

**ADVANCE
LABOUR
RIGHTS!**

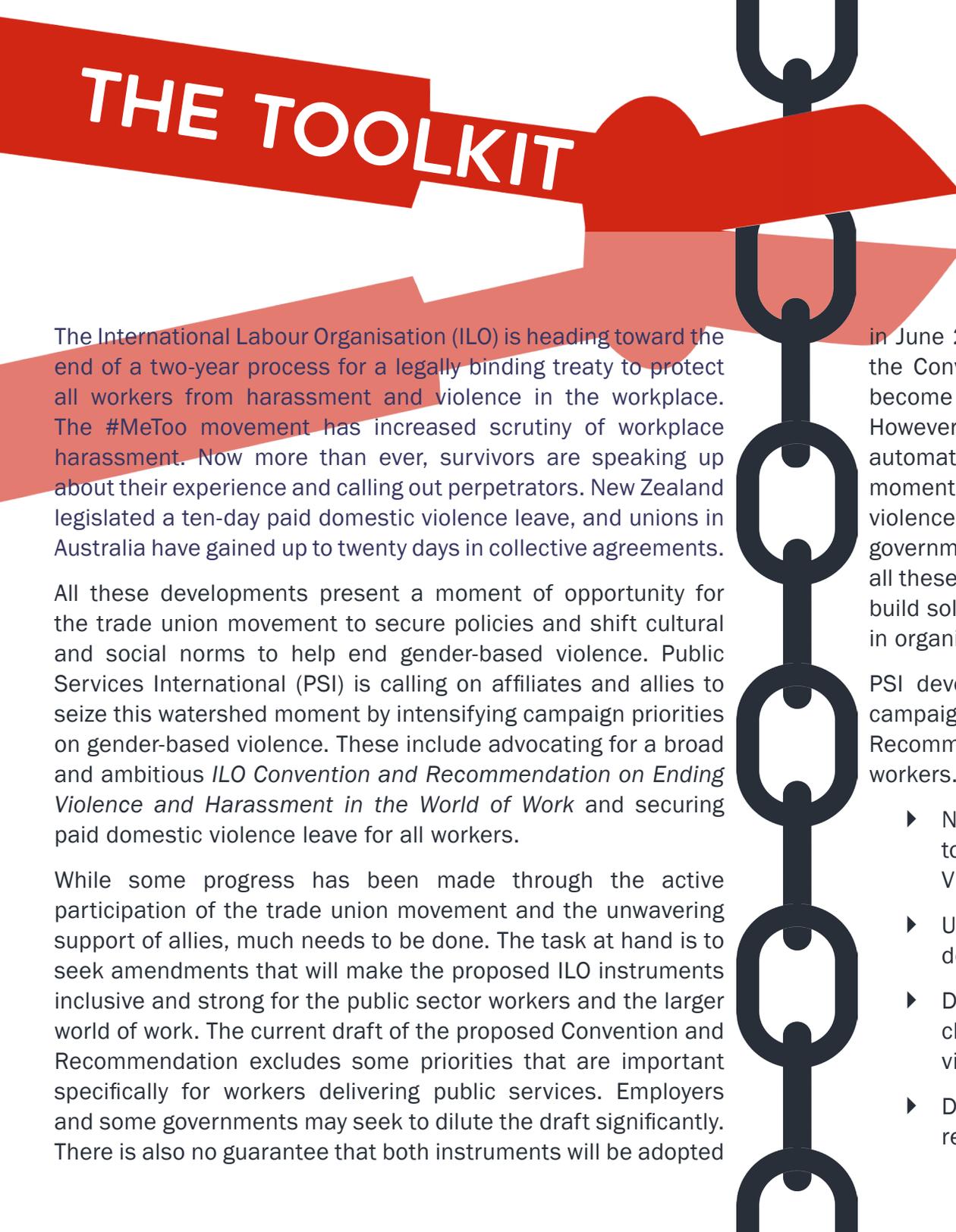
**END
GENDER-BASED
VIOLENCE!**

CAMPAIGN TOOLKIT

- ILO Convention on Ending Violence and Harassment in the World of Work
- Paid Domestic Violence Leave for All Workers



THE TOOLKIT



The International Labour Organisation (ILO) is heading toward the end of a two-year process for a legally binding treaty to protect all workers from harassment and violence in the workplace. The #MeToo movement has increased scrutiny of workplace harassment. Now more than ever, survivors are speaking up about their experience and calling out perpetrators. New Zealand legislated a ten-day paid domestic violence leave, and unions in Australia have gained up to twenty days in collective agreements.

All these developments present a moment of opportunity for the trade union movement to secure policies and shift cultural and social norms to help end gender-based violence. Public Services International (PSI) is calling on affiliates and allies to seize this watershed moment by intensifying campaign priorities on gender-based violence. These include advocating for a broad and ambitious *ILO Convention and Recommendation on Ending Violence and Harassment in the World of Work* and securing paid domestic violence leave for all workers.

While some progress has been made through the active participation of the trade union movement and the unwavering support of allies, much needs to be done. The task at hand is to seek amendments that will make the proposed ILO instruments inclusive and strong for the public sector workers and the larger world of work. The current draft of the proposed Convention and Recommendation excludes some priorities that are important specifically for workers delivering public services. Employers and some governments may seek to dilute the draft significantly. There is also no guarantee that both instruments will be adopted

