

4 yearly review of modern awards

Family and domestic violence clause - AM2015/1

NATIONAL FOUNDATION FOR AUSTRALIAN WOMEN SUBMISSION

1. Introduction

1.1 The National Foundation for Australian Women (NFAW) is a non-politically aligned feminist organisation committed to analysing the potentially differential impacts of policies and their outcomes for men and women and whether the consequences of policies, intended or unintended, adversely affect women.

1.2 This submission is also endorsed by the Equality Rights Alliance, the South Australian Working Women's Centre, BPW Australia, the Women's Electoral Lobby, and the Work + Family Policy Roundtable.

1.3 NFAW makes this submission in response to the Ai Group's submission of 19 September 2016 in reply to an Australian Council of Trade Unions (ACTU) claim for a family and domestic violence leave clause to be introduced into modern awards. The clause would provide the following key entitlements:

X.2.1 An employee, including a casual employee, experiencing family and domestic violence is entitled to 10 days per year of paid family and domestic violence leave for the purpose of:

- (a) attending legal proceedings, counselling, appointments with a medical or legal practitioner;
- (b) relocation or making other safety arrangements; or
- (c) other activities associated with the experience of family and domestic violence.

X.2.2 Upon exhaustion of the leave entitlements in clauses X.2.1, employees will be entitled to up to 2 days unpaid family and domestic violence leave on each occasion.

and incorporates the following Notice and Evidentiary Requirements:

- X.3.1 The employee shall give his or her employer notice as soon as reasonably practicable of their request to take leave under this clause.
- X.3.2 If required by the employer, the employee must provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in clause X.2.1. Such evidence may include a document issued by

the police service, a court, a doctor (including a medical certificate), district nurse, maternal and child health care nurse, a family violence support service, a lawyer or a statutory declaration.

- X.3.3 The employer must take all reasonable measures to ensure that any personal information provided by the employee to the employer concerning an employee's experience of family and domestic violence is kept confidential.

1.4 The ACTU's claim forms part of the Commission's 4 yearly review of modern awards (Review) under s.156 of the Fair Work Act 2009 (FW Act or Act).

1.5 We support the grant of the ACTU's claim. It is our view that

- There is recognition that family violence is gender-based, widespread and destructive, and undermines social inclusiveness. There is agreement that domestic violence imposes very significant and unacceptable costs on individuals, employers and the community more generally.
- Provision for victims of family violence to take leave to address the impact of domestic violence, and to take measures to prevent its recurrence, is consistent with the Commission's responsibilities under the Act and the role of the award safety net.
- From Part 2.1 on, the Ai Group response to the ACTU proposal systematically omits or downplays reference to clauses of the ACTU claim addressing the purposes for which leave is to be used and documented evidentiary requirements which employees must meet, in an effort to represent the proposal as trivial and relatively open-ended.

Therefore, NFAW

- does not accept that the Commission should leave the provision of family and domestic violence leave to the good will of employers, as proposed by the Ai Group
- does not accept that the Commission should leave the provision of family and domestic violence leave to collective agreements as proposed by the Ai Group
- rejects the definitional issues identified by the Ai Group as manufactured, and inconsistent with the ongoing operation of other safety net leave provisions of the Act, in particular section 65(1A)(e) which enables employees experiencing family violence to request a change in their working arrangements.

2. There is recognition that family violence is gender-based, widespread and imposes very significant and unacceptable costs on individuals, employers and the community more generally.

2.1 There is agreement amongst the parties that family and domestic violence is widespread, and that the violence is overwhelmingly perpetrated against women. The Crime Victimisation, Australia 2010-11

survey shows that women comprised 87 per cent of partner assault victims and 87 per cent of all face-to-face threatened partner assault victims.¹

2.2 There is agreement amongst the parties that the costs of family and domestic violence extend beyond survivors and their children to the workplace and to the economy more generally through the health, legal, housing and social services systems. The Australian Human Rights Commission provides an overview² of these as follows:

- Health costs: In Australia, intimate partner violence is the leading contributor to death, disability and illness in women aged 15 to 44 years. It is responsible for more of the disease burden in women than many other well-known risk factors, such as smoking and obesity.³
- Economic costs: In 2002/03 the cost of intimate partner violence to the Australian economy was estimated at \$8.1 billion. If no preventative action is taken, this cost is projected to rise to \$9.9 billion annually by 2021/22. \$235 million of this \$9.9 billion will be borne by employers and \$609 million will be borne in production-related losses.⁴
- Workplace costs: Within the population of women who have experienced violence, or are currently experiencing violence, the Australian Bureau of Statistics estimates that between 55% and 70% are currently in the workforce⁵ – that is, approximately 800,000 women, or around one in six female workers. This means that a significant number of Australian workplaces will be impacted by women’s experiences of domestic and family violence.

