



24 July 2020

Committee Secretary  
House of Representatives Standing Committee on Social Policy and Legal Affairs  
PO Box 6021  
Parliament House  
Canberra ACT 2600

Dear Committee Secretary,

**RE: PARLIAMENTARY INQUIRY INTO FAMILY, DOMESTIC AND SEXUAL VIOLENCE**

The Victorian Trades Hall Council (VTHC) thanks you for the opportunity to make a submission into this important inquiry.

VTHC is the peak body for unions in Victoria and represents 40 affiliated unions and over 430,000 workers that reach into every sector in the state. Victorian unions have a long and proud history of fighting for the rights of workers, and will continue to do so, regardless of their employment status, age, sexuality, employer or gender.

The essential nature of this inquiry is noted, given the current crisis amongst the labour force sparked by restrictions necessary to stop the spread of COVID-19, and importantly the dire impact this is having on women; both as workers and as the gender more likely to undertake the majority of caring and domestic work. Women across the country are suffering the triple shock of having their jobs made redundant, having to home-school and care for children and relatives, and an increased spike in family violence. All the while, with the inability to leave their homes, effectively being trapped.

As we deal with this ongoing pandemic, we must ensure that women are not unfairly burdened with the impact of the crisis and are recognised as integral to our planning for recovery. With this in mind, VTHC implores the Committee to recommend immediate, far reaching action on family violence.

This submission is intended to be read as a full endorsement of the Australian Council of Trade Union's (ACTU) position. The argument put forth by the ACTU that employers and workplaces have a critical role to play in the prevention of family violence is strongly supported by Victorian unions.

Attitudes that disrespect and diminish the role of women are still commonplace in Australian society. It is well established that behaviours that reflect this attitude, however insignificant, contribute to a culture of violence against women. For this reason, Victorian unions advocate for specific measures to address family violence, as well as broad reaching gender equality as a means of addressing the root cause of the issue.

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Secretary

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While women are predominantly the victim survivors of family violence, it is an issue that affects all of society, and all of society has a role in addressing. This submission will speak to four core components of necessary action on family violence from a workplace perspective. These include paid family violence leave, addressing gendered violence in the workplace, massively increasing funding to the family violence sector, and allowing genuinely flexible work arrangements.

#### **a) Family violence is a workplace issue**

Being subjected to family and domestic violence takes an enormous toll on victim survivors. Without broad-reaching support, it may be impossible for them to remove themselves from abusive situations.

For example, family violence is a major cause of joblessness for women, resulting in victim survivors being stuck financially thereby affecting their ability to move into a safer environment. A 2011 study found that 30% of women workers surveyed had experienced some form of family or domestic violence.<sup>1</sup> Nearly half of these victim survivors said it affected their capacity to work.<sup>2</sup>

The nexus between economic disadvantage and family violence is also clear. Analysis from the Australian Institute of Health and Welfare (AIHW) specialist homelessness service data found that 44% of Victorian and 38% of national clients were seeking support due to family violence. It was the main reason women were seeking support, and half of clients aged 18 or below had been subjected to some form of family or domestic violence.<sup>3</sup>

Family violence often affects victim survivors in their workplaces, with 17% of working victim survivors reporting that there was some form of impact at work; including the partner physically following them to work, abusive calls and emails and/or a negative performance at work.<sup>4</sup> Workplaces clearly have a key role to play, both in preventing family violence and in providing support to victim survivors.

*Recommendation 1: that workplace responses form a key part of a new National Action Plan.*

VTHC delivers education and training focusing on family violence and gendered violence as workplace issues. The training packages are comprehensive, based on research and provide education and awareness raising in addition to practical guidance on how to eradicate and manage both in the workplace. VTHC considers workplaces as critical sites within which to address and eliminate both closely related forms of violence.