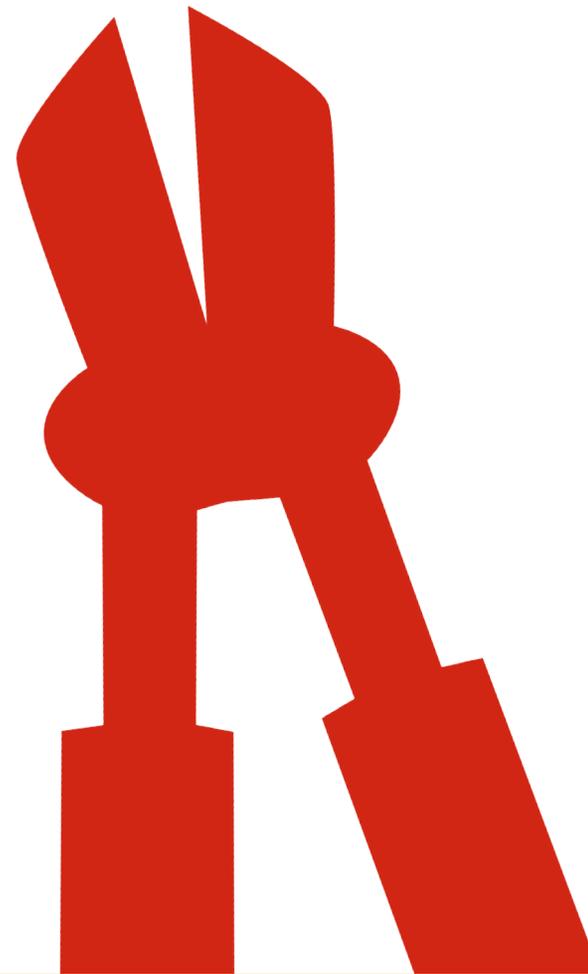
in June 2019. We need to drum up support for the adoption of the Convention, ensuring that demands significant to workers become international law, including paid domestic violence leave. However, international standards, while powerful tools, do not automatically translate to national legislation. We need to seize momentum and simultaneously campaign for paid domestic violence leave through collective bargaining agreements and government lobbying. Finally and most importantly, to achieve all these, we need to strengthen our ranks – to grow in numbers, build solidarity across sectors, and further develop our capacity in organising, advocacy, and campaigning.

PSI developed this toolkit to support affiliates and allies in campaigning for a broad and ambitious ILO Convention and Recommendation and paid domestic violence leave for all workers. Specifically, the kit is for users to:

- ▶ Navigate the policy landscape of the ILO process working toward a Convention and Recommendation on Ending Violence and Harassment in the World of Work;
- ▶ Understand how gender-based violence, and specifically domestic violence, affects work;
- ▶ Draw insights and inspiration from case studies of real challenges and solutions in implementing paid domestic violence leave campaigns; and
- ▶ Develop critical actions using sample campaign tactics, resources and tools.



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**PUBLIC
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A BROAD AND AMBITIOUS ILO CONVENTION AND RECOMMENDATION ON ENDING VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

The ILO Process: Where Are We Now?

In the EU, between 40 and 50 per cent of women experience violence and harassment in the workplace; in the Asia Pacific, it is between 30 and 40 per cent, according to [UN figures](#).

[Gender-based violence is reported as the most prevalent human rights violation](#), yet no internationally agreed law dealing with its many different forms in the world of work exists. After years of lobbying, the trade union movement, including PSI, has successfully pushed for ILO instruments to fill in the regulatory gaps. However, between now and June 2019 when the two-year standard-setting process draws to a close, much needs to be done to secure an ILO Convention and Recommendation that is ambitious and inclusive. PSI is calling on affiliates and allies to:

1. Seek amendments to the draft Convention and Recommendation ([the Brown Report](#)) to ensure public sector workers, and their concerns are covered.
2. Drum up support for strong and inclusive provisions in the current draft, particularly in areas that employers seek to dilute in the final version. These include:
 - a. Who gets covered - We need to make sure that the 'world of work' remains broad enough to include all workers and potential workers. That means informal workers, outsourced workers and those seeking work.

CONVENTION

A legally binding international treaty that may be ratified by country states. Ratifying countries are obligated to adopt the laws at the highest normative level and report on its application.



RECOMMENDATION

A non-binding detailed and practical guidance on how the Convention can be applied. It can also be autonomous (i.e. not linked to a Convention).



WHY IS AN ILO CONVENTION WITH RECOMMENDATION IMPORTANT FOR TRADE UNIONS?

- A convention would mean a shared understanding for the global community on minimum standards for all. It sets the standard definitions and scope of harassment and violence in the workplace, as well as agreed global principles and rights.
- A convention is legally binding and draws clear accountability lines. Ratifying governments can be held accountable for legislation and implementation; compliance is not left to their goodwill.
- It sends a strong political message that violence and harassment are unacceptable in any circumstance.

We recognise though that international law, while a powerful tool, does not automatically translate to national legislation or entitlements. Only union action on the ground can ensure workers gain access to entitlements and protection they are entitled to.

- b. Where workers are protected - Harassment can happen outside of working hours, it can happen electronically, on transport to and from work and employers must act to protect workers no matter where they are.
 - c. What constitutes violence and harassment - We need to keep broad coverage on the behaviours that form a pattern of harassment.
 - d. What employers' responsibilities should be - Employers must respect, protect and fulfil the obligation to violence and harassment-free workplaces and environment, but must also contribute to eliminating violence that occurs in other areas of life. This is where the right to paid domestic violence leave plays a critical role and is being contested.
 - e. Paid domestic violence leave.
3. Lobby for the adoption of both instruments (a 2/3 majority vote is required for adoption).



PROPOSED AMENDMENTS TO THE BROWN REPORT

Organise dialogues with government representatives and allied national trade union centres to include the following points in their response to the Brown Report by November 8, 2018:

- ▶ The role of States as employers - The new draft removes any definition of employer, as agreed at the 2018 ILC. We aim to amend the draft Article 1 section c) of the Convention, which includes a definition of workers, adding **“public and private”** so that it reads **“the term ‘worker’, covers persons in all sectors, public and private”**. This change to the definition of worker will ensure that public sector workers will be explicitly included as having fundamental rights, including the right to **Collective Bargaining**, as mechanisms to confront violence and harassment in the world of work, as provided for in Article 5 of the draft Convention and Article 3 of the draft Recommendation.
- ▶ Value the new name **“groups in a vulnerable situation”** instead of vulnerable groups in Article 6 and push for the inclusion of the complete list in Article 12 of the draft Recommendation.
- ▶ Mention of the specific situation of public sector workers who, by virtue of their job, have access to confidential information and who are more vulnerable to acts of violence and harassment in the world of work if they become whistle-blowers. Include **“public sector workers with access to confidential information who act as whistle-blowers”** in the list in Article 10 of the draft Recommendation, along with the other sectors, occupations and work arrangements that were originally included, given that Article 8, section a) of the draft Convention already identifies sectors, occupations and work arrangements in a general way.

