

Women's Aid



Call for Evidence on

Safe Leave Bill

December 2021

A submission by Women's Aid Federation
NI

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Women's Aid – Information & Statistics

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic abuse and provides support services for women, children and young people. Women's Aid NI is made up of eight local Women's Aid groups and Women's Aid Federation Northern Ireland.

Women's Aid exists to challenge attitudes and beliefs which perpetuate domestic violence. We work to promote healthy, non-abusive relationships.

**Our vision is the elimination of
domestic abuse and sexual violence**

What We Do

Women's Aid supports all women and children affected by domestic abuse.

We work to help women and children be safe, to break free from the cycle of abuse, and to rebuild their lives. Women's Aid has nine local groups and one regional umbrella body covering the whole of Northern Ireland, and our wraparound services are available across Northern Ireland.

Our core work includes:

- **Refuge accommodation** for women and their children suffering domestic abuse.
- **Support services** to enable women affected by domestic abuse to rebuild their lives and the lives of their children.
- Support services for **children and young people** who have experienced domestic abuse.
- **Preventative education programmes** in schools and other settings.
- Educating and **raising awareness** among the public, media, police, courts, social services, and other agencies of the impact of domestic and sexual violence.
- **Advising and supporting** other agencies in responding to domestic abuse.
- **Working in partnership** with other agencies to ensure a joined-up response to domestic abuse.

Throughout this response, the term “Women's Aid” refers to the overall Women's Aid movement in Northern Ireland, including our local groups and Women's Aid Federation.

Domestic & Sexual Violence in 2020/21: a year in numbers

- **530** women and **319 children** stayed in a Women's Aid refuge.
- **36** pregnant women were supported in refuge and **293** pregnant women accessed outreach services.
- **10** babies were born to women in refuge.
- **6,005** women and **6,450** children accessed Women's Aid outreach services, enabling them to get support while staying in their own homes.
- **236** BME women stayed in our refuges during 2001/21.

Domestic Abuse in Northern Ireland: Trends

- Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.
- The Stopping Domestic & Sexual Violence and Abuse Strategy estimates the cost of domestic and sexual violence in Northern Ireland to be **£931 million**.
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to **32,000 children** and young people living with domestic violence in Northern Ireland.
- **69%** of all domestic abuse crimes were female and **31%** were male. Of all offenders dealt with by police in 2018/19 in connection with domestic abuse crimes that resulted in an outcome, **86%** were male and **12%** were female.

Crime Statistics 2020/21

- Domestic Violence is a crime. Domestic abuse crimes¹ (**19,036**) accounted for **17% of all crime** reported to the PSNI.
- Police responded to a domestic incident **every 17 minutes** of every day of the year.
- Between 2020/21 (statistics captured over financial year), there were **9 murders** with a domestic abuse motivation in Northern Ireland and **8** victims were female.

¹ Findings from the PSNI Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 12th November 2021 N.B. “Adult” defined as aged 18 and over.

Our Submission Response

Women's Aid greatly welcomes the opportunity to provide written evidence in relation to the Safe Leave Bill currently going through the Northern Ireland Assembly.

The piece of legislation would offer protections and time for space and reflection for those experiencing domestic abuse. Our response to the Economy Committee has been informed by our experience supporting women and children for over 40 years, many of those women would have benefited from the Safe Leave Bill through allowing them to continue in the workplace and have greater financial freedom and choices.

The Safe Leave Bill is a vital piece of legislation, that if passed, will help give extra protections to all victims of domestic abuse, give more protections through allowing individuals to have time needed to help support them at a very difficult time, also inform workplaces about domestic abuse, encourage more employers to implement workplace Domestic Abuse Policies, and be better informed of the impacts of domestic abuse and look out for signs and symptoms.

There is a loss of productivity within the workplace when an individual experiences domestic abuse. We would direct the Committee to the following document: The Economic and Social Costs of Crime – this outlines the impact of domestic abuse on the workplace, but also highlights that these crimes disproportionately affect women and girls who are often in part-time, lower paid employment than their male counterparts. It also states:

In line with the method to assess lost output within 'The Economic and Social Costs of Crime' (Heeks et al., 2018), lost output estimates have been produced by combining the time lost at work following victimisation and reduced productivity upon their return to work.

1) Time lost at work as a result of domestic abuse. This is based on CSEW respondents (British Crime Survey, year ending 31 March 2009), 6 who report the amount of time taken off work following victimisation.

2) Reduced productivity at work as a result of physical and emotional injuries. Physical and emotional injuries are assumed to result in victims being less productive at work for the duration of the injury.²

Women's Aid know that women try and maintain their employment, as they need the financial security for themselves and their family. Work is important, but again productivity can be reduced during periods of long-term stress and anxiety including experiencing and living in a home where they are being abused. It is difficult to concentrate when you are under any form of stress or have been affected by trauma.

