



Working Women's Centre SA Inc.

12 December 2012

Submission: Senate Legal and Constitutional Affairs Committee Domestic and Family Violence as a ground of Discrimination

Today as we assist yet another woman worker who faces termination as a result of her dealing with the impact of domestic violence on her work performance and attendance, with little or no consideration of her position by her employer despite her disclosure, we reflect on the non inclusion of domestic violence as a new ground for human rights protection.

We know from stories similar to today's employee, that the impact of domestic and family violence compromises women's capacity to maintain their economic independence when they most need financial security.

Working Women's Centre SA Inc (WWC SA Inc) has been working closely with the Australian Domestic and Family Violence Clearinghouse (ADFVC) on the 'Safe at Home; Safe at Work' Project and has recently introduced a specific clause into our Enterprise Agreement providing our staff with entitlements in the event that they experience domestic or family violence. Our Agreement is about to be filed for approval with Fair Work Australia.

Whilst significant uptake of similar clauses has been achieved, most Australian workers still will not be covered by such clauses. This is why WWC SA Inc supports the submission of AFDVC in calling for 'status as a victim of domestic violence' to be included in the list of attributes protected from discrimination, particularly given the prevalence of this as a workplace issue and the lack of remedy available to most workers.

Workplace policy positions alone, whilst on the face of it commendable, will not provide workers with rights at law under the Fair Work Act in relation to General Protections legislation nor Adverse Action.

It has been our experience that women, at a time of great vulnerability in their workplaces whilst experiencing the impact of domestic and family violence, are not in a position and are not safe to advocate for their own coverage under anti-discrimination legislation.

WWC SA believes the time is right for the Commonwealth to display leadership on this issue and urges the consolidation of Commonwealth anti-discrimination legislation (Human Rights and Ant-Discrimination Bill 2012) to address the rights of Australian workers who experience domestic violence.

Yours sincerely

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Director