If government lobbying proves unsuccessful, national trade unions may respond independently to the following address:
VIOLENCEHARASSMENT@ilo.org.

PAID DOMESTIC VIOLENCE LEAVE FOR ALL WORKERS

Why Should We Campaign for Paid Domestic Violence Leave?

Domestic violence is a workplace issue.

[Worldwide, 1 in 3 women will experience a form of violence.](#)

Domestic violence is not a private or personal matter. It is a violation of human rights; the manifestation of inequalities, discrimination, patriarchy, and imbalanced power. Domestic violence is also a workplace issue. It affects workers and their work environment, just as being ill affects workers and their capacity to work. The stress, emotional and physical exhaustion and physical consequences can lead to absenteeism, reduced productivity, and lack of focus, which can cause workplace accidents. Survivors of violence lose an average of 10 days a year dealing with the impact of violence – from addressing injuries, attending to legal matters including police and courts, finding safe accommodation, seeking counselling, and attending to the needs of their children. In [Peru](#) for instance, businesses lost 70 million workdays (equivalent to 3.7% of GDP) from intimate partner violence in 2013. Domestic violence can also take place in the workplace through stalking, abusive phone calls, text messages and emails, and harassment, presenting a risk to both survivor and colleagues. To sum, violence does not have to take place in the physical workplace to be considered as violence in the world of work. At the same time, failure to provide a safe workplace can expose workers to violence and harassment.

The effects of domestic violence can manifest for years after the abuse, hindering women's economic empowerment. Survivors have been found to experience job loss, disrupted work history, reduced

income, job insecurity and higher rates of part-time and casual work. In Canada, a [2009 study](#) found that survivors of spousal violence lose about \$34 million in wages. In the US, intimate-partner violence amounts to \$52,000 in lost wages over a lifetime, according to the [Institute for Women's Policy Research](#).

A growing body of evidence suggests that the workplace is a crucial point for interventions, and employers as a key stakeholder, to stop and mitigate the effects of gender-based violence. This makes a case for why services that support employees affected by violence, such as paid domestic violence leave, are just. Adequate and appropriate workplace interventions can ensure the safety, security, and well being of survivors whilst mitigating the economic impact for employers.

WHAT IS DOMESTIC VIOLENCE?

The United Nations Department of Economic and Social Affairs [recommends](#) that legislation “include a comprehensive definition of domestic violence, including physical, sexual, psychological and economic violence”. The [Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence](#) defines domestic violence as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”.



Paid domestic violence leave can save lives.

The workplace can be a safe place for survivors to seek support and paid domestic violence leave can help survivors get out of an abusive relationship. Paid domestic violence leave allows survivors and their children to be safe without having to worry about losing their jobs or retaliation from employers. Getting out of a violent relationship, and healing from the effects of violence requires time and money. In Australia, it would [cost \\$18,000 and 141 hours on average](#), according to the Australian Council of Trade Unions. Emergency logistics often have to be dealt with during office hours. They need time away from work to move house (or have a violent family member removed), open new bank accounts, seek legal and medical help for themselves and their children, attend court hearings, arrange counselling and change their contact information. They may need time to recover from physical and emotional abuse.

Why should we push for paid leave? Some federal states and private companies offer unpaid domestic violence leave. However, if uncompensated, survivors are less likely to take time off from work. Emergency logistics cost money, and leaving a violent relationship requires financial independence. Paid domestic violence leave can assure a steady income while survivors organise their lives.

Paid domestic violence leave can help end the cycle of abuse.

Beyond providing practical support for survivors, a domestic violence leave policy (including paid domestic violence leave) in the workplace is a strategy towards the broader goal of ending all forms of gender-based violence. Gender-based violence is a systemic problem that requires effective legislation and a cultural shift. A paid domestic violence leave policy sends a strong message that domestic abuse is a workplace issue and abusive behaviour is unacceptable. This encourages survivors to seek support, lessens stigma, and highlights that domestic violence requires the support and involvement of the entire community. Domestic violence is about control, and financial independence is often the line between escaping and being trapped in an abusive relationship.

The demand for paid domestic violence leave is socially just. One in 3 women experience a form of violence in their lives and unions can and must contribute to ending the global epidemic. All leave has been fought and won by unions, and without our work, a large number of workers will suffer through violence because they have little choice.

A comprehensive policy on violence and harassment at work, with a strong focus on gender-based violence, is an essential issue for workers providing public services and for the larger world of work. Women around the world are disproportionately affected by gender-based violence at work, and 2/3 of PSI's membership are women. An [ILO](#) study also confirms that workers in the public sector, particularly those in healthcare and education, are more at risk.

Besides, support services for domestic violence survivors should be a public service. However, the failure of capitalist globalisation and regressive tax policies mean women disproportionately bear the brunt. Austerity measures resulted in budget cuts for support services to women, including domestic violence survivors. In [London](#), funding has been slashed by an average of 38% since 2010, in spite of the increasing incidence of domestic violence (see also the case in the [US](#)). Corruption and unjust tax systems also siphon funding away from necessary and quality public services essential to support survivors to end violent relationships and rebuild lives.



