



# Implementation of Domestic Violence Clauses

- An Employer's Perspective

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This report has been prepared by the Gendered Violence Research Network (University of New South Wales) Sydney NSW 2052

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# Implementation of Domestic Violence Clauses Negotiated in Select Industrial Agreements: A National Online Survey

## The Project

In November 2014, the School of Social Sciences at the University of New South Wales (UNSW) with the Australian Council of Trade Unions (ACTU) jointly funded a project investigating the implementation of 'Domestic Violence Clauses' (DV clauses) in select industrial agreements. The purpose of this project is to analyse the effects of implementing the DV clauses from an employers perspective. Researchers from the Gendered Violence Research Network (GVRN) at UNSW conducted an online survey of employer experiences of the implementation of DV clauses where they have been negotiated as part of their enterprise agreement or award or implemented through directives.

## Rationale for the Project

Employers in Australia are becoming increasingly aware of the effects of domestic and family violence (herein referred to as DV or DFV) on their employees as well on the productivity of their organisations. This current project is designed to follow-up a previous project undertaken by researchers at the GVRN, the 'Safe at Home Safe at Work' project, which in partnership with the ACTU, developed 7 principles for domestic violence clauses. By June 2014 over 450 enterprise agreements, awards and other industrial instruments had been negotiated containing DV clauses and now provide DV entitlements for over 1.6 million Australian workers<sup>1</sup>. To date, there is little data establishing the subsequent effects of the DV Clauses and little is known of the support strategies implemented in the workplace. Hence it remains unclear whether the clauses are excessively disruptive to the workplace or impose a prohibitive financial burden on participating organisations/ sectors. In addition, there has been no systematic collection of evidence of any benefit to workplaces or increases in productivity as a result of organisational support of the DV clauses.

## The Survey

The project involves the dissemination of an anonymous on-line survey examining the Implementation of Domestic and Family Violence Clauses Negotiated in Select Industrial Agreements. The project intended to collect both qualitative and quantitative data from a

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<sup>1</sup> This figure is based on the number of employees covered by enterprise agreements containing DV clauses provided by the Department of Employment; and the number of government employees covered by directives with DV provisions federally and in Queensland and Tasmania; and the number of government employees covered by awards with DV clauses in New South Wales; and the number of government employees covered by DV guidelines in the Northern Territory; and the number of government employees covered by DV policies in South Australia.

potential sample of 450 workplaces that have DV entitlements in their workplaces agreements, awards or directives. The on-line survey aims to:

1. Identify the range of responses provided by the organisations to disclosure of DV by employees and the rationale for their provision;
2. Establish from the qualitative data whether the implementation of DV clauses is perceived to have created undue disruption to the workplace and/or excessive cost;
3. Determine whether the DV clauses have, from the perspective of the employer, contributed to worker productivity and positively assisted workers affected by DV.

The project received approval from UNSW Human Research Ethics Advisory Panel B for the Arts, Humanities & Law (Approval Number: 14169).

## Data Collection & Sample

A total of 131 online surveys were initiated between February 6th, 2015 and March 17th, 2015. A number of respondents only answered the first three questions (n=21), and others only answered the first six questions (n=8). These incomplete responses were removed from the sample; as such, the final sample consisted of 102 respondents<sup>2</sup>. An examination of the survey response suggested that several of these respondents stopped answering the survey after realising they were not the best person in their organisation to respond. It should also be noted that several of the survey respondents were most likely from the same organisations. These cases in which respondents were potentially from the same organisation were not deleted because it was impossible to determine with certainty whether they were in fact from distinct organisations as the research protocol allowed for different people from within each organisation to respond. Therefore, the unit of analysis does not necessarily represent individuals from different organisations, but rather the different respondents, some of whom may have worked at the same organisation.

The following four questions were not answered by any of the respondents and therefore no results were presented for these: If requested domestic/family violence leave has been denied, please provide reasons; Can you please specify what these issues surrounding a breach of confidentiality regarding domestic/family violence were without providing any identifying information?; If safety requests for safety strategies concerning domestic/family violence were not granted, please provide reasons; and, If flexible work arrangements related to domestic/family violence were denied, please provide reasons).

