



RTBU

Committee Secretary
Senate Education and Employment Committees
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Canberra ACT 2600

SUBMISSION TO THE INQUIRY SENATE EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE INQUIRY INTO THE FAIR WORK AMENDMENT (PAID FAMILY AND DOMESTIC VIOLENCE LEAVE) BILL 2022

The Rail, Tram and Bus Union (RTBU) thanks the Senate Education and Employment Legislation Committee for the opportunity to make this submission to the Inquiry into the Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022 (Paid FDV Leave Bill). This submission should be read as supplementary to the submission from the Australian Council of Trade Unions (ACTU).

The RTBU is the principal union in the public transport and rail freight industries, with over 30,000 members around Australia.

Tackling domestic abuse and family violence has been a priority for our Union over the past decade. The RTBU recognises that the issue of control is at the heart of domestic violence. A partner that seeks control, and is prepared to use violence and intimidation to achieve it, often also has control over the couple's finances, housing arrangements and possessions. Breaking away in such a situation can be a logistical, emotional and legal nightmare. When you throw in the needs of children, and the complications in this scenario increase tenfold.

The element of control is why so many women find it hard to escape from violent and abusive relationship. In these circumstances, victims need time: time to find a place to live, time to see a doctor, time to set up new bank accounts and establish financial independence, time to enrol children in new schools, time to get counselling and professional support, and so on. For victims who are also trying to hold down a job, that could be time they just don't have.

We know that access to special leave in times of crisis can help change a person's life. More than that, it can save a person's life.

This is why paid domestic and family violence leave can be a life saver. It is also why the RTBU has long campaigned for workers to be able to access paid domestic and family violence leave, and we have successfully negotiated for such provisions to be included in a number of Enterprise Agreements in our industries.

Rail, Tram & Bus Union Australia **The Power of Union**

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Many employers understand how domestic violence impacts on an employees' wellbeing, and their ability to function at work.

They also understand that an employee going through a personal crisis is more likely to be unproductive or at least distracted.

And they understand that giving an employee extra time to deal with their personal situation is a more cost-effective solution than forcing that employee to resign, and having to recruit and train someone else.

For example, Melbourne's passenger rail operator Metro Trains Melbourne has recognised the value of putting Family Violence provisions into their workplace agreements. The recent Metro Infrastructure Enterprise Agreement notes that:

An Employee experiencing family violence will have access to twenty (20) days per year (non-accumulative) of paid special leave for medical appointments, legal proceedings, and other activities related to family violence.

The agreement also stipulates that:

Proof of family violence may be required, and can be in the form of an agreed document issued by the Police Service, a Court, a Doctor, District Nurse, Maternal Health Care Nurse, a Family Violence Support Service or Lawyer.

The RTBU itself provides employees experiencing family and domestic violence with up to 20 days paid family and domestic violence leave per year. This leave is in addition to existing leave entitlements, and may be taken as whole days or as part days. Furthermore, an employee who provides support to an immediate family member who is experiencing domestic violence is entitled to access five days per year of paid domestic violence leave.

The RTBU therefore recommends that the passing of the Paid FDV Leave Bill, in its entirety, as passed by the House of Representatives.

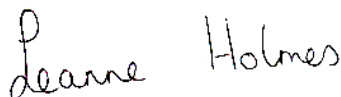
It is essential that all full-time, part-time and casual workers have access to paid Family and Domestic Violence Leave, and payment for leave must be at *actual* rates of pay (not base rates). Furthermore, entitlement to paid Family and Domestic Violence Leave must be available from commencement of employment, not progressively accrued.

The RTBU also notes that Family and Domestic Violence Leave, in itself, is only one step in the long road towards eliminating family and domestic leave in this country. There is much more work to do, and the RTBU has previously outlined some of the actions we believe need to be taken in its submission to the Standing Committee on Social Policy and Legal Affairs' Inquiry into family, domestic and sexual violence.

In particular, it must be recognised that domestic abuse and family violence are overwhelmingly (although not exclusively) the result of actions and behaviours by men. As such, family violence is a problem largely caused by male attitudes. It therefore follows that the key to fixing this problem lies with men themselves. Our community cannot afford to continue treating family and domestic violence as a “women’s issue”. That’s why I am proud of the proactive stance taken by the RTBU. For example, we have provided Bystander Intervention Training for all elected officials of our National Executive, and have made similar training available for staff and officials at Branch level.

Genuine societal change requires determination, and it requires leadership. The RTBU urges all members of the Senate to lead the way in building a safer, more respectful Australia.

Yours sincerely

A handwritten signature in black ink that reads "Leanne Holmes". The signature is written in a cursive, flowing style.

Leanne Holmes
VICE PRESIDENT, RTBU

Thursday 18 August, 2022