



Australian Education Union

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Professor Rosalind Croucher
President
Australian Law Reform Commission
GPO Box 3708
Sydney NSW 2001

Email: cwlth_family_violence@alrc.gov.au

Dear President,

RE: ALRC Discussion Paper on Family Violence and Commonwealth (Employment and Superannuation) Laws.

The Australian Education Union, in supporting the submission from the Australian Council of Trade Unions to the Australian Law Reform Commission's Discussion Paper on Family Violence and Commonwealth (Employment and Superannuation) Laws, wishes to make the following brief comments.

The AEU supports amendments to commonwealth employment, occupational health and safety and superannuation legislation which are designed to protect victims and to assist in eradicating family and domestic violence, however, we stress that corresponding legal and educational frameworks are essential.

We recognise that the ALRC Inquiry and proposals coincide with the Federal Government's *National Plan to Reduce Violence Against Women and Their Children* which contains a critical component of formal education programs as well as broader community education campaigns.

Having been involved in discussions regarding the way domestic violence interacts with employment, (both at the ACTU Women's Committee level and also via the unions roundtable facilitated by the ALRC) the AEU believes there is a clear need for employer and employee bodies, as well as organisations such as the Australian Domestic and Family Violence Clearinghouse, the Fair Work Ombudsman and Safe Work Australia (as the ALRC has suggested) to be involved with significant awareness raising.

We note the ACTU's cautionary comment that:

In fact, encouraging workplaces to support victims of family and domestic violence by ensuring safe workplaces and ongoing access to paid employment, without making the necessary improvements to basic protective and complementary legislation would potentially undermine the good will of the employment sector and put at risk the capacity of the family and domestic violence-related legal framework to adequately protect women and children from family and domestic violence.

The AEU strongly agrees.

The AEU supports the points in the ACTU submission about confidentiality concerns, the limited impact of bargaining on lower paid and more vulnerable women workers and valid pros and cons between the options for reform regarding minimum (NES) employment standards, modern awards, OHS approaches, defined 'domestic violence' leave or extended carers' leave.

Regarding the proposals 16-2,16-3 and 16-4 specifically, which weigh up whether defined 'domestic violence' leave or extended carers' leave could best both recognize the needs of victims of violence and account for their privacy, as well as promote culture change, we note as did the ACTU, that both options require an employee's disclosure of family and domestic violence.

While proposal 16-3 and 16-4 together create a less threatening step for employees wishing to avail family and domestic violence entitlements, the AEU believes that the ideal situation would be an entitlement that also enables the triggering of related specific family and domestic violence support such as protection of confidentiality, personal safety, workplace training and so on.

Regardless of the option taken by the ALRC in relation to presenting an entitlement for the largest amount of employees as possible (via a national minimum employment standard process), the AEU believes that workplaces should continue to trial new entitlements for domestic violence victims via bargaining, to enable unions and employers to pursue options of 'best fit.' This may include defined 'domestic violence' leave or extended carers' leave.

We would support a proposal that allows for greater evaluation of national minimum employment standard options so long as a clear timeline and possible implementation is stipulated.

The AEU Federal Conference 2011 passed the following broad recommendation containing advice for future bargaining:

Recognising that workplaces (specifically employers and unions) have a role in supporting victims of family violence, Branches and Associated Bodies are encouraged to pursue (with the assistance of the Domestic Violence Clearinghouse and broader union discussions) family violence claims in their next round of bargaining.

It is the intention of the AEU to pursue a variety of policies, entitlements and OHS practices which will aid victims of domestic and family violence, as well as engage with violence prevention education with our students.

We thank the Australian Law Reform Commission for the thoroughness of this Inquiry, consultation process and for the ambitious yet groundbreaking reform proposals made to urgently address this serious challenge that Australia faces.

Yours sincerely,



Susan Hopgood
AEU Federal Secretary