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<sup>2</sup> The sample size ranges from 91 to 102 due to missing data.

## Results

### *Description of the Workplaces*

Table one contains descriptive statistics of the workplace characteristics reported by the respondents. Half of respondents reported working at an organisation with 100 employees or more (n=51). Just over one-quarter reported 1,000 or more employees in their workplace (26.5%; n=21). Close to one-fifth of respondents worked in a smaller workplace (20 to 99 employees; 17.6%; n=18), and only six respondents reported working in an organisation with less than 20 people (5.9%). This breakdown is comparable to the size of all employers<sup>3</sup> with a DV clause at the time of the survey, where 43.4% (n=201) were organisations of 100 employees or more, 16.6% (n=77) had over 1000 employees, 28.3% (131) had between 20-99 employees, while small employers of less than 20 employees accounted for 11.7% (n=54) of those organisations with DV clauses.

Respondents were asked to estimate of the proportion of females and males in their respective workplaces. Overall, the respondents reported that their workplaces consisted of more females (60.6%) than males (39.7%). However, this varied widely; the proportion of males in organisations reported by respondents ranged from 0% to 95%. Similarly, the proportion of females in organisations reported by the respondents ranged from 5% to 100%. In terms of the occupations held by the respondents of the survey, approximately half were Human Resources Managers (48%; n=49), 22.5% reported that their role was Employee/workplace Relations, 15.7% were Executive Officers or Owners, and 13.7% were Section Managers/Heads of Departments.

Public Administration and Safety (including local and state government) consisted of the largest workplace sector (40%; n=40), followed by Health and Social Assistance (19%; n=19). The remaining 41% of respondents worked in a variety other sectors such as: Education and Training (6%); Finance and Insurance Services (5%); and Transport, Postal and Warehousing (5%); Unions (4%); Arts & Recreation Sciences (3%); Legal Services (3%); NGOs and Community services (3%). At the time the survey was completed, the breakdown of corresponding sectors for all organisations with DV clauses according to figures provided by the Department of Employment and federal and state and territory governments with DV provisions was: Public Administration and Safety (26.1%; n=121); Health and Social Assistance (26.1%; n=121); Education and Training (8.4%; n=39); Transport, Postal and Warehousing (9.5%; n=44); Finance and Insurance Services (2.4%; n=11) and Arts and Recreation (1.1%; n5).

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<sup>3</sup> This figure is based on the number of employers and their size covered by enterprise agreements containing DV clauses provided by the Department of Employment; and the number of governments with DV provisions (Commonwealth, New South Wales, Northern Territory, Queensland, Tasmania; and South Australia) and their size.

Table 1: Description of the Workplaces (n=102)<sup>a</sup>

Number of employees	%	n
Less than 20	5.9	6
20-99	17.6	18
100 or more	50.0	51
1000 or more	26.5	27
Sector	%	n
Public Administration & Safety	40.0	40
Health & Social Assistance	19.0	19
Education & Training	6.0	6
Finance and Insurance Services	5.0	5
Transport, Postal & Warehousing	5.0	5
Legal	3.0	3
Other	22.0	22
Role	%	n
HR Manager	48.0	49
Employee/workplace Relations	22.5	23
Executive Officer/Owner	15.7	16
Section Manager/Head of Department	13.7	14
Gender breakdown in the workplace	Mean	SD (range)
Average proportion of Males reported in organisations	39.7%	20.6 (0-95)
Average proportion of Females reported in organisations	60.6%	21.4 (5-100)

a. Numbers in each section may not total 102 due to missing data.

## Workplace Domestic Violence Clauses and Leave

### *Clauses*

Over three-quarters of the respondents reported having a domestic/family violence clause in operation for over 12 months in their organisation (76.2%; n=77). Over one-third reported that employees had requested domestic/family violence (paid or unpaid) leave in the past 12 months (35.3%; n=36). Of these 36 employees that requested leave, the vast majority (92%) were female.

