive style.

**Dominique Lamb**  
Chief Executive Officer