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<sup>1</sup> McFerran, L (2011) "Gendered Violence & Work, Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey 2011" *Australian Domestic and Family Violence Clearinghouse*

<sup>2</sup> *ibid*

<sup>3</sup> Specialist homelessness services 2017-18: Victoria (2018) Australian Institute of Health and Welfare (AIHW)

<sup>4</sup> McFerran, L (2011) "Gendered Violence & Work, Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey 2011" *Australian Domestic and Family Violence Clearinghouse*

*Recommendation 2: similar training be rolled out across Australia in partnership with unions.*

## **b) Gendered violence in the workplace**

Data collected by VTHC through surveys and group consultations with hundreds of Victorian working women identified that women workers are subjected to gendered violence, which is pervasive in our workplaces.<sup>5</sup> The ACTU also surveyed over 10,000 workers on the issue of sexual harassment. They found two thirds of women workers have been subjected to sexual harassment at work.<sup>6</sup> Of these, 40% said that they did not report the incident because they didn't believe they would be delivered any form of justice.<sup>7</sup>

Gendered violence is any behaviour, action, system or structure that causes physical, sexual, psychological or economic harm to a worker because of their sex, gender, sexual orientation or because they do not adhere to dominant gender stereotypes or socially prescribed gender roles. Any worker can experience gendered violence at work, however, the groups of workers who experience higher rates of gendered violence and who are at an increased risk, are women, workers who identify as LGBTQIA+, refugee and migrant workers, workers with disabilities, Aboriginal and Torres Strait Islander workers and undocumented workers.

Gendered violence exists in all industries and is endemic in Victorian workplaces, with 64% of Victorian working women reporting experiencing gendered violence at work.<sup>8</sup> In addition to the high rates of gendered violence, 19% of Victorian working women surveyed by VTHC reported resigning from a workplace because they did not feel safe.<sup>9</sup> The experience of Victorian working women is consistent with those of women internationally. The international Trade Union Congress (ITUC) reports that worldwide 35% of women experience direct violence in the workplace and between 40–50% experience unwanted sexual advances, physical contact or other forms of sexual harassment.<sup>10</sup>

Importantly, gendered violence is perpetrated against women workers and workers who do not adhere to dominant understandings of gender because of harmful gender norms. These norms position women as the 'lesser'. This attitude is present in workplaces and reinforces attitudes that contribute to family and domestic violence.

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<sup>5</sup> Stop Gendered Violence at Work Report: Women's Rights at Work Report (2016) Victorian Trades Hall Council

<sup>6</sup> ACTU's 'Sexual Harassment in the Workplace Survey', November 2018

<sup>7</sup> Ibid

<sup>8</sup> Ibid

<sup>9</sup> Ibid

<sup>10</sup> ITUC: Statement on the occasion of the United Nations International Day for the Elimination of Violence against Women, 24 November 2015, accessed

Gendered violence is a serious hazard and poses a significant risk to the health and safety of workers, causing physical and psychological injuries. It is a workplace hazard over which employers have a level of control. They are duty holders and must by law take action to prevent injury by assessing and controlling the hazard and risk and by providing a safe workplace under occupational health and safety law.

WorkSafe in Victoria, in collaboration with the Women's and Equality Unit run out of VTHC, has committed to implementing a work health and safety (WHS) approach to gendered violence. VTHC applauds this work, noting the real difference it will make to the lives of Victorian women workers. The WHS strategy must be adopted as a fundamental approach to addressing violence against women.

*Recommendation 3: a national work health and safety approach to gendered violence be rolled out across the country and that this form part of the renewed National Action Plan.*

### **c) A gendered violence response to women workers during COVID-19**

Workers across the country have stepped up to face the challenges of COVID-19. From supermarket workers, health care workers, delivery riders, teachers, manufacturers and retail workers, the response to this crisis has relied upon working people playing their part.

In many of these frontline industries, the workers are casually or precariously employed women workers.

The top three industries where women make up the overwhelming majority of workers have been the ones protecting and keeping the broader community going through this pandemic. Women make up the majority of healthcare and social assistance workers (79.9%), as well as education and training workers (63.4%) and retail trade (57.7%).<sup>11</sup>

Women workers have been putting themselves on the frontline with higher risks and less pay. Before COVID-19 these industries had some of the highest rates of insecure and casual work, resulting in little or no access to sick leave or the ability to self-isolate. They also have some of the highest gender pay gaps. For example, the pay gap in the healthcare and social assistance industry is 22.3%.<sup>12</sup>

Women's work has long been under-valued in the Australian workforce due to persistent gender norms that position women as 'lesser'. These norms fit into the bigger picture when it comes to the causes of family and domestic violence against women. Victorian unions have also reported that their members have experienced an increase in