### *Leave Requests*

Respondents were asked about their perceptions of the amount of time off (paid and unpaid) that was allocated to individuals requesting leave under the domestic/family violence clause in their organisation. They reported that the average time off for paid leave in the past 12 months was 43 hours and ranged from 8 to 202 hours. In contrast, the average amount of unpaid leave reported in the past 12 months was 198 hours, and ranged from 1 to 912 hours. However, this large number was influenced by one extreme outlier where a respondent reported 912 hours of unpaid leave, and the removal of this extreme case lowered the average time for unpaid leave to 19 hours (ranging from 1 to 65 hours). In other words, the average time off for unpaid leave was just under half of the average time off for paid leave reported by the respondents.

In terms of the typical amount of leave requested per incident, just under half of the respondents indicated that employees usually requested two-to-three days (40%; n=14), about one-fifth reported there was no clear pattern (22.9%; n=8), and a similar proportion of respondents reported that employees typically requested less than one day of leave (17.1%; n=6). In cases where respondents indicated that they were aware domestic/family violence leave was requested (n=36), almost all of the respondents (94.4%; n=34) stated that leave for domestic/family violence was never denied in their workplace. One respondent indicated that they were not sure if domestic/family violence leave was ever denied, and another indicated that there was a case from two years ago that was still being dealt with retrospectively.



**Table 2: Domestic Violence Clauses and Leave**

<b>Workplace DV clause in operation</b>	<b>%</b>	<b>n</b>
More than 12 months	76.2	77
Less than 12 months	23.8	24
<b>DV leave requested in past 12 months</b>	<b>%</b>	<b>n</b>
Yes	35.3	36
No	64.7	66
<b>Hours of leave requested in past 12 months</b>	<b>Mean</b>	<b>SD</b>
Paid (n=31)	42.8	42.1
Unpaid (n=24)	19.3	30.6
<b>Typical amount of leave taken</b>	<b>%</b>	<b>n</b>
1 day or less	25.7	9
2 to 3 days	40.0	14
1 week or more	11.4	4
No pattern	22.9	8

### *Confidentiality*

In terms of confidentiality surrounding the reporting of domestic/family violence, 61% (n=62) of respondents indicated that their workplace had developed internal policies to manage disclosure of domestic/family violence in a confidential manner, and none of the respondents reported ever having issues regarding breaches of confidentiality along these lines.

### *Specific Safety Plans & Strategies*

Respondents were asked whether their organisations had developed safety strategies specifically pertaining to domestic/family violence. One-third of the respondents reported that specific safety plans or strategies were in place for domestic/family violence (30.7%; n=31), approximately one-fifth were not sure (18.8%; n=18), and half indicated that no special safety plans or strategies were in place (50.5%; n=51). Examples of safety plans or strategies that have been implemented included: increased security entering or leaving the workplace (18.6%); screening of phone calls or emails (23.5%); panic alarms or other internal security (11.8%); and internal transfers of employees (14.7%). A small proportion of respondents indicated that employees had, in the past, specifically requested that safety strategies related to domestic/family violence be implemented (15.2%; n=15), and the actual number of requests reported by the respondents ranged from 1 to 10 requests received. None of the respondents indicated that such requests were ever denied.

### *Information Dissemination*

In cases where individuals had disclosed domestic/family violence, the respondents were asked whether certain types of information were then disseminated to these employees. Over half of the respondents (53.9%) reported that information pertaining to the workplace domestic/family violence clause was shared with the employee; 15.7 % reported that information about DV protection orders was shared with the employees; and, 40.2% of respondents indicated that contact details for DV support services was shared with these employees. A few respondents also mentioned that the contact details for their Employee Assistance Program were provided to employees who disclosed domestic/family violence (6.9%).

According to the respondents, the following information was made available to ALL employees: workplace domestic/family violence clause (84.3%); information about DV protection orders (9.8%); contact details for DV support services (38.2%). As shown in Table 3, just over half of respondents indicated that the domestic/family violence work clause was shared with employees who disclosed domestic family violence, compared to the vast majority of respondents who indicated that this particular information was disseminated to all employees. Considering that all employees includes those who reported domestic/family violence, there is a distinct possibility that some of the respondents interpreted these questions in a particular way, such that if they responded that the domestic/family violence clause was shared with all employees, they may have indicated an alternative response to the question about specifically sharing this information with only those who reported domestic/family violence. In other words, it seems that the vast majority of respondents (84.3%) suggested that all employees, including those who disclosed domestic/family violence, were provided information about the clause in their respective workplace.

