

18 August 2022

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Committee Secretary
Education and Employment Legislation Committee
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FAIR WORK AMENDMENT (PAID FAMILY AND DOMESTIC VIOLENCE LEAVE) BILL 2022

About the NRWC

The National Rural Women's Coalition is the largest organisation in Australia focussed on the issues of rural, regional, and remote women, girls, and their communities.

We provide a unique rural, regional & remote lens on information to Government, industry, and other stakeholders as part of our advocacy to improve gender equality and ensure that women living in rural, regional & remote Australia are a part of decision making on all levels. With strong focuses on women's leadership, health & communications along with long term economic security, workforce participation and women's safety.

The National Rural Women's Coalition builds capacity in women living in rural, regional, and remote Australia through a broad range of programs and webinars. We work to acknowledge and celebrate the wonderful diversity that is the cohort of RRR women by breaking down stereotypes, promoting positive and inclusive profiles of rural women living and working and doing the ordinary to the extraordinary.

As women, living in rural regional & remote Australia the National Rural Women's Coalition team have the lived experience of living and working in regional and rural towns and in remote places, including Australian islands and oceans. Through our member organisations and individuals, volunteers, and organisational networks we are able to engage with women, girls, and their communities at grassroot level and to exchange vital information, influence and educate.

We submit the following in response to your call for consultation on the Fair Work Amendment (Paid Family & Domestic Violence Leave) Bill 2022.

The National Rural Women's Coalition works to support and grow vibrant rural, remote and regional communities throughout Australia

The National Rural Women's Coalition would like to congratulate the Government for supporting Victim Survivors to have the safety net that is provided by the knowledge of work continuance as they manage necessary leave as either a fulltime, part time or casual worker. We also support the amendment to the Fair Work Act to broadening of the definition of a perpetrator as a recognition of the diverse range of relationships and violence that exist in society.

Concerns

The National Rural Women's Coalition does have a number of concerns that need to be addressed to reflect the needs of people living in rural and remote areas in particular, but that will impact all people more broadly.

Victim Survivors

- Due to the amendment to introduce 10 days paid leave there will be an unintentional bias that will be experienced by women when applying for a job due to the statistics clearly indicating that women experience Family & Domestic Violence at substantially higher rates than men. Meaning men are more likely to be employed as they will not apply for (though they have access to) Family and Domestic Violence Leave. That is, men are cheaper to employ as they take less leave.
- Family and Domestic Violence Leave entitlements displayed on a payslip impacts privacy. For example, if a Victim Survivor has utilised Family and Domestic Violence Leave and this appears on a payslip, when that payslip or any subsequent payslip within the year is presented to a Bank, Real Estate Agent etc an unintentional bias may occur. e.g. in a very tight rental market like we are experiencing in rural Australia a Real Estate Agent may choose not to rent to a victim survivor in fear of rental damage by a perpetrator.
- Family and Domestic Violence Leave recorded through accounting software remains on a person's record. Always. The law maybe that only 5 years of HR records need to be kept but as most organisations now use computerised software this information is always available – it does not purge. This is a privacy issue, particularly in small to medium size firms that do not have sophisticated Human Resource teams/experts. This could impact on future references for employment.
- This Bill will not help Victim Survivors that are working as part of a Partnership setup. Most of these setups tend to be small often family run businesses where partners do not have 'wages' but drawing. In these business partnership situations, the perpetrator is most likely the business partner. The Bill will not assist these Victim Survivors. 62% of all business in Australia no not have employees (Small Business Counts December2020)

Small Business

- 97.4% of Australian Businesses are small business employing 0-19 employee, 25.7% employ 1-4 employees, (Small Business Counts December2020). The cost to a small business to pay 10 days paid Family and Domestic Violence Leave is too big of a burden. The impacts will be less women employed.
- What will the responsibility be on business owners to report Family and Domestic Violence to authorities like the Police or Child Welfare?
- Is there a risk to businesses that provide accommodation for seasonal or piece casual workers if violence is not reported at the time but reported at a later date and a payment is required
- In the case of casual workers for season work if an incident occurs in a supplied group accommodation setting, e.g., shearers, fruit pickers, musterers and the team need leave the primary producer businesses will be paying for the casuals utilising the Family and Domestic Violence Leave entitlement and not have accommodation for the replacement workers required to complete the seasonal work.

Recommendation

- Family and Domestic Violence Leave to be paid similarly to Parental Leave. This leave is not demonstrated on payslips and is paid by the Government.
- Payment of Family and Domestic Violence Leave for casuals start three months (13weeks) after their employment date, be paid on days rostered and paid by the Government.

Thank you for the opportunity to make a submission. If you would like to discuss the contents of the submission further, please don't hesitate to contact Keli McDonald

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Australian Government: Australian Small Business and Family Enterprise Ombudsman *Small Business Counts December2020*

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