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SENATE EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE

Inquiry into the Fair Work Amendment (Paid Family and Domestic Violence
Leave) Bill 2022

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Authorisation

This submission has been authorised by the NFAW Board

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This submission is being made by The National Foundation for Australian Women (NFAW).

NFAW is dedicated to promoting and protecting the interests of Australian women, including intellectual, cultural, political, social, economic, legal, industrial and domestic spheres, and ensuring that the aims and ideals of the women's movement and its collective wisdom are handed on to new generations of women. NFAW is a feminist organisation, independent of party politics and working in partnership with other women's organisations.

NFAW congratulates the Government on the introduction of an amendment to the Fair Work Act to provide 10 days of paid family and domestic violence leave as part of the National Employment Standards. NFAW is one of many organisations that have repeatedly sought such an amendment.

We note that the new leave entitlement will be paid at the rate people would have received had they not taken leave, not just at their base rate of pay, and that, once in place, the 10 days leave will be provided upfront, allowing immediate access to the full entitlement from the commencement of employment.

We note that the definition of perpetrator has been broadened to include a member of an employee's household, or a current or former intimate partner of an employee.

We welcome the fact that casual employees are not excluded from this form of leave, that the paid leave entitlement applies to casuals who are rostered on, and that casuals who are not rostered on for the exact shift will still be entitled to be absent from work without pay for 10 days per year to deal with the impacts of family and domestic violence, without having to worry about losing their jobs.

Finally, we note concerns that, in companies who have had paid DFV leave policies in place in recent years, some policies have been drafted and implemented in a way that has made perpetrators eligible for leave. We urge The Government to ensure that those who have the delegation to approve leave applications under the Fair Work Act receive clear educational materials on the application of the new provisions.

Recommendations

NFAW recommends that the Bill be supported in its entirety.

We urge The Government to ensure that those who have the delegation to approve leave applications under the Fair Work Act receive clear educational materials on the application of the new provisions.