



DOMESTIC ABUSE (SAFE LEAVE) BILL

**NIPSA RESPONSE
JANUARY 2022**

Contact Details

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INTRODUCTION

1. NIPSA is the largest trade union in Northern Ireland representing over 41,500 members employed across the whole of the public services in organisations such as the Northern Ireland Civil Service and its Agencies, Local Government, Education Authority, the Health Trusts, the NI Housing Executive as well as a host of Non-Departmental Public Bodies (NDPBs). NIPSA also represents a significant number of members in the Voluntary Sector.
2. NIPSA works to promote equality and human rights for all its members including civil society. We have been calling on the government to legislate for paid leave for a long time to ensure that those experiencing domestic abuse get the financial support they need at a crucial time in their life.
3. There is growing evidence internationally and locally that it is of the utmost importance that victims and survivors of domestic abuse and violence are able to stay in employment, that is why we have been working with employers to negotiate workplace policies and support systems, including paid leave. While some employers have raised to the challenge by offering limited provision many others have not and that is why government support is needed to ensure that this can happen.
4. We were therefore very pleased to welcome and respond to Rachel Woods MLA's Private Members Bill to introduce a statutory provision for paid 'Safe Leave' for victims and survivors of domestic abuse. We also welcome this opportunity to comment on the main provisions of the Bill as part of the Economy Committee's scrutiny of the Bill.
5. This response to the Domestic Abuse (Safe Leave) Bill will first provide an overview of NIPSA's stance on the issue before answering the Safe Leave Bill Survey.

DOMESTIC ABUSE IS A WORKPLACE ISSUE

6. Domestic abuse has a significant impact – directly and indirectly – on work attendance and productivity. In 2014 the Irish Congress of Trade Unions participated in a UK and Ireland wide survey¹ into the impact that Domestic Abuse has on the workplace. The results were striking and proved that although this type of violence most often takes place behind closed doors,

¹ ICTU (2014) 'Domestic Violence and the Workplace Survey' Available at: <https://www.ictuni.org/publications/ictu-domestic-violence-survey-results>

that the impact is felt throughout society, including in work. Of the nearly 1800 Northern Ireland respondents, almost a third had experienced domestic violence with over 40% of those reporting that it affected their ability to get into work for reasons including financial control, threats, physical injury and restraint.

7. Respondents also reported that the abuse continued at their workplace including being harassed through phone calls and emails, many people said that their partner physically turned up to their workplace. Women also reported losing jobs because of violence, missing days of work and finding it difficult to concentrate at work. Research in Canada has similar findings.²
8. These findings on the substantial toll of domestic violence on women's employment echo those of international studies.³ Domestic violence is a workplace issue because its physical and psychological consequences often translate into lost income and productivity when women can no longer participate in the labour force due to injuries and illnesses associated with the abuse. This abuse also has a direct impact on women's income and productivity when they are prevented from working or having a career outside of the home.
9. This loss of output has negative consequences for women's capabilities and wellbeing. Lost income and productivity also hinders women's future employment, earning potential and career progression. In addition, it leads to long-term consequences for their economic security, forcing women who escape an abusive relationship into poverty and dependence on the state.
10. That is why we are calling on the Government to immediately ratify ILO Convention 190 on Violence and Harassment in the World of Work. Article 18 of the accompanying recommendation specifies measures which should be taken to mitigate the impact of domestic violence at work including leave for the victims of domestic violence, flexible work arrangements and the inclusion of domestic violence in workplace risk assessments.

PAID LEAVE PROVIDES SECURITY AND PROMOTES SAFETY

11. Most people in violent relationships experience some form of financial control and monitoring by their partners – a form of coercive control. If taking domestic abuse leave results in the reduction of income, the unintended result of unpaid leave might be the escalation of violence and risk. Individuals living with or escaping from domestic abuse may have a number of urgent and important matters to attend related to the abuse they experience. These include: medical visits, attending and preparing for a number of criminal and civil legal proceedings, counselling for themselves or their children, looking for a new home, relocating, changing children's school, and visiting specialist

² http://dvatworknet.org/sites/dvatworknet.org/files/DVwork_ResearchBriefSeries2.pdf

³ FRA data explorer, accessed 1st March 2021

<https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>.

domestic violence services. It may not be possible to attend to these matters outside of working hours because the services are not available or because the person may need to hide their activities from the abuser. Victims and Survivors do not have a choice of time for specialist medical appointments or for court proceedings.

12. Currently someone experiencing domestic abuse may have to take annual leave or often, when that is exhausted, unpaid leave. Many already have a limited income and a wage cut due to unpaid leave may be very difficult to manage. In certain cases, they may leave or lose their job.
13. If individuals are trying to leave, they'll need financial security, particularly if they need to sort out new living arrangements, legal expenses, counselling or other costs.
14. Clear workplace policies and a range of supports, including paid leave and safety planning, can help employers fulfil their workplace safety obligations and manage risk.