Some common costs and impacts on the workplace include: decreased staff performance and productivity; increased staff turnover and absenteeism; a negative impact on the organisation’s reputation and image.⁶

2.3 The Ai Group submits at para 528 that ‘at the very heart of the ACTU’s claim is the proposition that the burden carried by employees who suffer from family and domestic violence should be shared by and/or shifted to employers’.

2.4 In response, we would argue, firstly, that the data indicates that most workplaces are already sharing the cost of domestic or family violence whether or not they are prepared to recognise or respond to the problem; and secondly, that providing leave for specified purposes and on a documented basis to enable

employees to address the impacts of such violence could prove a net benefit rather than a cost.

2.5 We note that while contesting the application on cost grounds the Ai Group submission does not make any effort to establish the costs involved.

3. Provision for victims of family violence to take leave is consistent with the Commission’s decision-making responsibilities under the Act and the role of the safety net.

3.1 *The principal Object of the Act: social inclusion and national economic prosperity.*

3.1.1 The principal object of the FW Act—to promote social inclusion and national economic prosperity—appropriately recognises that Australian workplace relations are conducted within an economic, social and political system whose causes and effects have complex interactions—often more complex than simple ‘competition’.

3.1.2 The term ‘social inclusion’ was new to the 2009 FW Act, and has been defined in research conducted for Fair Work Australia “as the process or means by which individuals and groups are provided with the resources, rights, goods and services, capabilities and opportunities to engage in cultural, economic, political and social aspects of life” (Nelms and Tsingas, 2010, p. 4).

3.1.3 We submit that providing leave to enable those experiencing domestic and family violence to attend legal proceedings, counselling, appointments with a medical or legal practitioner, or to relocate or make other safety arrangements is consistent with the definition of social inclusion. Such leave would tend to reduce instances of workplace discrimination on the ground of gender-based violence, support the engagement of women in economic life, and enable them to provide safety and support to children.

3.1.4 Secondly and more generally, providing leave to enable those experiencing domestic and family violence to attend legal proceedings, counselling, appointments with a medical or legal practitioner, or to relocate or make other safety arrangements, is also consistent with the broader economic goal of increasing national prosperity.

3.1.5 There is a reliable economic case that increasing women’s workforce participation would have a substantial positive impact on Australia’s projected average annual growth in GDP per capita. The Productivity Commission has summarised key studies as follows:

PriceWaterhouseCoopers (sub. DR648, 2014, pp. 4, 19, 29) estimated that the employment of an extra 0.3 per cent of the female partnered working

age population would increase gross domestic product (GDP) in net present value terms by \$3.7 billion. The Grattan Institute (sub. 445, p. 4) estimated that GDP would be \$25 billion higher in a decade if Australian women did as much paid work as women in Canada — implying an extra 6 per cent of women in the workforce. The Organisation of Economic Co-operation and Development (OECD 2012a) estimated that increasing the workforce participation of women (so as to reduce the gap with men by 75 per cent) could increase Australia’s projected average annual growth in GDP per capita between 2011 and 2030 from 2.0 per cent to 2.4 per cent.⁷

3.1.6 On the basis of these and other studies, the G20 Labour and Employment Ministers committed in 2014 to take the steps needed to close gender gaps in opportunities and labour market outcomes, adopting the goal of reducing the gap in participation rates between men and women in G20 countries by 25 per cent by 2025. For Australia this meant lifting women’s participation rate (including numbers of hours worked overall) by at least three percentage points.⁸

3.1.7 The 2012 Personal Safety Survey conducted by the ABS found that around 112,500 women in the workforce experienced intimate partner violence in a 12 month period.⁹ While only a subset of those women would be likely to apply for paid leave to attend legal proceedings, counselling, appointments with a medical or legal practitioner, or to relocate or make other safety arrangements, the availability of family and domestic violence leave would enable many women to remain in the workforce while at the same time dealing with the impacts of violence. Without such leave, many women may have to choose between addressing those impacts and remaining in employment.

