

Women's Policy Group NI

Women's Policy Group NI Response to Domestic Abuse (Safe Leave) Bill Survey - December 2021

1. Introduction

The Women's Policy Group (WPG) is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. It is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBT+ organisations, migrant groups, support service providers, NGOs, human rights and equality organisations and individuals. Over the years this important network has ensured there is good communication between politicians, policy makers and women's organisations on the ground.

The WPG uses our group expertise to lobby to influence the development and implementation of policies affecting women. The WPG is endorsed as a coalition of expert voices that advocates for women in Northern Ireland on a policy level. This group has collective expertise on protected characteristics and focus on identifying the intersectional needs of all women; in line with international human rights mechanisms.

This response to the Domestic Abuse (Safe Leave) Bill Survey will first give an overview of the WPG stance on the issue before answering the Safe Leave Bill survey questions in section 6.

If you have any questions or queries about this consultation response, or would like the WPG and the relevant membership organisations to discuss recommendations in this response further,

please contact Rachel Powell, Women's Sector Lobbyist, at rachel.powell@wrda.net.

2. General Comments

The Women's Policy Group NI (WPG) has been campaigning on issues relating to domestic abuse for several years. In our COVID-19 Feminist Recovery Plan¹, we made several recommendations regarding the need for urgent reform in tackling gender-based violence, including many recommendations relating to domestic abuse specifically. Further, in the WPG [evidence submission](#) to the Justice Committee in June 2020, we called for the urgent introduction of paid leave for all victims of domestic or sexual violence and abuse.

In addition to this, many of our members have been campaigning for paid domestic abuse leave for several years. There are many gaps in the protections afforded to victims in Northern Ireland compared to other parts of the UK and Ireland, and we believe that victims in Northern Ireland should have at the very least, the same levels of protections afforded to victims elsewhere. We also believe that we urgently need a specific Violence Against Women and Girls Strategy, an Independent Domestic Abuse Commissioner and further guidelines and legislation to recognise domestic abuse as a workplace issue.

3. Endorsements

The WPG fully supports paid domestic abuse leave for victims and survivors. We would like to endorse the responses from our members ICTU and NIPSA and echo calls for the following measures to be included in this legislation:

- Domestic Violence leave of 20 days available as a day one right.
 - Any leave must be of adequate duration. Providing for a maximum of 20 days does not mean that all of this need

¹ Women's Policy Group NI (2021) NI COVID-19 Feminist Recovery Plan: Relaunch - One Year On. Available at: <https://wrda.net/wp-content/uploads/2021/07/WPG-COVID-19-Feminist-Recovery-Plan-Relaunch-One-Year-On.pdf>

be taken but it provides assurance to victims that support is available at no financial penalty.

- o 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.
- Such leave should be paid as at the relevant daily pay, as per entitlements in New Zealand.
 - o 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.
- Leave should be available to be taken as a block or flexibly with minimum administration.
- Applicants should not have to 'prove' their eligibility
- Such leave should also:
 - o Cover taking time off to care for a child/dependent who has been the victim of domestic abuse,
 - o 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,
 - o Should be accompanied by a right to request short term flexible working,
 - o Should require employers to have a Domestic Violence policy negotiated with trade unions,
 - o Should require employers to provide training to their staff, developed with specialist VAWG services and trade union representatives, to ensure their first response to survivor employees is safe and appropriate.
 - o Enhanced training should be provided for line managers and HR professionals.

4. Information from past evidence submissions

The Women's Resource and Development Agency (WRDA) is the secretariat for the Women's Policy Group and in April 2020, WRDA published a briefing_looking specifically at COVID-19 - Domestic

Abuse and Legislative Changes². In this briefing, recommendations were made in relation to supporting victims of domestic abuse in the workplace. Given legislative developments in both Westminster and the NI Assembly, some of these recommendations will be out of date, however, several are still relevant and we would encourage the Committee to consult this briefing.

5. Why the WPG support Safe Leave for Domestic Abuse Victims

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 social distancing and lockdown measures. Creating adequate domestic abuse and violence legislation could not be more pertinent than it is right now. Refuge have reported a 25% increase in calls to their 24-hour national domestic abuse helpline³ 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 Refuge 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.

In order to make domestic violence legislation operational and reflective of the needs and realities of women in Northern Ireland, full consultation and communication with the women's sector is essential. As a regional organisation representing a wide range of the women's sector and women in NI, we look forward to working with public representatives, department officials and ministers in

² WRDA (2020) 'COVID-19 - Domestic Abuse and Legislative Reforms.' Available at: <https://wrda.net/2020/04/27/briefing-on-domestic-violence-and-abuse-covid-19-and-legislative-reforms/>

³ Refuge: <https://www.refuge.org.uk/25-increase-in-calls-to-national-domestic-abuse-helpline-since-lockdown-measures-began/>

the coming months on both the above legislation and any related legislation to follow.

Domestic Violence as a Workplace Issue

Domestic abuse affects job performance, and therefore, job prospects and financial security. This can be heightened when both the victim and perpetrator work in the same organisation. Many organisations over the years have expressed a willingness to support victims in the workplace, however, government support is needed to ensure that this can happen. We support calls from Unison and other Trade Unions to have measures introduced to also see domestic violence as a work issue. We support calls from Unison to:

- Provide guidelines to employers on recognising the signs of abusive behaviour,
- Guidance on identifying links between abusive behaviour and a perpetrator's role at work,
- Create workplace policies on domestic violence,
- Consider domestic abuse as a form of discrimination affecting workers' employment conditions and income,
- Introduce paid leave for those experiencing domestic abuse.