**Table 3: Types of information disseminated to employees (n=102)**

	All employees	Employees disclosing domestic/family violence
The domestic/family violence clause in your workplace	84.3%	53.9%
Information about domestic/family violence protection orders	9.8%	15.7%
Contact details for domestic/family violence support services	38.2%	40.2%
None of the above	7.8%	13.7%

### *Training*

Over one third of respondents indicated that training was provided in their in the workplace for understanding and responding to domestic violence (36.5%; n=35), and this ranged from 1 to 22 hours of almost exclusively face-to-face based training (only 1 person indicated the training was conducted online). In addition, the respondents reported that a number of different agencies delivered this training including, but not limited to: Women’s Health Services (n=3); Robyn Dale (n=2); Domestic Violence Clearing House (n=1); Domestic Violence Resource Centre Victoria (n=1); McCauley Community Services (n=1); UNSW Safe at Work Safe at Home (n=1); White Ribbon Australia (n=1); Internal training (n=2). Table 4 indicates the specific agencies that provided training that were mentioned by the respondents.

**Table 4: Agencies that have delivered domestic/family violence training as indicated by respondents**

- Domestic Violence Clearing House
- DVRCV
- In house/internal
- McAuley Community Services
- DCSI/Homelessness Strategy
- Robyn Dale
- UNSW Safe at Home, Safe at Work Project
- White Ribbon Australia
- Women's health Services (various regions)

### *Flexible Work Arrangements*

Approximately one quarter of respondents stated that in the past 12 months their organisation received requests for flexible work arrangements (24.2%; n=22) and this ranged from 1 to 3 requests. Respondents who specified the types of flexible work arrangements that were requested by employees indicated that the most common request was a change to start and finishing times (63.2%; n=12), followed by a reduction in hours (31.6%; n=6), changes to the days which were worked (6.6%; n=3) and a change in work location (15.8%, n=3). Some respondents noted that these flexible work arrangements had allowed for employees to attend appointments or accommodate their parenting responsibilities, while others had done so to provide a safer workplace for their employee. None of the respondents indicated that flexible work arrangement requests were ever denied. In addition, none of the respondents indicated that their organisations ever had complaints of adverse action from employees disclosing domestic/family violence.

### *Financial Costs*

Very few respondents reported that their organisations estimated the financial costs of DV clauses (6.7%; n=6), with nearly one fifth stating they were unsure as to whether their employer had estimated the financial costs to their organisation (20%; n=18). Half of the organisations who did estimate costs were from the public administration and safety sector (50%; n=3), although this only constituted three respondents. The other three respondents were from administration and support services, healthcare and social assistance, and finance and insurance services. In terms of estimates, the costs to these organisations ranged from \$1,282 to \$5,000, and were mostly estimated using average wages within the organisation multiplied by the amount of leave the respondent anticipated would be taken in the following 12 months. One respondent indicated they had estimated the costs to their organisation by using the amount of DV leave taken in the preceding 12 months and multiplying this by the average wage.

**Table 5: Summary of information pertaining to Domestic Violence Clauses and Leave**

<b>Internal policies developed to protect confidentiality</b>	<b>%</b>	<b>n</b>
<b>Yes</b>	60.8	62
<b>No</b>	39.2	40
<b>Specific DV safety plans/strategies in place</b>	<b>%</b>	<b>n</b>
<b>Yes</b>	30.7	31
<b>No</b>	50.5	51
<b>Not sure</b>	18.8	19

Employees requested DV safety plans /strategies		%	n
	Yes	15.2	15
	No	84.8	84
Workplace provided DV training		%	n
	Yes	36.5	35
	No	63.5	61
Received requests for flexible work arrangements		%	n
	Yes	24.2	22
	No	75.8	69
Experienced challenges introducing DV clauses		%	n
	Yes	13.2	12
	No	86.8	79

### *Implementation Challenges*

Very few of the respondents reported that their organisation experienced any challenges implementing the DV clause (13.2%; n=12). Of those that did, the challenges they identified included difficulties integrating the clause into the Enterprise Agreement (n=4), and a lack of resources, expertise and/or training (n=3). One other issue raised by a respondent was the challenge of how to record DV leave when it has been agreed that HR will not keep any records so as to maintain confidentiality.