IMPACT OF COVID-19

15. In the current global pandemic, domestic abuse and violence has sharply increased as many are put at greater risk due to the ongoing government issued restrictions and lockdown measures. Creating adequate domestic abuse and violence legislation could not be more pertinent than it is right now.
16. Refuge have reported a 25% increase in calls to their 24-hour national domestic abuse helpline since the lockdown began, while hits to the national domestic abuse website increased by 150% during the initial stages of COVID-19 lockdown. Some further concerns highlighted by Refuge⁴ include:
 - Ordinarily, the window for women to seek help is extremely limited.
 - During periods of isolation with their perpetrators, this window narrows further,
 - Isolation is often used as a tool to abuse - and while the current lockdown has the potential to exacerbate abuse – it is not the reason for it,
 - Domestic abuse is a crime and is ultimately rooted in power and control.
 - It is crucial that every woman who needs support knows where and how to access it.

EMPLOYERS CAN AFFORD THIS

17. It is estimated that domestic abuse costs UK businesses in excess of £2.7bn each year due to decreased productivity, poor performance, absenteeism and employee turnover.⁵

⁴<https://www.refuge.org.uk/25-increase-in-calls-to-national-domestic-abusehelpline-since-lockdown-measures-began/>

⁵ Walby, S. The Cost of Domestic Violence, Women and Equality Unit, 2004.

18. The costs to employers are likely to be offset by benefits, including reduced turnover and improved productivity. Studies of Australian employers who administer paid domestic violence leave have shown that the average number of days absent is between two and three.

THE LEGISLATION

19. NIPSA urges the NI Assembly to ensure this very important Bill (which has passed Second Stage) is legislative for in this current mandate and is fully reflected of the views expressed in this response and also those presented by the Women's Aid Federation for Northern Ireland and the Women's Policy Group.

SURVEY QUESTIONS AND RESPONSES

20. **Q1. What is your name?**

Geraldine Alexander.

21. **Q2. What is your email address?**

geraldine.alexander@nipso.org.uk

22. **Q3. What is your organisation?**

Northern Ireland Public Service Alliance (NIPSA).

23. **Q4. Who is your response on behalf of?**

I am submitting this response on behalf of the 41,500 civil and public service workers that NIPSA represents. See also point 1 above.

24. **Q5. How would you like your response to be published?**

We would like our response to be published.

25. **Q6. Are you content that any of your suggestions which have been published to the Committee or the Assembly may inspire the text of an amendment?**

Yes.

26. **Q7. Should victims/survivors of domestic abuse be entitled to safe leave?**

NIPSA fully supports that all victims/survivors of domestic abuse should be entitled to safe leave. Domestic abuse paid leave should be a statutory entitlement available to all categories of workers and employees. It should not be restricted to permanent employees. The majority of victims of

domestic abuse are women, who are also more likely than men to be in non-permanent, part-time and casual work. Women experiencing domestic abuse are more likely to have disrupted work history and are more likely to be in casual or part-time employment than women who do not experience such violence.⁶ It is therefore essential that leave is available to all employees including agency workers and casual staff.

This leave should also cover taking time off to care for a child/dependent who has been the victim of domestic abuse.

27. **Q8. Should there be a legal entitlement to employee safe leave and pay (if eligible) in NI?**

NIPSA fully supports a legal entitlement to safe leave and pay. This would be fully in line with international best practice. The Philippines, New Zealand, Australia, Canada, Italy and several states in the US all offer specific statutory provisions on paid leave for victims/survivors of domestic abuse. The Irish Government has also brought forward legislation to address this issue.

NIPSA would also recommend the introduction of such leave should also be accompanied by a right to short term flexible working.

28. **Q9. Do you think safe leave would enable victims/survivors to seek appropriate help and support?**

Yes, for the reasons previously stated.

29. **Q10. What impact do you think introducing safe leave would have on the amount of sick days/periods taken by an employee?**

A distinction must be drawn between the purpose of safe leave and sick leave. A person who is genuinely sick/ill will be entitled to sick leave. This leave is specifically to include activities which are not already covered by other forms of leave such as sick leave. As previously stated this can include for example: visits to support services, police, solicitors, court hearings, medical or counselling appointments, accompanying children to support services, looking for a new home and moving, changing children's school or crèche.

30. **Q11. What impact do you think introducing safe leave would have on the costs of domestic abuse for employers?**

As recognised in the Domestic Abuse (Safe Leave) Bill [Explanatory and Financial Memorandum](#), domestic abuse is a workplace issue and, from the perspective of the employer, can result in lost output, additional costs, and the need for additional resources.

⁶ McFerran, L (2011) 'Safe at Home, Safe at Work', National Domestic Violence and the Workplace Survey, Australian Domestic and Family Violence Clearinghouse, A Project of the Centre for Gender-Related Violence Studies and Micromex Research, University of New South Wales (National Domestic Violence Workplace Survey 2011), page 2.