3.1.8 The proposed clause is a measure that would increase both social inclusion and national economic prosperity and is therefore consistent with the principal object of the Act.

3.2 *The Commission’s general responsibilities*

3.2.1 As section 578 of the Act confirms, the equity provisions of the Act are intended to guide the decision-making of the Commission in tandem with anti-discrimination principles:

In performing functions or exercising powers, in relation to a matter, under a part of this Act (including this Part), the FWC must take into account:

- (a) the objects of this Act, and any objects of the part of this Act; and
- (b) equity, good conscience and the merits of the matter; and
- (c) the need to respect and value the diversity of the work force by helping to prevent and eliminate discrimination on the basis of race, colour, sex, sexual orientation, age, physical or mental disability, marital

status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

3.2.2 The principal object of increased social inclusion and national economic prosperity in section 3 of the FW Act, the equity provisions of section 3, the equity provisions of the other objects and the remaining equity provisions of the FW Act including those referring to the prevention of discrimination in section 578 are part of a common schema that guides decision-making under the legislation.

3.2.3 It is important to be clear that the within this schema, decision-making with regard to minimum standards and employee protections includes anti-discriminatory intent. Domestic and family violence against women occurs in a broader context of gender inequality and both expresses and perpetuates this broader systemic discrimination.

3.2.4 We know those suffering gender-based violence are likely to be in vulnerable positions in the workforce. Studies have shown that women who are experiencing or have experienced domestic violence have a more disrupted work history, are on lower personal incomes, have had to change jobs frequently and are more likely to be employed in casual and part time work than women with no experience of violence.¹⁰

3.2.5 When systemic workplace vulnerability intersects with vulnerability at home, discrimination can compound the harm of the original acts of violence. The Australian Human Rights Commission reports a growing body of evidence that:

victims and survivors of domestic and family violence often experience discrimination related to their experience of domestic and family violence, particularly in the workplace. These women may be discriminated against, for example, as a result of taking time out of work (sick leave or carers leave) or because they temporarily have lower levels of productivity due to the violence that they are experiencing at home.

Discrimination related to the experience of domestic and family violence can take the form of:

- being denied leave or flexible work arrangements that would assist victims and survivors to attend to violence-related matters, such as attending court or moving into a shelter
- having employment terminated for reasons relating to the violence they are experiencing, including a drop in performance or attendance caused by the domestic and family violence, or
- being transferred or demoted for reasons related to the violence.¹¹

A number of cases of this nature have been identified by the Working Women's Centres¹² as well as the ACTU in its submission.

3.2.6 The need to address discrimination related to the experience of domestic and family violence has been recognised in the 2013 amendment to the Act inserting section 65, and in a recent landmark Commission decision in relation to the dismissal of a woman experiencing such violence.¹³ The insertion of a family and domestic violence clause in awards would provide practical support to individual employees experiencing family and domestic violence and, more generally, clarify the need to avoid workplace-based discrimination against employees in that position.

3.3 *The minimum safety net*

3.3.1 The Ai Group argues that the proposed clause is not appropriate to a minimum safety net because

- those experiencing domestic and family violence can access other forms of leave
- (at para 540) “Family and domestic violence is an issue that has prevailed in society since a time well before the commencement of the Fair Work regime” and was not addressed at the inception of the Act, and because
- (at paras 511 and 512) the definition does not require employees to be experiencing repeated and/or serious abuse.

3.3.1 In relation to the question of ***accessibility of other forms of leave***, we refer to the ACTU submission and the findings of the Australian Law Reform Commission which have addressed this matter at length.

3.3.3 Other forms of leave should be used for the purposes for which they were established. Annual leave should not be used for sickness, or sick leave for holidays. Requiring those experiencing family and domestic violence to exhaust their sick and annual leave to attend legal proceedings, counselling, appointments with a medical or legal practitioner, or to relocate or make other safety arrangements is inconsistent with the proper application of existing safety net provisions.

3.3.4 Such a requirement also would not address what happens when sick and annual leave have been exhausted.

3.3.5 The ***delay in recognising and addressing domestic family violence*** (Ai Group, para 540) does not constitute an argument for its triviality or for further delay. It is extraordinary to propose that it might.

