

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2015 - 2016

Outcome 2 - Workplace Relations and Economic Strategy

Department of Employment Question No. EMSQ15-000301

Senator Waters asked on 22 October 2015 on proof Hansard page 43

Question

Domestic violence provisions in workplace agreements

Ms Parker: You are asking about domestic violence provisions in agreements?

Senator WATERS: Yes.

Ms Parker: We have a workplace agreement database in the department where we can analyse all the enterprise agreements. In the data at 30 June 2015 there were 759 current agreements that had a family violence clause. It covered 586,585 employees, or 24.3 per cent of all employees who are on an enterprise agreement. Some examples of that that we pulled out of our database for information are Telstra, which has over 30,000 staff, provides full-time employees who are victims of domestic violence an extra 10 days of paid leave. Virgin provides five days. BHP Billiton, our department and other government agencies provide personal leave that can be used by employees experiencing family or domestic violence.

Senator WATERS: Is that additional personal leave or just that you can use your personal leave for that purpose?

Ms Parker: You can use your personal leave for that purpose.

Senator WATERS: There is no additional allocation as such?

Ms Parker: No additional leave, no; there is 10 days leave a year provided. That is probably the main statistic that you might be interested in.

Senator WATERS: Yes. Are you able to give me some more information on notice with those breakdowns of who is doing what and how much leave is being provided?

Ms Parker: Would you like us to do it by more examples? Is that what you mean?

Senator WATERS: Yes. More examples would be good. I am also interested in the difference as in whether it is all 10 days. You mentioned Virgin gives only five but Telstra gives 10. I would be really interested in as much information as you have got to hand.

Ms Parker: That is fine. I am happy to do that

Answer

- The Workplace Agreements Database (WAD) maintained by the Department of Employment includes information about specific clauses in federal enterprise agreements which refer to assistance for employees experiencing domestic or family violence. These sorts of clauses can cover a wide range of assistance, from additional paid leave, to the offer of counselling and so on. Not all the clauses are about providing additional paid leave.
- As stated at the hearing, data collected from the WAD show that as at 30 June 2015, there were 759 current (that is, not nominally expired) agreements that contained a clause which refers to domestic or family violence. This is 4.6 per cent of all current enterprise agreements. It is estimated these 759 agreements cover 586,585 employees (or 24.3 per cent of all employees under all current enterprise agreements).
- Current enterprise agreements which refer in some way to domestic or family violence are mostly in the private sector (76 per cent).

- Examples of employers with specific domestic violence paid leave include BankWest (10 days specific domestic violence leave per annum) and Virgin (ground crew) (5 days of paid domestic violence leave per annum).

Nature of domestic violence provisions

- The department has undertaken a full text analysis of 468 enterprise agreements (made in 2014 and 2015 that were still current on 30 June 2015) which have been coded in the WAD to refer to domestic or family violence. Of these:
 - 260 agreements (55.6 per cent) entitled the employee to **paid leave** (either in addition to existing entitlements, or allowing access to existing paid leave entitlements such as personal or annual leave);
 - Of these, 48 per cent (or 127 agreements out of 262) provide a specified amount of paid domestic violence leave, either as separate period of leave in addition to all other leave, or as leave to be used only once personal/carer's leave for domestic violence reasons has been exhausted.
 - Of the 127 agreements which provide specified amounts of paid domestic violence leave 62 agreements offer between 5–10 days of paid domestic violence leave.
 - The remaining 52 per cent (or 135 agreements) either provide for personal/carer's leave to be used for domestic violence reasons or the amount of separate domestic violence leave is not quantifiable (i.e. it is at the company's discretion, or is contained in a company policy).
 - 231 agreements (49.4 per cent) allowed employees to **request flexible working arrangements**;
 - 67 agreements (14.3 per cent) **allowed domestic violence to factor into negotiations for Individual Flexibility Arrangements**;
 - 99 agreements (21.2 per cent) offered **access to counselling**, general support or left the type of support unspecified; whilst
 - 150 agreements (32.1 per cent) offered **more than one kind** of support.

Important information about the WAD

- The WAD contains data about federal enterprise agreements. It therefore does not cover many state public sector employees (e.g. nurses, teachers, public servants etc.) in New South Wales, Queensland, Western Australia, South Australia and Tasmania.
 - Federal enterprise agreements covered 34.5 per cent of all non-managerial employees as at May 2014 (according to the ABS Employee Earnings and Hours survey).
- The WAD data in relation to domestic or family violence provisions does not necessarily present a comprehensive picture of what is happening in a workplace. Domestic violence paid leave might be available to employees through some means outside of an enterprise agreement, such as an employer policy document, individual employment contract or other separate arrangement. For example, in November 2014 Telstra announced a domestic violence policy that provides up to 10 days paid leave in any one year for employees experiencing domestic violence.