² The Economic and Social Cost of Domestic Abuse: [The economic and social costs of domestic abuse \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

This is recognised on so many levels by medical professionals, but it is not discussed enough in public awareness campaigns of the wider affect of domestic abuse on your ability to be the best you can be in all aspects of your life. Employment prospects can be hindered by taking time off at short notice, turning up late to your work, taking lots of calls from your partner, your partner stalking you within your place of work and always turning up. Some women are unable to get to their place of work due to physical injury or being restrained. Therefore, they have unexpected absences and this can lead to disciplinary action if the employer is unaware of the situation.

ICTU's recent piece of research into Domestic Abuse and The Workplace in Northern Ireland, the survey was completed by 1,734 people. 82% of respondents were women. A third of respondents had experienced domestic violence themselves. Nearly 20% knew someone in employment who had experienced domestic violence. Nearly a quarter of those who had experienced difficulty in getting to work due to domestic violence said that this was due to car keys or money for public transport being hidden or stolen by their abuser. Refusal or failure to look after children created problems getting to work for over a quarter of those who reported that the abuse had prevented them from getting to work. Just over one in ten (10.4%) of those who experienced domestic violence reported that the violence continued in the workplace.³

This is a very common occurrence where the perpetrator will want the victim/survivor to rely on them for money therefore reducing their independence and space for action through their own financial security and disposable income giving you more choice and freedom. It creates more isolation and dependency so the perpetrator can gain more control.

Women's Aid welcome the many developments that are currently taking place in the legislative framework in NI and would like to inform the Committee about these developments, but are also aware that in other jurisdictions across the rest of the UK, there are more robust measures being put in place through the current domestic abuse legislation which has the opportunity to transform lives with many effective methods to restore confidence in the legal system for victims and survivors.

We welcome this opportunity to address a Committee we would normally not engage with, and would like you all to consider that domestic abuse does cross many sectors and departments and does not just fall within the Justice and Health departments in NI. We would call on all government departments to take ownership of the key issues because without their support, no reforms to domestic abuse will work. It is paramount that our housing departments, health departments, education, economy and all government departments take part to make this work moving forward and transform and change the lives of all those experiencing domestic abuse.

³ ICTU: Domestic Violence in the Workplace : [final_ictu_domestic_violencesurveyresults.pdf](#)

We need to catch up and not offer a postcode lottery in relation to protections based on our geographical location. Women's Aid as a campaigning body for women, children and young people have been fundamental in supporting change in legislation.

Any new legislation needs sustainable funding which enables life-saving specialist services, and the public sector agencies that respond to domestic abuse, to meet the increasing demand for help and ensure every victim and survivor gets the support they need.

In recent research Monica McWilliams recognises progress "*in domestic violence policy, services and legislation over the last three decades, particularly following the end of the conflict, gaps still remain. In policy terms, Northern Ireland continues to fall behind when compared to what is happening on domestic violence elsewhere in the UK. Key pieces of domestic violence legislation operating in England, Wales and Scotland have yet to be introduced in Northern Ireland, including the aforementioned coercive control*".⁴

We cannot afford to move further behind!

We are still campaigning and lobbying in relation to the following:

- A statutory gendered definition of Domestic Abuse to include violence against women and girls.
- Violence Against Women and Girls Strategy.
- Reforms to the family court and review of child contact system.
- Changes to housing and homelessness legislation for those escaping domestic violence and abuse.
- Ensure that welfare policies protect women and their children.
- Reforms to ensure migrant survivors have equal access to protection and support.
- Funding and resourcing of the sector which is essential to respond to all victims and survivors of domestic and sexual crimes.
- Urgent need for emergency Barring Orders.
- Education and Awareness programme.
- Clarify the use of 'barring orders' in the family courts to prevent abusive ex-partners from repeatedly dragging their victims back to court – which can be used as a form of continuing domestic abuse.
- Legal Aid waiver.

Domestic abuse affects lives in many different ways. It affects families and limits people's opportunities including their employment opportunities. Domestic abuse comes in many forms including coercive and controlling behaviour, which will be an

⁴ Doyle, J. and McWilliams, M., 2018. Intimate Partner Violence in Conflict and Post-Conflict Societies: Insights and Lessons from Northern Ireland.

offence in February of next year through the Domestic Abuse and Civil Proceedings Act which we welcome but there is much work still to do in relation to further legislative remedies which are available in the rest of the UK.

Women's Aid have supported just over 6,000 families last year within refuge and community-based support services across NI. In what of course has been a challenging time with the pandemic and the stark statistics that 8 women were murdered from 23rd March 2020 to 23rd March 2021, during the lockdown year. 3 more women have been killed since then. This is the reality of domestic abuse in NI. Again, we have the highest rates of femicide in Europe which is shocking with such a small population they figures continue to sore. We also know from our PSNI statistics that domestic abuse crimes are still high with over 31,196 domestic abuse incidents last year equating to the PSNI attending a domestic abuse incident every 17 minutes.

SAFE LEAVE BILL: RESPONSE TO QUESTIONS

Q1. What is your name?

Sonya McMullan

Q2. What is your email address?

Sonya.mcmullan@womensaidni.org

Q3. What is your organisation?

Women's Aid Federation NI

Q4. Who is your response on behalf of?