3.3.6 NFAW accepts that some of these matters have become more pressing as the composition of the workforce has changed. Women’s workforce participation has now reached 59.5 per cent.¹⁴ The concept of the family wage no longer shapes wage fixation. The growing dispersion of hourly earnings has only been offset by increased paid employment undertaken by household members and relatively strong growth in part-time and casual employment. Women, that is, are

operating as family safety nets as employers retain an increasing proportion of productivity as profits.

3.3.7 Thus, while family and domestic violence has always been a matter of fundamental concern, the issue of family and domestic violence leave has been brought to the attention of Commission at this time as a consequence of the increasing numbers of women in paid employment and the increasing importance of paid work to affected women and their children.

3.3.8 Further, access to leave for specified purposes and on a documented basis to address the impacts of family violence is of fundamental importance to employees because of the nature of family violence itself. The NSW Office for Women defines domestic and family violence as:

any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. It is usually manifested as part of a pattern of controlling or coercive behaviour.¹⁵

3.3.9 Controlling behaviours characterise family violence.¹⁶ Their purpose is to restrict options for independent action inside and outside the home, often using financial and technological controls.¹⁷ As recently reported by the 2016 Victorian Royal Commission into Family Violence, the workplace can be the only place where the victim spends time physically away from the perpetrator, giving her the space to take steps to ensure her safety.¹⁸

3.3.10 At the same time, those with an ongoing experience of controlling or coercive behaviour are even less likely than most employees to seek to negotiate discretionary support from employers for leave to which they are not formally entitled. This is particularly the case where those employees are more likely, as a result of their experience of family and domestic violence, to have a disrupted work history, and to be in casual and part time work than those with no experience of violence.

3.3.11 The fact that the ***clause does not explicitly require employees to be experiencing repeated and/or serious abuse*** (Ai Group, paras 511 and 512) is not an argument that it should not form part of a minimum standard. This is another extraordinary proposal, both in isolation and in comparison to other forms of leave such as sick leave.

3.3.12 In the case of sick leave, sickness does not have to be defined as serious and repeated, nor is the employer required to make a judgement as to whether an employee is sick enough to be entitled to sick leave. In the case of sick leave the question of sickness is left to the medical practitioner and the evidentiary requirements of the relevant provision.

3.3.13 In the case of the proposed clause,

X.3.2 If required by the employer, the employee must provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in clause X.2.1.

Such evidence may include, in addition to a statutory declaration, a document issued by the police service, a court, a doctor (including a medical certificate), district nurse, maternal and child health care nurse, a family violence support service, or a lawyer. These persons are in a position to distinguish victims from perpetrators, or to provide evidence about whether leave is necessary in order for an employee to take one of a range of specific measures to address and to prevent future domestic and family violence.

3.3.14 NFAW is frankly appalled at the proposition that abuse should be demonstrably severe and/or repeated before employers should be asked to recognise and accept an employee's efforts to address it through legal proceedings or relocation. How many incidents equal a pattern? Should the employee be able to show bruising or blood? How much? Should an employee attempt suicide before psychological abuse counts?

3.3.15 Definitional issues do not arise with sick leave and the proposed evidentiary requirements mean that they would not arise in the case of a family and domestic violence leave clause.

4. NFAW does not accept that the Commission should leave the matters covered by the clause to the good will of employers

4.1 The Ai Group argues (at para 557) that 'it would appear to us that allowing employers the scope and the resources to discover and adopt customised solutions to assisting victims of domestic violence as well as broader approaches that have the potential to gradually permeate community attitudes is consistent that [sic] the ACTU's calls.'

4.2 If the arguments raised by the Ai Group in relation to definitional issues represent a fair sample of the good will of employers, we do not accept that this proposal constitutes a viable response to the issue.

4.3 Where there is genuine good will, the clause would not be a burden.

4.4 In any event, the Commission is bound by equity, good conscience and the merits of the matter (section 578). It is not bound to wait until customised approaches gradually permeate community attitudes. The extent and the seriousness of the family and domestic violence, and the damage that is being done to those who must defer seeking police, medical, legal or other social support, make this a pressing safety net issue.

5. NFAW does not accept that the Commission should leave the matters covered by the clause to agreements

5.1 The Ai Group argues that it is appropriate that enterprise bargaining is used as a vehicle for regulating family and domestic violence leave because in their view it is not a safety net matter. We have addressed the safety net matter at paras 3.3-3.13 above.