The Policy Landscape

Domestic violence leave policies are uncommon and paid domestic violence leave even more so. To date, only two countries - Philippines and New Zealand - have national legislation on paid domestic violence leave. In the United States and Canada, paid domestic violence leave is guaranteed only in a few states. Australia, meanwhile, recently legislated a five-day unpaid leave despite demands for paid domestic violence leave by the trade union movement. However, paid leave has been secured for some workers delivering public services secured through bargaining by unions.

More broadly, legal provisions addressing domestic violence in the workplace are either lacking, insufficient or incoherent. According to a [2018 World Bank report](#), 45 out of 189 countries studied had no laws on domestic violence, and 59 do not have workplace sexual harassment laws. To date, paid domestic violence leave is included in the draft ILO Recommendation on Ending Violence and Harassment Against Women and Men in the World of Work (Article 17, section a).

COUNTRIES WITH LEGISLATED PAID DOMESTIC VIOLENCE LEAVE

Philippines

1st country to have legislated paid domestic violence leave

- [Anti-Violence Against Women and Their Children Act of 2004](#)
- 10 days paid leave, extendible to other leave benefits
- Available to survivors and carers of survivors

New Zealand

Legislated in July 2018 and will take effect on April 2019

- [Domestic Violence Victims' Protection Bill](#)
- 10 days paid leave
- Available to survivors and carers of survivors
- Also offers flexible working arrangements

Canada

(only in certain states)

- Ontario (5 days paid leave, up to 15 weeks unpaid leave)
- Manitoba (5 days paid, 5 unpaid, additional unpaid of up to 17 weeks)
- Prince Edward Island (3 days paid leave and 7 days unpaid leave)
- New Brunswick (5 days paid)
- Quebec (2 days paid)

USA

(only in certain states)

- California, Connecticut, Massachusetts, Oregon, Vermont and Washington DC

Domestic Violence Victims' Protection Bill (New Zealand)

Summary of relevant provisions

- ▶ A person affected by domestic violence means a person who suffers from domestic violence or provides care or support to a child family or household member suffering from domestic violence
- ▶ Ten days paid leave each 12-month period, even if the violence occurred before the survivor became an employee
- ▶ Access to other leave entitlements if paid domestic violence leave is exhausted
- ▶ Short-term (2 months or shorter) flexible working arrangement
- ▶ Employer required to respond to the request within 10 days
- ▶ Rejection of the request by the employer can be appealed
- ▶ Protection from discrimination
- ▶ Employers liable to a penalty for violations, payable to the employee

Anti-Violence Against Women and Their Children Act of 2004, Philippines

SECTION 43. Entitled to Leave. – Victims under this Act shall be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labour Code and Civil Service Rules and Regulations, extendible when the necessity arises as specified in the protection order.

Any employer who shall prejudice the right of the person under this Sec. shall be penalized in accordance with the provisions of the Labour Code and Civil Service Rules and Regulations. Likewise, an employer who shall prejudice any person for assisting a co-employee who is a victim under this Act shall likewise be liable for discrimination.

See Federal Legislation:

[Manitoba Employment Standards Code](#)

[Collective Agreement between Regional Occupational Service Enterprises \(ROSE Inc.\) and Manitoba Government and General Employees' Union Local 376](#)

Workers' Demands

Paid domestic violence leave should be a universal right, equal in status to other paid leave entitlements. It should be in addition to holiday, sick leave and other entitlements. Noting that many migrant and precarious workers do not have access to paid sick and vacation days, it should be available to casual, informal and contract workers. Survivors may also be allowed to use their other leave entitlements for matters relating to domestic violence if their paid domestic violence leave runs out. Evidentiary requirements to access such should not be onerous. This entitlement should cover the survivor or a worker who needs to care for dependents (e.g. children) affected by domestic violence.

Paid domestic violence leave should not be an isolated campaign, but part of a demand for a comprehensive policy that seeks to protect and support survivors, as well as prevent domestic violence. These include providing flexible working arrangements, respecting survivors' privacy and confidentiality, protection from discrimination, safety planning, capacity development for staff, and counselling among others.

Trade unions and allies should demand paid domestic violence leave and other workplace support in collective bargaining agreements and national legislation. The ILO Convention and Recommendation, if adopted and ratified, can serve as powerful tools to hold governments and employers accountable. Trade unions and allies, therefore, must ensure that paid domestic violence leave stays in the proposed ILO instruments, and drum up support for its adoption and ratification.

If legislation is in place, however, the trade union movement should raise awareness and push for implementation. In the Philippines, a [2015 survey](#) found that only 39% of Filipino respondents knew about the law, and 26% reported employers negatively reacting when applying for leave.

Paid domestic violence leave clauses in national legislation, and collective bargaining agreements set precedents for other employers and countries. For instance, from the first paid domestic violence leave clause successfully negotiated between the Australian Services Union (ASU) and the Surf Coast Shire Council in 2010, [860 enterprise agreements have followed suit, covering almost two million workers in Australia](#). Developments such as these on the ground can also influence international processes like the ILO standard-setting process.



ADVANCE
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END
GENDER-BASED
VIOLENCE!

What Can We Do?

GATHER AND SHARE EVIDENCE

Collate data and case studies on the prevalence and impact of domestic violence. Share findings and stories with union members, employers, government, and to the public.

TALK ABOUT IT

Discuss the issue with union members, shop stewards and in (but not exclusively) the women's committees, speak at events and increase visibility in the workplace through advocacy materials (e.g. posters, stickers, pamphlets). Raise public awareness through social and traditional media. Write blogs and opinion pieces.

ORGANISE

Talk to workers and increase union membership.

PROVIDE UNION SUPPORT SERVICES TO SURVIVORS

Walk the talk and provide practical and emotional support such as counselling, and provide information about available resources and services.

BE CONSISTENT AND PERSISTENT WITH YOUR MESSAGING

Conduct a stakeholder analysis and anticipate counter-arguments. Repetition and consistency of messaging across all platforms are important. This includes consistency in use of visual materials such as campaign logos.