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<sup>11</sup> Workplace Gender Equality Agency, (2019) "Industry Segregation" accessed: <https://www.wgea.gov.au/data/wgea-research/australias-gender-equality-scorecard/2018-2019-gender-equality-scorecard/workforce-composition/industry-segregation>

<sup>12</sup> Workplace Gender Equality Agency (2020) "Australia's Gender Pay Gap Statistics", accessed: <https://www.wgea.gov.au/data/fact-sheets/australias-gender-pay-gap-statistics>

gendered violence at work during this time, including abuse and sexism from customers, co-workers and managers.

When it comes to dealing with a pandemic, the work performed by women is vital. Yet, as soon as there were indications some of the effects of the pandemic were diminishing, the message that the work of women is unimportant was reinforced by Government; with early childhood educators, 97% of whom are women, having their access to JobKeeper removed. All the while, extra funding was poured into typically male dominated industries through programs such as HomeBuilder.

These persistent and harmful norms that diminish women workers have been exacerbated by the COVID-19 crisis. It is time for a fundamental shift in addressing gendered violence in the workplace, as a means of creating society-wide respect for the value of women and women workers.

*Recommendation 4: significant investment into female dominated sectors that have been severely impacted by the pandemic such as tourism, hospitality, retail, early childhood education/care and the arts.*

*Recommendation 5: introduce measures that prioritise secure employment, address the gender pay gap and support working from home where possible.*

*Recommendation 6: targeted support be provided to women to be trained and re-skilled to take up roles across all sectors benefiting from government stimulus/recovery investment.*

#### **d) Women are disproportionately impacted working from home**

There are increased challenges for many working families as a result of lockdown where home may also be a place of work. The stress of the anxiety of potential illness caused by a pandemic, attempting to work, parent and teach all at once, in addition to, in many cases, job losses or reduced income has led to a dramatic increase in family violence.

While there has not been enough time to ascertain a clear picture of the occurrence of family violence during COVID-19, there are a number of studies indicating its rapid increase. In South Australia, Women's Safety Services SA reported that there was a spike in women attempting to flee situations of family violence by 15% at the peak of restrictions.<sup>13</sup> Monash University has been surveying family violence practitioners across Victoria and Queensland during COVID-19 restrictions.<sup>14</sup> In Victoria, 50% of practitioners reported an increase in the frequency and severity of family violence, and

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<sup>13</sup> Richards, S (2020) "More SA women flee homes during pandemic", *InDaily*, 21 July 2020, accessed: <https://indaily.com.au/news/2020/07/21/more-sa-women-flee-homes-during-pandemic/>

<sup>14</sup> Pfitzner, N et. Al. (2020) "A bubble set to burst: why urgent support must be given to domestic violence workers", *Monash University Lens*, 1 July 2020, accessed: <https://lens.monash.edu/@politics-society/2020/07/01/1380770/we-are-in-a-bubble-that-is-set-to-burst-why-urgent-support-must-be-given-to-domestic-violence-workers>

in Queensland 70% of practitioners reported an increase.<sup>15</sup> These workers also report that women are being forced to reside in homes with abusers with no escape, and that perpetrators have found new ways to isolate and control victim survivors.<sup>16</sup>

Reports also indicate that the funding allocated to family violence by the Commonwealth Government in March is not only not nearly enough to address the issue, and what is allocated is not even reaching victim survivors.<sup>17</sup>

At the most recent count, there have been 133 deaths in Australia as a result of coronavirus - a tragic and shocking number.<sup>18</sup> VTHC respects and acknowledges the necessarily urgent response and hard work put in to arrest this number.

At the same time, one woman dies as a result of family and domestic violence per week in Australia. This is an abhorrent, preventable statistic, and behind it lies many, many more instances of abuse and injury from family violence.

The same effort and energy that has been put into addressing COVID-19 must be directed towards ending family violence. It has been demonstrated that the Government has the capacity and resources to enact nation-wide, far reaching reform in the name of public safety. Failing to utilise this in order to protect women against family and domestic violence will only reveal Government-held attitudes of disrespect for women.