5.2 NFAW accepts that some workplace responses to domestic and family violence have to be managed through agreements for jurisdictional reasons or because of workplace-specific issues or priorities. We also accept that some workplace agreements are leading edge, such as those that incorporate strategies to address perpetrator management.

5.3 However, in the case of domestic and family violence leave we are dealing with an employee population that is overwhelmingly female. Because it is feminised, this population is more likely than employees in general to be award-reliant, in non-unionised occupations and industries, and in smaller workplaces. Because it is also made up of those who experience domestic and family violence, it is a workforce even more likely than women in general to be on lower personal incomes and employed in casual and part time work.

5.4 Analysis of AWRS2014 data has shown that award-reliant workplaces are more likely to be feminised, casual or part-time, and small.¹⁹ Both large and small businesses that were likely to have the highest proportion of more than half of their employees award-reliant were feminised industries: Accommodation and food services; Retail; and Health care and social assistance.²⁰

5.5 In short, the data indicates that the population of employees that is least likely to be covered by agreements is the population that is most likely to require this form of leave.

5.6 And even those employees who are on agreements are unlikely to have a formal entitlement to paid or unpaid family and domestic violence leave for specified purposes. We know that there are at present around 140,000 agreements currently in the Workplace Agreements Database (WAD).²¹ We also know that an analysis of current collective agreements on WAD to September 2015 showed there were 776 current enterprise agreements that included a family violence clause, and that an analysis of 600 of these showed only 168 agreements that provided dedicated, paid family violence leave.²²

6. NFAW rejects the definitional issues identified by the Ai Group as manufactured, and inconsistent with the ongoing operation of other safety net leave provisions of the Act, in particular section 65(1A)(e) which enables employees experiencing family violence to request a change in their working arrangements.

6.1 We reiterate that contrary to the repeated assertions in the Ai Group submission, the proposed clause is not an open-ended invitation to take leave for unspecified purposes.

6.2 What is proposed is a form of leave for specified purposes not covered elsewhere in the Act on the basis of specified, documented evidentiary requirements such as those required to access sick leave.

6.3 Further, the definitional issues raised by the Ai Group do not appear to have given rise to widespread abuse or confusion in the case of the National Employment Standards provision enabling relevant employees to request flexible working arrangements under section 65 of the Act--yet in that case the formal requirements to access the leave are set at a much lower threshold, namely:

Section 65(3) *Formal requirements*

(3) The request must:

(a) be in writing; and

(b) set out details of the change sought and of the reasons for the change.

6.4 The FWC General Manager's report notes that of the 40.4 per cent of employers who received a request for a flexible working arrangement from an employee in the two year period from 1 July 2012 to July 2014, 3.3 per cent reported receiving a request from an employee experiencing family violence or supporting a family member experiencing family violence.²³

6.5 The General manager does not report any definitional issues in the operation of the clause.

ENDNOTES

¹ Our Watch (2014). 'Key terms, definitions and statistics', (Policy Brief No 1, September 2014), p. 6. At <https://www.ourwatch.org.au/MediaLibraries/OurWatch/our-publications/Policy_Brief_1_Key_Definitions_and_Statistics.pdf>

² Australian Human Rights Commission (2014). *Fact sheet: Domestic and family violence - a workplace issue, a discrimination issue*, p. 2. At <<https://www.humanrights.gov.au/our-work/family-and-domestic-violence/publications/fact-sheet-domestic-and-family-violence-workplace>>

³ See VicHealth (2004). *The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence*, p 8.