BUILD A BROAD ALLIANCE

Create a network of unions, active members including domestic violence support workers, women's rights advocates, civil society organisations, social movements, and engaged members of the public who can work together to push for legislative change.

DEVELOP AND SUPPORT SPOKESPEOPLE for the campaign which include union leaders, allies, and domestic violence support workers.

PREPARE TEMPLATES FOR BARGAINING CLAUSES AND IMPLEMENTATION OF PROCEDURES

WORK WITH RELEVANT PUBLIC AUTHORITIES TO DEVELOP MODEL POLICIES AND PROCEDURES

For instance, New Zealand's Human Rights Commission worked with seven corporations to develop a [model workplace family violence policy](#) that employers can adapt and use.

LOBBY GOVERNMENTS AND WORK ACROSS POLITICAL LINES

Organise dialogues with government

representatives to the ILO and push for workers' demands in the final version. Pressure government representatives to adopt and ratify the Convention. Meet with relevant ministers (health, women and children, human rights, labour) to present evidence and lobby for national legislation.

ENCOURAGE STAKEHOLDER GROUPS AND THE NATIONAL TRADE UNION CENTRES TO EXPRESS THEIR SUPPORT PUBLICLY

INCLUDE PAID DOMESTIC VIOLENCE LEAVE IN COLLECTIVE BARGAINING AGREEMENTS

ENGAGE IN THE ILO PROCESS

Organise dialogues with relevant government representatives and national trade union centres.

ENSURE THE REPRESENTATION OF WOMEN, YOUTH AND OTHER MARGINALISED SECTORS IN ALL ACTIONS

SHARE YOUR CAMPAIGN MATERIALS AND STORIES

New Zealand's Domestic Violence Law Demonstrates Union Strength

PSA's campaign for special leave for family violence survivors paid off - it's now law

Building the campaign from the ground up

The New Zealand Public Service Association (PSA) started their campaign for paid domestic violence leave with data. According to Kirsten Windelov, a PSA policy advisor, they knew they would not get other stakeholders on board through a moral argument alone - they would have to build their economic case. They partnered with a student from the New Zealand Family Violence Clearing House to research their members' experience of domestic violence and its impacts on their work. They commissioned well-regarded economist Suzanne Snively and a small team of researchers who built an economic model of the effect of domestic violence on New Zealand employers. They consulted many stakeholders, including the chief economist from the New Zealand Treasury, during the creation of the [report](#), and by the time it was released, the methodology and main findings had started to gain traction.

PSA then focused on awareness-raising and capacity building in its own base. They brought in Ludo McFerran who conducted a similar [study](#) in Australia, for a training tour on why domestic violence is a workplace issue. PSA collaborated with other trade unions and with the domestic violence community, including co-branding with the government-funded ["It's Not Ok"](#) campaign. To engage government, PSA built relations with Green Party MP Jan Logie, who had strong ties with the domestic violence community and who would eventually sponsor and champion the bill, and help push for its legislation. It is rare for a private member's bill to pass, but after it fortuitously passed its first reading, PSA and others organised hundreds of individuals to make submissions to the parliamentary select committee responsible for new legislation ([check this link](#) to understand how laws are made in New Zealand). The select committee judged the submissions to be union political campaign and changed the process to exclude PSA member submissions. PSA gave voice to the excluded submissions through its formal presentation to the committee and continued to build pressure on the committee for a second reading through members lobbying MPs directly. PSA supported Jan Logie's leadership of this phase of the campaign to strengthen evidence and build a network of advocates from unions, other political parties, domestic violence workers, other women's groups and the Human Rights Commission. Importantly, PSA did its best to communicate the campaign as a collective effort built from an unlikely alliance of stakeholders that crossed political divides.



Green MP Jan Logie and former PSA President Paula Scholes

CASE STUDY | New Zealand's Domestic Violence Law Demonstrates Union Strength

After seven years of campaigning, the bill guaranteeing 10 days paid leave, on top of other support provisions for domestic violence survivors, was passed in July 2018.

Lessons learned

PSA's campaign success highlights the importance of building connections - with other unions, with the domestic violence community, with the business community, and with decision makers across political lines. According to Kirsten, the most significant campaign challenge did not emanate from its membership, nor from the domestic violence community who have limited funding and may have had legitimate concerns about introducing a new area into their political asks. The most significant hurdle was "parties with narrow views but outsized influence". For instance, the campaign was not put forward as a union campaign, as this would deter right-wing parties. PSA's experience also demonstrates the impact of supporting champions - from PSA's former presidents and women's network activists, to business CEOs, to Jan Logie MP, to Jackie Blue of the Human Rights Commission. PSA also emphasised the power of speaking with union members about their own experiences. "Don't underestimate their personal connection to the issue and anticipate a lot of support from them", Kirsten adds.

What's ahead

PSA continues to actively work with employers and bargain for paid domestic violence leave in collective bargaining agreements. There is now growing interest from the community for policies and training in preparation for the implementation of the [Domestic Violence Victims' Protection Bill](#) in April 2019.

The [Public Service Association Te Pukenga Here Tikanga Mahi](#) is New Zealand's largest union, representing 63,000 members.



SAMPLE TALKING POINTS

Top-line messages

- Violence and harassment in the world of work are human rights issues.
- Domestic violence has a negative impact on the well being of workers, on families, on businesses, and on the economy.
- Paid domestic violence leave can often draw the line between escaping and being trapped in an abusive relationship.
- Paid domestic violence leave should be a universal right of equal status to other leave entitlements.
- Strong union organising and mobilisation have led to paid domestic violence leave entitlements for workers, such as in New Zealand and Australia.

