



Research Brief *Paid Family Violence Leave*

Introduction

Family violence leave recognises that employees may need time off work if they, or a close relative, are experiencing family violence. Paid family violence leave is when an employee takes leave from work due to family violence and continues to be remunerated during this time.

“Family violence leave” is preferable to “domestic violence leave” because “family violence” acknowledges that victim-survivors may experience violence from any member of their family (not only their intimate partner) as well as the fact that relatives of the victim-survivor may also need to take leave. Nevertheless, the phrase “domestic violence leave” is still commonly used in employment contracts and statute.

There are many reasons victim-survivors and their family members may need to take family violence leave. First and foremost, the complex and significant trauma of family violence means many victim-survivors are unable to engage in day-to-day activities such as employment. Victim-survivors may also need to: seek medical and/or psychological support, liaise with police and attend court hearings and establish a new place of residence and/or schools for their children. Finally, the perpetrator may also be directly interfering with victim-survivor’s ability to attend work.

Family violence leave in Australia

All Australian employees are entitled to five days of unpaid family violence leave each year of their employment, whether working full-time, part-time or casual (Fairwork Act 2009). However, paid family violence leave is not legislated for Australian employees (Fairwork Act 2009). Some Australian workplaces offer employees experiencing family violence the right to undertake paid leave and they may be entitled to receive their normal salary during that period. Public sector employees in Victoria are entitled to up to 20 paid days of family violence leave (VPS Enterprise Agreement 2020).

Most domestic and family leave provisions in Australia recognise that not only individuals directly experiencing violence may need to take leave, but their close relatives may require this leave too. For example, an Australian employee is entitled to five days of unpaid family and domestic violence leave (over a 12-month period) if they are experiencing family and domestic violence or are a close relative of a person who is (Fair Work Act 2009).

Paid family violence leave provisions internationally

Although paid family violence leave remains uncommon globally, there has been progress during the past 20 years. In 2004, the Philippines was the first country to introduce 10 days of paid family violence leave (AVAWCA 2004). In 2018, New Zealand introduced 10 days of paid leave for domestic violence victim-survivors (DVVPA 2018). Canada offers 10 days of family violence leave, although only 5 of these days are paid (CLC 2018).

The relationship between family violence and employment

Two thirds of the predominantly women who experience domestic violence each year are workers (McCarthy 2018). And research consistently shows that family violence impacts victim-survivors’ participation and engagement in the workforce (LaVan et al 2012; Swanberg et al. 2006; Tolman, 2011;). In a 2011 survey, 48 per

cent of Australians experiencing family violence have reported that this violence undermined their working lives (McFerran 2011).

According to the 2016 Personal Safety Survey, 1 in 5 Australian women had taken time off as a result of a previous partner’s violence (ABS 2017). 1 in 11 Australian women had taken time off work as a result of a current partner’s violence (ABS 2017). Family violence victim-survivors are more likely to be late and absent (Reeves and O’Leary-Kelly, 2007). Individuals experiencing family violence are likely to be operating at reduced job performance and are less productive. The 2011 National Domestic Violence and Workplace Survey found that 16 per cent of victim-survivors reported being distracted, tired or unwell (McFerran 2011).

Family violence is often characterised as a perpetrator seeking to exert control over many aspects of a victim-survivor’s lives. Controlling a woman’s ability to access work and earn an independent income is one available strategy. Indeed, perpetrators may engage in work-interference strategies such as interfering with an individual’s ability to get to work, stay at work or harassing their colleagues (Laharnar et al. 2015). In the 2016 Personal Safety Survey, 372,700 Australian women reported that abusive partners controlled or tried to control them from working or earning money (ABS 2017).

The importance of family violence leave provisions

There are many reasons those who experience, or are impacted by, family violence might need to take leave from work. During their experience of domestic and family violence, and during the period of separation from an abusive partner, according to Hughes et al (2015) individuals might need to:

- attend court hearings and liaise with police officers;
- attend counselling and seek medical treatments;
- relocate and establish a new home, including the time required to find new schools for their children.

Without the option to take family violence leave (paid or unpaid), victim-survivors are at increased risk of withdrawing or being terminated from their place of employment.

It is important that workplaces support family violence victim-survivors to remain in paid employment during and after their experience of violence. Women who are economically dependent on men are more likely to remain in an abusive relationship (Farmer and Tiefenthaler 1997). The more financial independence a woman has the more likely she is to be able to leave an abusive relationship (Perova 2010).

Family violence is the most significant cause of homelessness for women in Australia (AIHW 2019). Workplace policies, such as family violence leave, are an important support for the economic security of family violence victim-survivors.

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Legislation

Fair Work Act 2009 (Australia)

Victorian Public Service Enterprise Agreement, 2020 (Australia)

"Anti-violence Against women and Their Children Act of 2004" (Philippines)

Canada Labour Code 2018 (Canada)

Domestic Violence – Victims' Protection Act 2018, Employment New Zealand Government (New Zealand)

Author: Emma McNicol (2021)

For further inquiries: arts.monash.edu/gender-and-family-violence