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- ⁴ National Council to Reduce Violence against Women and their Children (2009). *The Cost of Violence against Women and their Children*, pp. 7, 46 and 66. At: <https://www.dss.gov.au/sites/default/files/documents/05_2012/vawc_economic_report.pdf>
- ⁵ Australian Bureau of Statistics (2006). *Personal Safety, Australia, 2005 (Reissue)*, Cat. No. 4906.0, 35. At: <[www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4906.0Main+Features12005%20\(Reissue\)?OpenDocument](http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4906.0Main+Features12005%20(Reissue)?OpenDocument) >
- ⁶ Workplaces respond to domestic and sexual violence: A National Resource Centre, 'Impacts of violence on the workplace'. At <<http://www.workplacesrespond.org/learn/the-facts/impact-of-workplace-violence>>; Cruz, A. and Klinger, S (2011). *Gender-Based Violence in the World of Work: Overview and Selected Bibliography*, International Labour Office, Working Paper 3/2011, pp 13 and 15.
- ⁷ Productivity Commission (2014). *Childcare and Early Childhood Learning: Overview*, Inquiry Report No. 73, Canberra, p. 184. At <<http://www.pc.gov.au/inquiries/completed/childcare/report/childcare-volume1.pdf>>
- ⁸ Cash, M. (2015). Ministerial Address to Executive Women Australia's 2015, 5 February. At <<https://ministers.dpmc.gov.au/cash/2015/executive-women-australias-2015-launch-event>>
- ⁹ Cox, P. (2015). *Violence against women in Australia: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey, 2012*, p. 87. At <<http://media.aomx.com/anrows.org.au/s3fs-public/151022%20Horizons%201.1%20PSS.pdf>>
- ¹⁰ McFerran, L (2011). 'Safe at Home, Safe at Work', National Domestic Violence and the Workplace Survey, Australian Domestic and Family Violence Clearinghouse, A Project of the Centre for Gender-Related Violence Studies and Micromex Research, University of New South Wales, p. 2.
- ¹¹ Australian Human Rights Commission, *Fact sheet: Domestic and family violence - a workplace issue, a discrimination issue*, p 4. At <https://www.humanrights.gov.au/sites/default/files/document/publication/2015_DomesticViolence_workplace_issue_factsheet_0.pdf >
- ¹² Working Women's Centres (2012), Submission to the review of the Fair Work Act, pp.24ff <<http://www.wwc.org.au/index.php?page=publications> >
- ¹³ *Moghimi v Eliana Construction and Develop Group Pty Ltd [2015] FWC 4864*
- ¹⁴ Australian Bureau of Statistics (2016). *Labour Force Australia 6202.0 December 2015*, p. 11. At <[http://www.ausstats.abs.gov.au/ausstats/meisubs.nsf/0/CB6EDFC72D8F4A0ECA257F39001C75F4/\\$File/62020_dec%202015.pdf](http://www.ausstats.abs.gov.au/ausstats/meisubs.nsf/0/CB6EDFC72D8F4A0ECA257F39001C75F4/$File/62020_dec%202015.pdf) >
- ¹⁵ <<http://www.dvnswwsm.org.au/what-is-domestic-violence/>>
- ¹⁶ See, for example, the Power and Control Wheel, developed by the Domestic Abuse Intervention Project (DAIP), to describe common abusive behaviours or tactics at <<http://www.thelookout.org.au/fact-sheet-1-family-violence> >
- ¹⁷ McKean, L. (2004). *Addressing domestic violence as a barrier to work*, Centre for Impact Research, Chicago; and Swanberg, J. and Logan, T. (2005). 'Domestic violence and employment: a qualitative study', *Journal of Occupational Health Psychology*, 10(1), 2005, pp. 3–17..
- ¹⁸ See: The Hon. Marcia Neave, Patricia Faulkner and Tony Nicholson, Victorian Royal Commission into Family Violence Volume VI (Report and Recommendations Volume VI, Victorian Government, March 2016) 74. At: <http://www.rcfv.com.au/MediaLibraries/RCFamilyViolence/Reports/RCFV_Full_Report_Interactive.pdf >
- ¹⁹ Yuen, K., Rozenbes, D. and Farmakis-Gamboni, S. (2015). Award reliance and business size: a data profile using the Australian Workplace Relations Study, Research Report 1/2015. p. 68. At <https://www.fwc.gov.au/documents/sites/wagereview2015/research/award_reliance_business_size_27_feb.pdf >
- ²⁰ Yuen, Rozenbes, and Farmakis-Gamboni (2015). *Award reliance and business size: a data profile using the Australian Workplace Relations Study*, Tables 3.3 and 3.4.
- ²¹ <<https://www.employment.gov.au/workplace-agreements-database> >
- ²² The number of days leave varied from 2 to 20 days.
- ²³ Fair Work Commission (2015). *General Manager's report into the operation of the provisions of the National Employment Standards relating to requests for flexible working arrangements and extensions of unpaid parental leave under s.653 of the Fair Work Act 2009 (Cth) 2012–2015*, Tables 5.1 and 5.4. At <<https://www.fwc.gov.au/documents/sites/admingmreporting/gm-nes-2015.pdf>>