



Submission to

Domestic Abuse (Safe Leave) Bill

January 2022

INTRODUCTION

1. UNISON is the leading trade union in Northern Ireland representing over 45,000 members and is the largest trade union in the UK with over 1.3 million members. Our membership includes public service workers in health and social care; the education and higher education services; the library service; local government; youth justice; private companies providing public services; and the community and voluntary sector. 84% of our membership in Northern Ireland are women.
2. We welcome the opportunity to provide written evidence to the Committee for the Economy as part of its consultation into the Domestic Abuse (Safe Leave) Bill. The UNISON Women's Committee has undertaken extensive work to identify which employers have domestic abuse policies in place. Following the work by UNISON and the Education Authority (EA) on developing a domestic violence policy, we negotiated training for managers and union stewards. We are also negotiating with the EA in relation to paid time off for members affected by domestic violence. We continue to engage with employers to establish domestic abuse policies regarding leave and workplace support for victims and survivors.
3. UNISON believe that all victims and survivors of domestic abuse should have the right to paid leave for any reasons associated

with the abuse they have experienced. Currently, employees and workers do not have the same access to leave that exists in other parts of the UK and Ireland and we believe this must, at the very least, be rectified. The Northern Ireland Executive have a duty to ensure that all employers accommodate this, and any legislation put in place must secure fairness of treatment to all workers, protecting them from discrimination or unfair treatment as a result of taking time off work as a victim or survivor of domestic violence.

4. UNISON endorse the responses to this consultation of the Women's Policy Group and The Northern Ireland Committee of the Irish Congress of Trade Union (NIC ICTU) both of which we are members.

Should victims/survivors of domestic abuse be entitled to safe leave?

5. UNISON supports the move to create a legal entitlement to safe leave for victims and survivors of domestic abuse in NI. We believe this entitlement should incorporate all workers and employees who are victims and survivors of domestic violence. At present, any period of leave and pay granted is at the discretion of the employer. Where compassion and understanding exists across employers, it is certainly not the case in every workplace. We, therefore, welcome the move to create this legal entitlement.

Should there be a legal entitlement to employee safe leave & pay (if eligible) in NI?

6. We strongly believe that all employees should have a legal entitlement to safe leave and pay as a day one right if they are victims of domestic abuse. Furthermore, we believe that this entitlement should be inclusive of all workers, whether they are under an employment contract or other type of contract including zero-hour contracts and any form of precarious work. UNISON believe it is vital that any safe leave is paid leave to ensure that victims and survivors do not feel unable to avail of their leave entitlement due to financial constraints which can be increased for those experiencing or fleeing domestic abuse.

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

7. Yes. Often support services and other services that victims and survivors of domestic abuse require urgent access to, such as GP surgeries, the Northern Ireland Housing Executive, banks or building societies, advice agencies etc, operate within traditional business hours. Safe leave will allow employees and workers that opportunity to access vital support services in a timely manner without impacting their workday.
8. In addition to this, it gives victims and survivors the opportunity to seek help. Typically, the window within which a victim will seek

help is small. Giving employees and workers access to safe leave will increase this window as they will have the time and space to do so when their perpetrator may be elsewhere for work themselves.

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

9. Domestic abuse can have a significant impact on the working lives of victims and survivors. It is estimated that 21% of women and 6% of men who are victims/survivors of domestic abuse take time off work. ¹ Domestic abuse also reduces a worker's ability to go to work, whether it is because of the physical or mental impact of the abuse on them or if their abuser will not permit them to leave or has put barriers in place to their leaving the home. ² While employees and worker may still need to take sick days/periods as a result of the physical and mental impact of the abuse on the, it could be expected that the number of sick days/periods taken for other purposes associated with domestic abuse would be reduced if an employee or worker could avail of their legal entitlement to paid safe leave.

¹ <http://nomsintranet.org.uk/roh/official-documents/HomeOfficeResearchStudy276.pdf>

² <https://neu.org.uk/advice/domestic-abuse-and-workplace-guide>

What impact do you think introducing safe leave would have on the cost of domestic abuse for employers?

10. Domestic abuse is a workplace issue and a trade union issue. Domestic abuse can affect job performance, and therefore job prospects and security. It threatens the health and safety of those who suffer. The cost to the economy is estimated to be £2.7 billion per year.³ Half of this cost is to employers, arising from lost output due to time off work and reduced productivity. While the other half is by the individual in lost wages. In 2009, research from the Home Office found that 20% of victims of domestic abuse had to take a month or more off work the previous year due to the abuse they were experiencing.⁴

11. Research carried out by the Irish Congress of Trade Unions found that 40% of respondents from Northern Ireland who had experienced domestic abuse were affected in their ability to get to work, with nearly two thirds of these victims and survivors saying this was due to physical injury or restraint. 10.8% of those respondents who experienced domestic violence reported that the violence continued in the workplace through harassing or abusive emails or phone calls, their partner turning up at work or stalking them outside their workplace. 80% of respondents who had experienced domestic violence reported that the violence

³ https://eprints.lancs.ac.uk/id/eprint/55255/1/cost_of_dv_report_sept04.pdf

⁴ <http://nomsintranet.org.uk/roh/official-documents/HomeOfficeResearchStudy276.pdf>

had affected their work performance.⁵ The introduction of paid safe leave would address these workplace issues and reduce the cost of domestic abuse for employers and victims/survivors in the long term.

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

12. We welcome this Bill and a legal entitlement to paid leave for victims and survivors of domestic abuse and accept that a 10-day entitlement would be a valuable lifeline for people working where no leave entitlement is currently offered. However, UNISON ask that a greater period is considered to ensure that victims and survivors have adequate time to seek the help, support and refuge they may need without feeling the need to use sick leave or annual leave. This may also increase the likelihood of further leave being required or further impact to the workforce occurring as the result of an employee or worker having to take another period of leave at a later date as they returned to work before being ready to do so.

