

**Congress opening statement to Joint Oireachtas Committee on CEDiy Pre-Committee Stage Scrutiny of The Organisation of Working Time (Domestic Violence Leave) Bill 2020 [Private Members Bill] (sponsored by Mary Lou McDonald T.D. and Louise O'Reilly T.D.)**

I thank the Chair and members of the Committee for the opportunity to participate in your deliberations about the Bill. From the outset let me state that Congress endorses the introduction of paid domestic violence leave in Ireland as a vital support for survivors.

Economic independence from an abusive partner is essential for women experiencing domestic abuse and employment can play an important role in supporting abused women to remain in employment. We therefore warmly welcome this Bill and indeed have engaged with Deputy O'Reilly on its contents. We also note the recent publication by Government of the Domestic Violence Leave Report which also includes recommendations on how best to support employees experiencing domestic abuse and will refer to this also in our brief opening remarks.

This has been a priority issue for the trade union movement not only here in Ireland but also internationally as is evidenced by the negotiation of ILO Convention 190 on violence and harassment in the world of work and its accompanying recommendation 206 which gives further, more detailed guidance on how the Convention should be implemented at national level. One of the most important elements of the Convention is that it deals with the issue of domestic violence. This was a key demand of trade unions. The Convention recognises that domestic violence can impact the world of work. It can affect employment, productivity and health and safety, and that the world of work can be a key point of intervention in mitigating or reducing the impacts of domestic violence. The Convention requires governments to take appropriate measures to recognise the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work.

This Bill and the recent announcement by Minister O'Gorman are very much in line with the spirit of the Convention and Recommendation 206 which specifies a range of measures to mitigate the impacts of domestic violence in the world of work, including:

- leave for victims of domestic violence;
- flexible work arrangements and protection for victims of domestic violence;
- and the inclusion of domestic violence in workplace risk assessments;

We welcome the stated intention of Government to ratify this important Convention before the end of the year.

While welcoming these moves, Congress has from the beginning made our position clear on some of the major issues involved:

**10 days:** We believe the leave should be a minimum of ten days per rolling 12-month period, which is stipulated in the Bill. This should not be reduced to 5. In certain cases, ten days may not be enough and additional unpaid leave may be necessary.

We also recommend consideration of a process for additional leave to cover exceptional circumstances. Ideally, this should be additional paid leave but at a minimum, it should be some unpaid leave provision that could work similarly to maternity leave provisions.

**Issue of proof:** For domestic violence leave to be successful here, there should be as few barriers as possible to taking the leave. Survivors already face an overwhelming number of barriers when reporting or disclosing violence including socio-cultural attitudes and stigma, sexual assault myths,

and personal repercussions. Requiring proof for this type of leave reinforces the all-too common perception that individuals reporting violence are somehow not credible or trustworthy. Given the stigma that abuse carries, and the fact that it is vastly under-reported, there is little reason to believe that the leave will be widely misused. In fact, research suggests the alternative. In Australia, interviews with employers who had leave in place for several years through enterprise agreements, found that the leave was infrequently used even where employers had actively promoted the leave provision.<sup>1</sup> Furthermore, since violence thrives in secrecy, in many cases, there will be no external way for a service provider to confirm that domestic or sexual violence has occurred.

#### **workplace agreements;**

Economic insecurity is one of the greatest factors inhibiting victims of domestic violence from escaping violent situations at home. To address that problem unions and employers have developed paid domestic violence leave provisions which allow victims to attend legal proceedings, medical appointments, or other events or activities related to the violence they have experienced, without risk of lost income or employment. Congress believes that paid leave should be part of a broader Domestic Violence and Work policy that would also support survivors in other ways. My colleague Mandy will be happy to discuss what a Workplace Policy should cover and her union along with SIPTU, CWU and others has been leading the way in this regard.

#### **Costs?**

Claims that the introduction of such leave will somehow undermine our competitiveness are simply not credible. An Australian study *Economic Aspects of Paid Domestic Violence Leave Provisions*<sup>2</sup> considered the likely impact of DV leave on the payroll costs of employers, and found that incremental payments to workers taking the leave would amount to one-fiftieth of one percent (0.02%) of current payrolls. The report goes on to argue that this argument misunderstands the nature of competitiveness in a modern, innovation-driven economy. Cementing a reputation as a safe, high-quality, inclusive place to live is beneficial to national competitiveness, and paid leave for victims of domestic violence would be an important symbol of Ireland's commitment in that regard.

I thank the committee again for the opportunity to submit our views on this important legislation and we are very happy to respond to any questions the committee may have.

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<sup>1</sup> <https://www.westcoastleaf.org/wp-content/uploads/2019/10/West-Coast-LEAF-and-Rise-Womens-Legal-Centre-Domestic-and-Sexual-Violence-Leave-Submissions-BC-Government.pdf>

<sup>2</sup>

[https://d3n8a8pro7vhmx.cloudfront.net/theausinstitute/pages/1408/attachments/original/1482351910/Economic\\_Aspects\\_Domestic\\_Violence\\_Leave.pdf?1482351910](https://d3n8a8pro7vhmx.cloudfront.net/theausinstitute/pages/1408/attachments/original/1482351910/Economic_Aspects_Domestic_Violence_Leave.pdf?1482351910)