I am submitting this response on behalf of the eight local Women's Aid Groups across NI:

ABCLN Women's Aid

Armagh Down Women's Aid

Belfast & Lisburn Women's Aid

Causeway and Mid Ulster Women's Aid

Fermanagh Women's Aid

Foyle Women's Aid

North Down Women's Aid

Omagh Women's Aid

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

I would like my response to be published.

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.

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

Yes.

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

Yes. In addition, this should be accompanied by the right to flexible working arrangements.

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

Yes.

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

The introduction of safe leave should not impact on the employee's sick days taken, these should be a separate statutory provision of entitlement for the employee and seen as a different leave and not sick leave.

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

Research shows that introducing safe leave for employees reduces the costs of domestic abuse for employers in the long term. By recognising and taking the time to speak to employees and understand what is going on for them at home and the impact of domestic abuse on individuals, by offering understanding and empathy this can help everyone. It is important that employers however the size of the organisations are offered support on implementation of a Domestic Abuse Workplace Policy therefore understanding the impact of domestic abuse on individuals, signs and symptoms and also pathways to support for employees.

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

The leave entitlement should be for a maximum period of 20 days. Providing for a maximum of 20 days does not mean that all this needs to be taken, but it provides assurance to the victim of this heinous crime that support is available at no financial penalty. Furthermore, this leave must be available to all categories of workers whether classified as employees or as workers and must be available as a day one right.

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

This leave should be available to be taken as flexibility as possible, of course in conjunction with liaison with employer. The leave could be used for a number of reasons including needing time and space just to be able to cope with the stress and anxiety caused by the domestic abuse, attending court hearings, going to see a solicitor, making a statement to the police, organising a new place to live, going to Women's Aid for a support appointment, going to social security to organise change

to benefits, speak to a housing officer etc, the list really does go on of the amount of people one victim/survivor may have to deal with when they have first made a disclosure of domestic abuse and then so many organisations need to be contacted, it is totally exhausting and takes many hours to make calls, appointments and follow up on all of this, so this is why the time is so essential and needs to have a flexibility.

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, but as stressed above, the earlier the intervention in relation to domestic abuse, the more positive the outcome can be and investment earlier could reduce the need for anymore extension times off for that individual.

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

No, if safe leave is needed and the situation presents within the workplace there should not be a minimum period of employment and should be available to employees as a week one right and no minimum period of employment should be required.

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?

If people have to prove with some evidence, what would they show some people would not be able to provide evidence apart from their own individual story of abuse which would be a painful and traumatic event to recall to their employer. This should really be considered as the supply of evidence would just not be possible for this subject area which is highly sensitive. Domestic abuse is shrouded in secrecy, guilt and shame and some people have never told anyone about this abuse for this reason. Again another reason why employer's should have mandatory training in relation to this issue. Within one in four women affected by domestic abuse in their lifetime, we are all very close to a friend, family member or indeed a work colleague who may be affected. That is the reality of domestic abuse and the importance of acknowledge of same within the workplace.

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

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 has happened and when the safe leave could be taken. Domestic abuse affects individuals in different ways, and it is difficult to predict when there is a trigger or an incident which

that person will be unable to attend the workplace due to the long-term trauma. We also must be mindful here in NI of the length of court proceedings and long delays which can develop into very long protracted court hearings, causing a great deal of trauma and revictimization making it feel like they are back within the abusive relationship having to relive events.

Domestic abuse can have long term effects on victims and survivors, and it is not possible to predict when the impacts of this abuse will be felt so for this reason Women's Aid would advocate for safe leave to be taken as and when needed.

Post-separation abuse also needs to be acknowledged within this Bill.

The focus on short term risk reduction has led to under-recognition of the need for ongoing and longer-term support which enables women and children to undo harms, be and feel safe, resettle and rebuild their relationships with each other and their wider networks Rebuilding lives takes time: some were still facing post-separation abuse three years on and many faced complex legal and practical challenges.⁵

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

Safe leave should be paid as at the relevant full daily pay, as per entitlements in New Zealand. 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.

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 victim/survivor to undertake safe leave. It is not possible to predict when abuse will happen. The nature of domestic abuse is that it is unpredictable with the cycle continuing day and daily for all victims/survivors. They are living in a heightened state of alert and hyper vigilant every day. The goal posts keep moving and the unpredictable nature of this life for a woman and a woman and her children can be devastating.

The employee should simply inform their employer 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, giving such notice should not be a requirement upon employees.

Q20. Any additional comments?

The introduction of safe leave should be accompanied by a requirement for employers to have a Domestic Abuse Workplace Policy. This can be developed in house or with Women's Aid and also through unions and welfare officers. This policy should require employers to provide training to their staff, developed with specialist violence against

⁵ Liz Kelly, Nicola Sharp and Renate Kelin: Finding the Costs of Freedom How women and children rebuild their lives after domestic violence : Solas Women's Aid.

women and girls 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.

Concluding Remarks

The creation of legislation for paid leave for victims and survivors of domestic abuse would send a clear message of support and understanding for victims and survivors. This could potentially reduce stigma, shame, and demonstrate that we stand with victims and support them in breaking the silence about abuse.