Union members and allies

- Domestic violence is not a private issue; it is a human rights and workplace issue. The effects of domestic violence extend to the world of work such as absenteeism and reduced productivity.
- Women are disproportionately affected by gender-based violence at work. An [ILO study](#) also confirms that workers in the public sector, particularly those in healthcare and education, are more at risk.
- Escaping an abusive relationship costs time and money. In Australia for instance, it costs \$18,000 and 141 hours.
- Violence is also about control, and a steady income and secure job can assure financial independence necessary for survivors to leave violent relationships.
- An ILO Convention and Recommendation on gender-based violence ensures minimum standards for all workers. This should include paid domestic violence leave.
- Paid domestic violence leave policies are strategies toward the broader goal of ending all forms of gender-based violence. It sends a strong political message that domestic violence is unacceptable under any circumstance, encourages survivors to seek support, and lessens the stigma. It highlights the need for action by key stakeholders, including employers.

SAMPLE TALKING POINTS

Employers

- Domestic violence, if unmitigated, costs businesses. Direct costs include lower productivity, absenteeism, sick day cover, staff turnover, recruitment and retraining. In Canada, the economic impact of domestic violence is at \$7.4 billion.
- Domestic violence can put survivors and colleagues at risk for physical and psychological violence in the workplace.
- Failure to support employees suffering from abuse can damage the business' reputation and image.
- The workplace is a key point for interventions to stop and mitigate the effects of gender-based violence. Employers must respect, protect and fulfil the obligation to violence and harassment-free workplaces and environment, but must also contribute to eliminating violence that occurs in other areas of life.

Government

- Economic growth and development can only be achieved if barriers to productive and quality employment are removed for both men and women.
- Domestic violence has significant economic and social costs. In 2003, intimate partner violence cost the Australian economy \$8.1 billion, which could balloon to \$9.8 billion by 2022 if not prevented. Direct costs include healthcare utilisation, welfare support and other services, and legal costs among others. Indirect costs include lost wages and lower productivity.

KEY DATES



OCT
7
2018
World Day for Decent Work



NOV
25
2018
International Day for the Elimination of Violence Against Women



DEC
10
2018
International Human Rights Day and the anniversary of the Universal Declaration of Human Rights



APR
28
2019
World Day for Safety and Health at Work



NOV
8
2018
Deadline for feedback on the Brown Report



NOV
29
2018
International Women Human Rights Defenders Day



FEB
14
2019
One Billion Rising



MAY
1
2019
May Day



16 Days of Activism Against Gender-Based Violence



DEC
6
2018
National Day of Remembrance and Action on Violence Against Women (Canada)



MAR
8
2019
International Women's Day



JUN
10-21
2019
108th Session of the ILC

Family Violence Sample Clause

New Zealand Public Service Association

Family violence may impact on an employee's attendance or performance at work. Family violence means domestic violence as defined by s2 of the Domestic Violence Act 1995.

The (employer) will support staff experiencing family violence. This support includes:

- For those experiencing family violence, up to 10 days of paid leave in any calendar year to be used for medical appointments, legal proceedings and other activities related to family violence. This leave is in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.
- To support safety planning and avoidance of harassing contact, the (employer) will approve any reasonable request from an employee experiencing family violence for:
 - ▶ Changes to their span or pattern of working hours, location of work or duties;
 - ▶ A change to their work telephone number or email address; and
 - ▶ Any other appropriate measure including those available under existing provisions for flexible work arrangements

An employee who supports a person experiencing family violence may take domestic leave to accompany them to court, to hospital, or to mind children.

All personal information concerning family violence will be kept confidential and will not be kept on the employee's personnel file without their agreement.

Proof of family violence may be requested and can be in the agreed form of a document from the police, a health professional or a family violence support service.

If an employer will not consider a specific clause, you could consider the following:

If an employee is experiencing family violence, the employer will consider any request for additional paid leave or other support from that employee and approval will not be unreasonably refused.

Model Family and Domestic Violence Leave Clause

Australian Council of Trade Union

FAMILY AND DOMESTIC VIOLENCE

X.1 General Principles

X.1.1 [Insert employer] recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. [Insert employer] is committed to providing support to staff that experience family and domestic violence.

X.1.2 Understanding the traumatic nature of family and domestic violence [insert employer] will support their employee if they have difficulties performing tasks at work. No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family and domestic violence. An employee will not be discriminated against or have adverse action taken against them because of their disclosure of, experience of, or perceived experience of, family violence.

X.2 Definition of Family and Domestic Violence

X.2.1 For the purpose of this clause, family and domestic violence is defined as any violent, threatening or other abusive behaviour by a person against a member of the person's family or household (current or former). To avoid doubt, this definition includes behaviour that:

(a) is physically or sexually abusive; or

(b) is emotionally or psychologically abusive; or

(c) is economically abusive; or

(d) is threatening; or

(e) is coercive; or

(f) in any other way controls or dominates the family or household member and causes that person to feel fear for their safety or wellbeing or that of another person; or

(g) causes a child to hear or witness, or otherwise be exposed to the effects of, such behaviour.

X.3 Family and Domestic Violence Leave

X.3.1 An employee, including a casual employee, experiencing family and domestic violence is entitled to [20] days per year of paid family and domestic violence leave for the purpose of:

(a) attending legal proceedings, counselling, appointments with a medical or legal practitioner;

(b) relocation or making other safety arrangements; or

(c) other activities associated with the experience of family and domestic violence.

X.3.2 In addition, an employee, including a casual employee, who provides support to a person experiencing family and domestic violence is entitled to access family and domestic leave for the purpose of:

(a) accompanying that person to legal proceedings, counselling, appointments with a medical or legal practitioner;

(b) assisting with relocation or other safety arrangements; or

(c) other activities associated with the family and domestic violence including caring for children.

X.3.3 This leave will be in addition to existing leave entitlements, may be taken as consecutive or single days or as a fraction of a day, and can be taken without prior approval.

X.3.4 Upon exhaustion of the leave entitlement in clause [X.3.1], employees will be entitled to up to [2] days unpaid family and domestic violence leave on each occasion.

X.4 Notice and Evidentiary Requirements

X.4.1 The employee shall give his or her employer notice as soon as reasonably practicable of their request to take leave under this clause.

