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Employers try tricky legal tactics to quash new support for family friendly work arrangements and domestic violence leave

Employer groups are using tricky legal tactics to avoid new workplace protections for domestic violence leave and family friendly work arrangements which will increase women's workforce participation.

The Australian Chamber of Commerce and Industry (ACCI), Housing Industry Association (HIA), Australia Industry Group (AIG) and National Farmers Federation (NFF) lodged responses to dismiss the ACTU's claim on technical grounds.

Australian Unions lodged a modern award review claim at the Fair Work Commission requiring employers to genuinely consider family friendly work arrangements and provide leave for workers experiencing domestic violence.

The employer groups' responses lack merit and employers should recognise workers have significant life circumstances that will affect workplaces.

Domestic violence is a whole of society issue and Australian Unions urge employers to support those that experience it.

Employers should also work constructively with unions and modernise their attitudes to addressing women's workforce participation by implementing changes to family friendly work arrangements instead of trying to shirk their responsibilities.

Key facts:

- ACTU's claim directly benefits more than six million workers
- Increasing women's participation in Australia by 6 per cent from current levels could increase GDP by as much as \$25 billion, according the OECD, ILO, IMF and the World Bank
- One in two mothers are discriminated against at work and of those, around one quarter are forced to resign
- Domestic violence costs the Australian economy \$16.8 billion each year

The ACTU claim on domestic violence leave:

- Provides for 10 days paid domestic violence leave for workers to attend court appearances, medical and legal appointments and make safety and re-location arrangements.
- Allows employees to request a change in working arrangements and safety measures such as changing work contact details.

The ACTU claim on family friendly leave:

- Creates a right for parents to return to their pre-parental leave position part time or on reduced hours which employers may only refuse on serious countervailing business grounds
- Provides employees an avenue of appeal if their employer unreasonably declines their return to work on part time or reduced hours.
- Where employers are unable to accommodate an employee's return to their pre-parental leave position part time, they may accommodate the request in a suitable alternative position commensurate in status and pay.
- Entitles parents who have accepted an alternative part time role to revert to the position and work arrangements they held prior to taking parental leave two years from birth or adoption.

Quotes attributable to ACTU President Ged Kearney:

"It's time employers started recognising that family friendly work arrangements and domestic violence are whole of community problems and business needs play a proactive role in supporting their employees.

“The return to work clause simply requires that employers genuinely consider requests for part time or reduced hours when an employee returns to work – it starts the conversation.

“If an employer can’t reasonably accommodate the request, they can still say no, but these are the conversations that we need to have in workplaces if we are serious about increasing women’s participation in the workforce.”

“Its disappointing employers are burying their head in the sand and making these issues a worker’s problem; it’s a national economic issue and they should support our claim which will help address it.

“The community is intolerant towards violence against women and employers should support our ground-breaking claim to ensure women remain economically independent as they attempt to navigate the legal and justice system to keep themselves and their families safe.

“Having the right to access domestic violence leave can mean the difference between escaping or remaining trapped in an unacceptable situation. These are some of the most vulnerable people and they are essentially experiencing double barrel of discrimination.

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