A survey by the Irish Congress of Trade Unions (ICTU) in 2014 also showed that 80% of people who had experienced domestic violence said that it had affected their work performance.⁷ Survey respondents reported feeling distracted, tired, unwell and sometimes late for work as a result of domestic violence.

Almost half of all survey respondents said that they were forced to take time off from work. By introducing safe leave for employees, these losses and costs for employers can be reduced in the long term.

31. **Q12. The leave entitlement is for a period of 10 days. Do you think this is the correct amount?**

NIPSA believes that the leave entitlement should be for a period of 20 days. This is in line with the legislation that applies in Australia. In fact, in Italy the law provides for 3 months over 3 years of paid leave.⁸

Providing for a maximum of 20 days does not mean that all of this needs to be taken, but it provides assurance to victims that support is available at no financial penalty.

32. **Q13. The bill will allow the 10 days to be taken anytime during the leave year. What is your view?**

NIPSA fully supports this view. This leave should be available to be taken as a block or flexibly with minimum administration. NIPSA also suggests that it is important that the domestic abuse leave can also be taken in hours rather than days at a time.

33. **Q14. Should there be a limit on the numbers of times a victim/survivor can take safe leave throughout their employment? If yes, how many times would you feel is appropriate?**

There should be no limit on the number of times a victim/ survivor can take safe leave throughout their employment.

34. **Q15. Should a minimum period of employment be applied before safe leave becomes available to an employee?**

No. Safe leave should be available to all categories of workers whether classified as employees or workers as a day-one right and no minimum qualifying period of employment should be required.

⁷ ICTU (2014) 'Domestic Violence and the Workplace Survey' Available at: <https://www.ictuni.org/publications/ictu-domestic-violence-survey-results>

⁸ Pillinger, Jane, 2017 Safe at Work Safe at Home, Trade union strategies to prevent, manage and eliminate work-place harassment and violence against women, ETUC.

35. **Q16. Should the victim/survivor have to supply evidence to their employer before safe leave can be taken? If yes, what sort of evidence should be provided?**

Applicants for safe leave should not have to 'prove' their eligibility. Safe leave should be granted to any worker or employee who asks for it.

36. **Q17. There is no time limited threshold in the bill as to when the domestic abuse occurred for when safe leave can be taken. Do you agree? If no, what time period do you think the threshold should be?**

There should not be a time limited threshold between when the domestic abuse occurred and when the safe leave can be taken. Domestic abuse can have long term effects on victims/ survivors and it is not possible to predict when the impacts of this abuse will be felt. For this reason, NIPSA also believe that safe leave should be available to survivors of historic abuse. This is crucially important as, for example, criminal proceedings can take place quite some time after the abuse actually happened.

37. **Q18. What level of remuneration should be offered to the employee taking safe leave?**

Safe leave should be paid at earnings-related rates, as per entitlements in New Zealand. As previously stated not paying such leave runs the risk of excluding vulnerable and low paid workers as they may be financially unable to take up the scheme.

38. **Q19. What notice should be required for a survivor/victim to undertake safe leave? If other, please specify.**

No notice should be required for a survivor/ victim to undertake safe leave. It is not possible to predict when abuse will happen. The employee should simply inform their employer/manager that they are taking the leave when they need it. There may be circumstances when it is possible to provide a date in advance, for example, if there is a court hearing scheduled for a particular day, in which case an employee could notify their employer in advance. However, there are other emergency situations when this is not possible e.g. when having to escape to a refuge. Therefore, giving such notice should not be a requirement upon employees.

It should be designed to ensure that there will not be barriers to paid leave for domestic abuse being requested or granted including stigma and shame, fear that confidentiality will not be maintained, employers requiring high level of proof of domestic abuse such as accepting only police reports or court orders.

In order to remove these barriers, it is important that there is an awareness raising campaign to promote it and to reassure employees that confidentiality will be maintained, and that there will be no repercussion on an employee performance record for availing of the domestic violence leave or disclosing

abuse – as per legislation in New Zealand. Records of domestic violence leave must be confidential and only shared on a need to know basis.

39. **Q20. Any additional comments?**

The introduction of safe leave should be accompanied by a duty for employers to have a Domestic Abuse policy negotiated with trade unions. This policy should require employers to provide training to their staff, developed with specialist domestic abuse services and trade union representatives, to ensure their first response to survivor employees is safe and appropriate. Enhanced training should also be provided for line managers and HR professionals.

Safe leave should also include possible options of being in the work building to use phones or facilities eg; email, but without working. Many people in situations of domestic abuse need to arrange other safe places to stay, changes to details, banking changes or more and to make arrangements somewhere out of the way of their abuser(s). Allowing staff, where possible, to use workplace facilities to help them access safe housing or make changes to address details etc. would be useful if done discreetly for their own safety and mental wellbeing.