### *Positive Effects*

Respondents were asked to describe the positive effects of introducing and implementing domestic/family violence clauses in their organisation. A total of 74 people answered this question and many highlighted a number of positive effects of the domestic/family violence clauses in their organisation. Several common themes emerged from the responses. For example, the most common comment from respondents was that having domestic/family violence clauses demonstrated support for staff and resulted in a more positive, supportive work environment (49.3%; n=37). This was described by one respondent as ensuring employees know they are safe and supported in their workplace. Another noted that victims do not need to suffer alone or be afraid of losing their jobs. Eleven of the respondents (14.9%) indicated that there were no positive effects or that they were unsure of what any positive effects may be.

Many respondents noted that the introduction of these clauses also raised awareness of the issue within the workplace and recognised DV as a social issue (30.7%; n=23). For example, one respondent stated that the introduction of the clauses showed the organisation's awareness that DV is a problem within society that everyone needs to deal with. Several people also stated that introducing DV clauses enhanced the overall employer reputation and status (18.7%, n=14), describing this as ensuring they remained employers of choice. A number of others indicated that there were added benefits for staff such as being able to take leave without stress (6.7%, n=5). Another comment was that these clauses improved cooperation with unions and helped with bargaining (8%; n=6). Some respondents stated that employees felt more comfortable and confident speaking to management about requesting support as a result of the DV clauses being introduced (4%; n=3). Others highlighted that introducing these clauses also contributed to morale-building within their organisation (2.7%; n=2) and made a strong statement against DV and helped to reduce stigma (10.7%; n=8).

### *Key Learnings and Future Directions*

The average time off for paid leave in the past 12 months was 43 hours, and ranged from 8 to 202 hours.

- In terms of the typical amount of leave requested per incident, just under half of the respondents indicated that employees typically requested two-to-three days (40%; n=14).
- Well over half of the respondents (61%; n=62) indicated that their workplace had developed internal policies to manage disclosure of domestic/family violence in a confidential manner.
- Nearly one-third of the respondents reported that specific safety plans or strategies were in place to respond to the disclosure of domestic and family violence (30.7%; n=31), although half indicated that no special safety plans or strategies were in place (50.5%; n=51).
- Where a disclosure of domestic and family violence was made to an employer, over half of the respondents (53.9%) reported that information pertaining to the organisation's domestic and family violence clause was shared with the affected employee; 15.7% reported that information was provided about DV protection orders; and, 40.2% of respondents indicated that contact details for DV support services was provided to these employees.
- Over one-third of respondents indicated that training was provided in their workplace for understanding and responding to domestic violence (36.5%; n=35),

and this ranged from 1 to 22 hours of almost exclusively face-to-face based training (only 1 person indicated the training was conducted online).

- Almost one-quarter of respondents stated that in the past 12 months their organisation received requests for flexible work arrangements (24.2%; n=22) and this ranged from 1 to 3 requests.
- Respondents who specified the types of flexible work arrangements that were requested by employees indicated that the most common request was a change to start and finishing times (63.2%; n=12), followed by a reduction in hours (31.6%; n=6), changes to the days which were worked (6.6%; n=3) and a change in work location (15.8%, n=3).
- The positive effects of the clauses were identified by respondents as: a demonstration the organisation's commitment to their staff (49.3%; n=37); raising awareness of domestic and family violence as a workplace and social issue (30.7; n=23); and, enhancing the overall reputation and status of the organisation (18.7%, n=14).

## Conclusion

The key learnings from the survey data suggest that project participants are reporting a range of workplace responses offered by their organisations in response to disclosures of DFV and that the implementation of DV clauses were not excessively disruptive to their workplace. Moreover, survey participants did not report a prohibitive financial burden on participating organisations/sectors. While the survey was able to collect select evidence of participants' perceptions of the positive effects of introducing and implementing domestic/family violence clauses in their respective organisations, the data does not allow comment to be made on whether there were any increases (or not) in productivity as a result of organisational support of the DV clauses. This remains an area for future investigation. Another key area for future investigation is an in-depth examination of workers' experiences of responses offered by their workplace post their disclosure of DFV.



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