X.4.2 If required by the employer, the employee must provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in clause

X.4.3 Such evidence may include a document issued by the police service, a court, a health professional, a family violence support service, a lawyer, a financial institution, an accountant or a statutory declaration.

X.4.4 The employer must ensure that any personal information provided by the employee to the employer concerning an employee's experience of family and domestic violence is kept confidential. Information will not be kept on an employee's personnel file.

X.5 Contact Person

X.5.1 The [insert employer] will nominate a contact person to provide support for employees experiencing family and domestic violence and notify employees of the name of the nominated contact person. The nominated contact person must be trained in relation to family and domestic violence and privacy issues relevant to the workplace and receive paid time off work to attend such training.

X.5.2 An employee experiencing family and domestic violence may raise the issue with the nominated contact person, their immediate supervisor, Health and Safety Representatives or their union delegate/shop steward.

X.5.3 Where requested by an employee, the contact person will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of support.

X.5.4 Health and Safety Representatives and union delegates will be provided paid time off work for appropriate training in supporting employees at the workplace who are experiencing family violence.

X.6 Individual Support

X.6.1 In order to provide support to an employee experiencing family and domestic violence and to provide a safe work environment to all employees, [insert employer] will approve any reasonable request from an employee experiencing family and domestic violence for:

(a) changes to their span of hours or pattern or hours and/or shift patterns;

(b) job redesign or changes to duties;

(c) relocation to suitable employment within [insert employer];

(d) a change to their telephone number or email address to avoid harassing contact; or

(e) any other appropriate measure including those available under existing provisions for family-friendly and flexible work arrangements.

X.6.2 An employee that discloses to the nominated contact person or their supervisor that they are experiencing family and domestic violence will be offered:

(a) access to professionals trained specifically in family and domestic violence through the Employee Assistance Program (EAP); and

(b) a resource pack containing information in relation to external support agencies, referral services and other local employee support resources.

X.6.3 [Insert employer] will develop guidelines to supplement this clause which detail the appropriate action to be taken in the event that an employee reports family and domestic violence.

X.7 Workplace Safety

X.7.1 [Insert employer] will implement a workplace safety plan with specific measures to minimise the risk that employees will be subject to violent or abusive behaviour at work and protocols for dealing with a crisis situation.

MORE SAMPLE BARGAINING CLAUSES

- › [AMWU Family Violence Leave Model Clause for EBA Bargaining](#)
- › [UNIFOR's Bargaining a Domestic Violence Policy and Program](#)
- › [Surf Coast Shire Council Enterprise Agreement No. 8 2013-2016](#)
- › [Union Women's Family Violence Clause](#)

DOWNLOADABLE CAMPAIGN MATERIALS ([CLICK HERE](#))

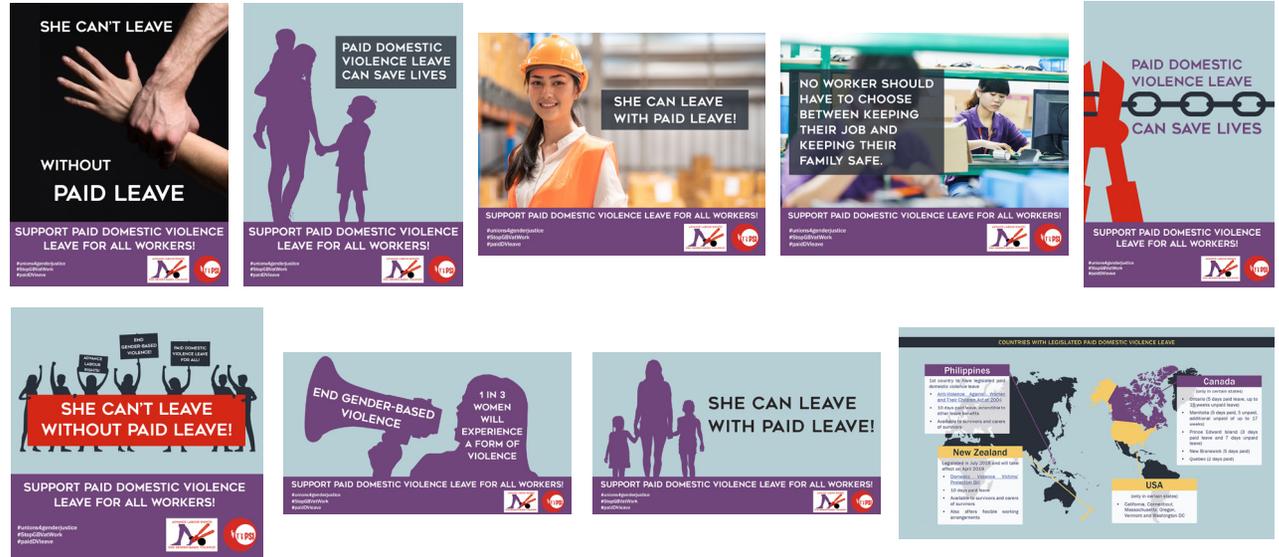
CAMPAIGN LOGO



OTHER VISUALS



POSTERS AND SOCIAL MEDIA MATERIALS



TAGLINES

- › Break the cycle! Paid domestic violence leave for all workers
- › Paid domestic violence leave can save lives
- › She can't leave without paid leave
- › She can leave with paid leave
- › Advancing labour rights, ending gender-based violence
- › No worker should have to choose between keeping their job and keeping their family safe

HASHTAGS

- › #unions4genderjustice
- › #StopGBVatWork
- › #paidDVleave

WHY SHOULD UNIONS CAMPAIGN FOR PAID DOMESTIC VIOLENCE LEAVE?