⁵ file:///C:/Users/mcneillc/Downloads/final_ictu_domestic_violencesurveyresults.pdf

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

13. UNISON believe that safe leave entitlement should include as much flexibility as possible. In order to allow victims and survivors to use their leave for its purpose, leave should be able to be taken at any time during the leave year, either in a block of time or as individual days.

Should there be a limit on the numbers of times a victim/survivor can take safe leave throughout their employment

14. No. Domestic abuse can span over a long period of time and the impact of domestic abuse can carry on for an indefinite period after the abuse has happened. On average, victims of domestic abuse experience 50 incidents of abuse before getting effective help while high-risk victims live with domestic abuse for 2.3 years before getting help.⁶ Placing a limit on how many times a person can avail of their safe leave entitlement will minimise the effectiveness of the leave as well as undermine the purpose of it to allow victims and survivors time to access support and to heal from their abuse. Victims and survivors may also be required to attend court hearings or other similar proceedings several years after their initial experience of domestic abuse and should not be placed in a position where they have used up their leave

⁶ <https://safelives.org.uk/policy-evidence/about-domestic-abuse/how-long-do-people-live-domestic-abuse-and-when-do-they-get>

entitlement in previous years. Any limit on the number of times a victim/survivor can take safe leave could result in an employee or worker not taking the adequate time they need off work.

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

15. UNISON strongly oppose any qualifying period being required before safe leave becomes an entitlement. It is important that safe leave will be a day one right as any qualifying period will negatively impact agency workers, temporary and fixed term workers as well as workers on zero-hour contracts and others in precarious employment.

Should the victim/survivor have to supply evidence to their employer before safe leave can be taken?

16. UNISON oppose any requirement on a worker or employee to provide evidence of their experience of domestic abuse before safe leave can be taken. The requirement for safe leave can occur very suddenly and it is our view that it would be highly insensitive to require a victim/survivor to have to prioritise providing evidence to an employer when their priority should be their own safety and that of any family involved as well as protecting their physical and mental wellbeing.

17. Furthermore, it places a burden on an employer to request this when they may wish to take a more compassionate and sensitive approach. UNISON do not believe that requiring evidence is in keeping with the intention of this Bill and strongly call for the requirement to be excluded from this or any future legislation.

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?

18. UNISON welcome the fact that there is no time limited threshold on when safe leave can be taken. This will allow an employee or worker to take the leave as and when they require it, for example needing to seek medical assistance or support at a later date or attending court proceedings in relation to their domestic abuse.

What level of remuneration should be offered to the employee taking safe leave?

19. Safe leave remuneration should be at the full rate of pay. Victims and survivors of domestic abuse often face periods of homelessness and extreme financial hardship after fleeing abuse. Victims can face a situation where they are paying for the costs of two homes after leaving if their abuser has remained in a house in their name and over a third of survivors have moved home in the first year after an abusive relationship ending because they

were unable to find or afford suitable housing.⁷ Almost one third of women who left an abusive partner had to turn to credit to do so and many more rely on the help of family and friends.⁸

20. UNISON believe that reducing a victim/survivors pay, while they are availing of their safe leave entitlement, will leave victims in a much more vulnerable position financially and we are concerned that it may impact a person's decision to take leave or indeed leave an abusive relationship.

What notice should be required for a survivor/victim to undertake Safe Leave?

21. UNISON do not believe notice for safe leave is appropriate for an employer to require. The need for safe leave can often be sudden and highly traumatic and so notice will often not be possible to provide.

22. The impact of domestic abuse can span over a significant period of time and trauma can be triggered, therefore requiring leave, suddenly with no warning many years after abuse has ended. When faced with such trauma a victim/survivor should not be faced with the additional burden of being required to give notice

⁷ <https://www.womensaid.org.uk/financial-hardship-and-homelessness-the-high-price-women-pay-for-leaving-domestic-abuse/>

⁸ <https://www.womensaid.org.uk/wp-content/uploads/2019/12/Economics-of-Abuse-Report-2019.pdf>

of this. Safe leave in situations like this cannot be planned for and so requiring notice would not be appropriate.

23. We believe that as much flexibility as possible should be allowed for in this legislation. Notice requirements being legislated for will not allow for this leave to be utilised in the way it is intended or indeed for the purpose for which it is intended, leaving victims and survivors taking spontaneous sick days as opposed to safe leave.

Any additional comments?

In addition to this much needed legislation we call for guidelines to be provided to employers on recognising the signs of abusive behaviour. We also reiterate our calls for employers to be provided with guidelines on recognising the signs of abusive behaviour and for domestic abuse to be treated as a form of discrimination affecting workers' employment conditions and income. We also support calls from the Women's Policy Group for adequate funding for services that traditionally support victims and survivors of domestic abuse including Women's Aid Federation Northern Ireland, HERe NI, The Rainbow Project, Men's Advisory Project and Migrant Centre NI so that the unique needs of victims can be met.

CONCLUSION

24. UNISON welcomes the introduction of the Domestic Abuse (Safe Leave) Bill and largely supports the Bill in principle but ask

that the concerns we have raised are given due consideration. We are willing to provide evidence to the Committee for the Economy and are happy to engage further with Committee Members on this legislation.

For further information, please contact:

Caoímhe McNeill, Policy & Bargaining Support Organiser

c.mcneill@unison.co.uk

Telephone – 07813722740

UNISON, Galway House, 165 York St, Belfast, BT15 1AL