*Recommendation 7: that there is a massive increase in funding and resourcing to the family violence sector, including safe havens, healthcare and social worker responses, and education initiatives. The Government must take this issue as seriously as COVID-19.*

*Recommendation 8: that there be significant investment into social infrastructure more generally including the health and community services.*

*Recommendation 9: employers establish a safe, alternative workspace and appropriate adjustments to work hours/arrangements for workers who disclose they are being subjected to family violence, including whilst working from home.*

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<sup>15</sup> Ibid

<sup>16</sup> Ibid

<sup>17</sup> McCauley, D (2020) "Slow drip of domestic violence funding 'not good enough'", *The Sydney Morning Herald*, 19 July 2020, accessed: <https://www.smh.com.au/politics/federal/slow-drip-of-domestic-violence-funding-not-good-enough-20200716-p55csz.html>

<sup>18</sup> Commonwealth Department of Health, "Coronavirus (COVID-19) current situation and case numbers", 24 July 2020, accessed: <https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/coronavirus-covid-19-current-situation-and-case-numbers#total-cases-recoveries-deaths-and-new-cases-in-the-last-24-hours>

#### **e) 20 days paid family violence leave**

One simple and immediate measure that should be introduced to address family violence is the provision of 20-days paid family violence leave for victim survivors.

Victorian unions report that there is still an ongoing issue around women workers accessing the necessary leave in order to undertake the administration of dealing with family and domestic violence. From health appointments, to finding a new residence, attending court hearings and protecting children, it takes time for women to leave abusive situations. Victim survivors will be unable to do so if their income is put into question.

VTHC has been an indefatigable advocate for 20 days paid family violence leave since its first iteration as an Australian Services Union (ASU) clause in the Surf Coast Shire Enterprise Agreement in 2010. As two-thirds of victim survivors of family and domestic violence are in paid work, it is vital they can have the time off work they need to recover. Workplaces must step up to play their part in addressing family violence.

*Recommendation 10: that 20 days paid family and domestic violence leave be included in the National Employment Standards.*

#### **f) Genuine flexible working arrangements**

While the pressures of the COVID-19 restrictions have had many adverse impacts for women, there have been some benefits, mainly in the form of genuine flexible arrangements.

Working from home has allowed women workers who have caring responsibilities access to genuine flexibility in managing their responsibilities. This is important, as it signals that caring and domestic work is valued within the workforce, and will go some way to addressing norms that contribute to violence against women.

Post COVID-19, working from home and other genuine flexibility arrangements must be an option for all workers. These options should be developed in consultation with workers and their unions, to ensure the arrangements abide by the employer's OHS obligation, are genuinely useful to the workforce, and not an opportunity for employers to shift risk onto the worker. For example, genuine flexible arrangements may be the option to uptake work from home to, for example, work around school drop off and pick up times, or it may be the ability to arrange temporary part-time work. Flexible work should not be used as an excuse to keep women workers in casual and insecure work arrangements.

*Recommendation 11: that access to genuine flexible work arrangements in consultation with unions be adopted across the workforce.*

## Conclusion

Family and domestic violence is a critical issue that warrants urgent and far reaching action. It is something that affects all of society, and it is important that the response and a new National Action Plan encompasses the whole of society, particularly workplaces.

It stems from attitudes and norms that position women as lesser. To combat these underlying attitudes, the undervaluing of women's work and the resulting insecurity of women workers must be addressed.

VTHC advocates for workplace responses to form a crucial component of the National Action Plan to address family violence. This should include a plan to address gendered violence at work through a WHS approach, the provision of 20 days paid family and domestic violence leave, genuine flexible work arrangements and a massive increase in funding to family violence response workers.

COVID-19 has demonstrated the Australian Government can act with urgency and resourcefulness is responding to a nationwide crisis. Now it must take this approach to dealing with family and domestic violence.

If you have any questions, please do not hesitate to contact Pia Cerveri, Victorian Trades Hall Council's Women's and Equality Lead on [pcerveri@vthc.org.au](mailto:pcerveri@vthc.org.au).

Kind regards,

A handwritten signature in blue ink, appearing to read 'W. Stracke', with a long horizontal flourish extending to the right.

Wil Stracke  
Assistant Secretary, Victorian Trades Hall Council