DOMESTIC VIOLENCE IS A GLOBAL PANDEMIC

- › 30% of women who have been in a relationship have experienced some form of violence by their intimate partner
- › 275 million children witness domestic abuse annually
- › Between 80 and 93% of children experience some form of physical punishment at home
- › Between 100 and 140 million girls and women live with female genital mutilation

PAID DOMESTIC VIOLENCE LEAVE CAN SAVE LIVES

Paid domestic violence leave allows survivors and their children to be safe without having to worry about workplace discrimination. Survivors need time off from work for emergency logistics such as:

- › Moving house (or have a violent family member removed)
- › Opening new bank accounts
- › Seeking legal and medical help for themselves and their children
- › Attending court hearings and counselling
- › Changing their contact information
- › Recovering from physical and emotional abuse

Why paid leave? If uncompensated, survivors are less likely to take time off from work.

In Australia, it would cost \$18,000 and 141 hours on average to leave a violent relationship.

DOMESTIC VIOLENCE IS A WORKPLACE ISSUE

Domestic violence follows survivors at work, often resulting to:

- › Absenteeism
- › Tardiness
- › Reduced productivity
- › Lack of focus, potentially causing workplace accidents
- › Decreased motivation and morale
- › Strained relationships with colleagues
- › Stalking and abusive messages, posing harm to employees

Domestic violence costs \$ 8 trillion every year, equivalent to 5.2% of global GDP, 25 times more than war and terrorism

PAID DOMESTIC VIOLENCE LEAVE CAN HELP END THE CYCLE OF ABUSE

The workplace is a crucial point for interventions to stop and mitigate the effects of gender-based violence. Beyond providing practical support for survivors, paid domestic violence leave –

- › Sends a strong message that abusive behaviour is unacceptable
- › Encourages survivors to seek support
- › Lessens stigma
- › Highlights that domestic violence requires a holistic response

ADVANCE LABOUR RIGHTS AND END GENDER-BASED VIOLENCE!

JOIN OUR CAMPAIGN FOR PAID DOMESTIC VIOLENCE LEAVE FOR ALL WORKERS!

#unions4genderjustice
#StopGBVatWork
#paidDVleave



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Sources:

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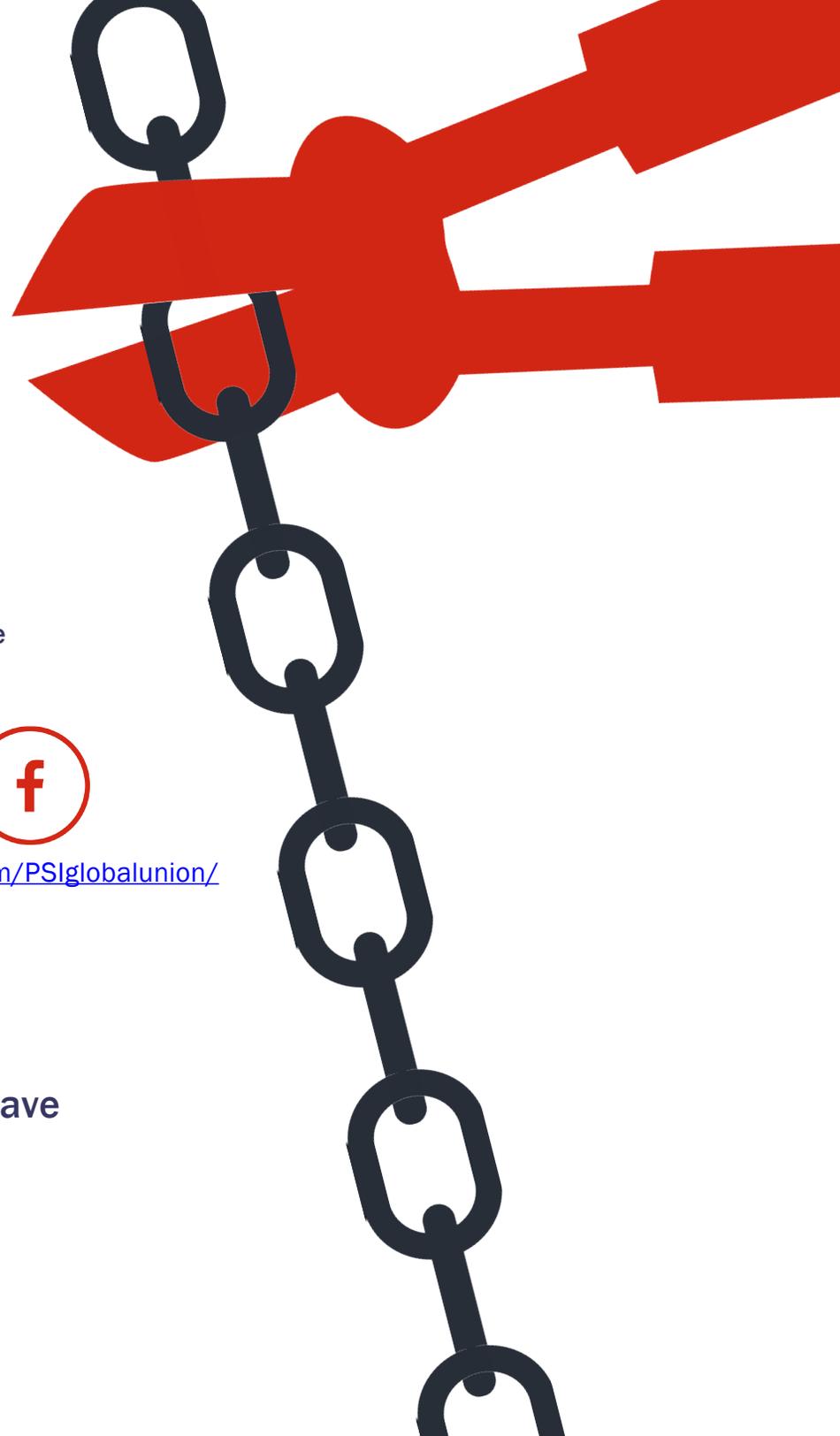
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