

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2015 - 2016

Agency - Fair Work Commission

Department of Employment Question No. EMSQ15-000346

Senator Lines provided in writing.

Question

FWC - Domestic violence leave and ACTU

The ACTU is to progress a claim with the Commission to include 10 days of domestic violence leave in awards, you're aware of this?

Are you able to explain how the process will operate?

How will the case be run?

When will a decision be made?

Answer

The ACTU is to progress a claim with the Commission to include 10 days of domestic violence leave in awards, you're aware of this? Are you able to explain how the process will operate?

The domestic violence leave issue is being dealt with as part of the 4 yearly review of modern awards (required by section 156 of the *Fair Work Act 2009*), under the common issues stage of the review. The issue arose in late 2014 from proposals by the ACTU to include a clause in all awards allowing for the provision of 10 days paid leave in connection with family and domestic violence. A specifically constituted Full Bench is dealing with the case. A domestic violence leave webpage (www.fwc.gov.au/awards-and-agreements/modern-award-reviews/4-yearly-review/am20151-family-and-domestic-violence) has been set up on the Commission's website that includes all information relevant to the case, including all submissions and correspondence.

How will the case be run?

Initial jurisdictional objections from employer parties have been heard with a decision issued by a Full Bench on 22 October 2015 (see www.fwc.gov.au/documents/decisionssigned/html/2015FWCFB5585.htm). The Bench decided that the matter should proceed to a hearing of the merits of the ACTU's claim. The merits part of the case will involve a written submissions-based process followed by an opportunity to make oral submissions.

When will a decision be made?

The Full Bench has not issued directions that set out the timetable for proceedings as yet but there will be a submissions-based process with dates set for public hearing, and all materials will be published on the website.