Tackling violence against women and girls

The prevalence of domestic abuse in Northern Ireland and the gendered nature of domestic abuse cannot be underestimated. Domestic abuse accounts for 19.1% of all crime in Northern Ireland; women account for 69% of all reported victims of domestic abuse crimes and 86% of perpetrators of reported abuse were men in Northern Ireland⁴. It is crucial that adequate funding is provided to specialist support providers such as Women's Aid Federation

⁴ Domestic Abuse Incidents and Crimes Recorded by the Police Service in Northern Ireland, Update to 30 June 2020, PSNI & NISRA:
<https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q1/domestic-abuse-bulletin-jun-20.pdf>

Northern Ireland, HERE NI, The Rainbow Project, Men's Advisory Project, Migrant Centre NI and so on, so that the unique needs of victims can be met.

Femicide is also a growing issue, and in 2017, Northern Ireland had the joint highest femicide rates in Europe⁵. According to the Femicide Census, on average a woman is killed by a man every three days⁶. Much greater work is needed to address violence against women, including through a specific strategy tackling Violence Against Women and Girls.

Northern Ireland is currently the only part of the UK without a specific strategy to recognise and combat violence against women and girls. Despite recent developments of the Domestic Abuse and Family Proceedings Bill, Northern Ireland is not currently meeting its international obligations. Under CEDAW's General Recommendation 35 on gender-based violence, it is stated that violence against women⁷:

'occurs in all spaces and spheres of human interaction, whether public or private, including in the contexts of the family, the community, public spaces, the workplace, leisure, politics, sport, health services and educational settings, and the redefinition of public and private through technology-mediated environments.'

State parties are required to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women, including gender-based violence and domestic abuse against women. This also requires the engagement of the private sector in efforts to eradicate all forms of gender-based violence against women which 'should also address workplace entitlements for victims/survivors'⁸.

⁵ Blunt, R. (2019), 'Femicide: The murders giving Europe a Wake Up Call', BBC News, (available online): <https://www.bbc.co.uk/news/world-europe-49586759>

⁶ Femicide Census Reports 2009 - 2018: <https://www.femicidecensus.org/reports/>

⁷ General recommendation No.35 on gender-based violence against women, updating general recommendation No.19, CEDAW/C/GC/35, July 2017. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en

⁸ *ibid*, para 30(f).

Further, in the most recent Concluding Observations for the UK Government, the CEDAW Committee welcomed the adoption of measures to combat violence against women and girls in England, Scotland and Wales, but were:

'concerned about the lack of uniform protection of women and girls from all forms of gender-based violence across the jurisdiction of the State party, noting with particular concern the inadequacy of laws and policies to protect women in Northern Ireland'⁹.

Therefore, CEDAW recommended that the UK:

'Adopt legislative and comprehensive policy measures to protect women from all forms of gender-based violence throughout the State party's jurisdiction including Northern Ireland.'¹⁰

Further, the Domestic Abuse and Family Proceedings Bill still does not meet the obligations of Istanbul Convention which aims to prevent all forms of violence against women, protect those who experience it and prosecute perpetrators¹¹. It is worth noting that the UK Government is the State party responsible for meeting these international obligations, and that the UK Government has signed, but not yet ratified the Istanbul Convention. However, as the Westminster Domestic Abuse Bill does not cover Northern Ireland, the Domestic Abuse and Family Proceedings Bill is the devolved equivalent and falls far short of recognising and combatting violence against women and girls.

6. Survey Questions and Responses

⁹ Concluding observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, Committee on the Elimination of Discrimination Against Women, Para 29. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f%20GBR%2fCO%2f8&Lang=en

¹⁰ *ibid* (n8), para 30(b).

¹¹ Council of Europe Convention on preventing and combating violence against women and domestic violence: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

Q1. What is your name?

Rachel Powell.

Q2. What is your email address?

rachel.powell@wrda.net.

Q3. What is your organisation?

Women's Resource and Development Agency and Women's Policy Group NI.

Q4. Who is your response on behalf of?

I am submitting this response on behalf of:

- Women's Resource and Development Agency
- Women's Policy Group NI
- Raise Your Voice
- Alliance for Choice
- Migrant Centre NI
- Women's Support Network (WSN)
- Northern Ireland Women's European Platform (NIWEP)
- Women's Regional Consortium (WRC)
- Irish Congress of Trade Unions
- Northern Ireland Rural Women's Network (NIRWN)
- Northern Ireland Public Service Alliance
- Rape Crisis NI
- HERE NI

These organisations have significant experience and expertise working with women in Northern Ireland to address gender inequalities, such as violence against women, women's healthcare and women's education and employment.

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 a right to request short term flexible working.

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 would not impact the amount of sick days/ periods taken by an employee.

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.

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 performance¹². 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.

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

No. The leave entitlement should be for a maximum period of 20 days. 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.

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

¹² ICTU (2014) 'Domestic Violence and the Workplace Survey' Available at: <https://www.ictuni.org/publications/ictu-domestic-violence-survey-results>

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.

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

No. Safe leave 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?

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 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, the Women's Policy Group 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.

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

Safe leave should be paid 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 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, 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 Violence policy negotiated with trade unions. This policy should require employers to provide training to their staff, developed with specialist violence against 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.

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.

7. Concluding Remarks

The impact of domestic abuse on the physical and mental health of victims and survivors more than justifies the need for paid safe leave, as research by Women's Aid shows that 45% of women survivors of abuse reported having mental or emotional health problems as an effect of the abuse.¹³

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.

The Women's Policy Group, the wider women's sector and Women's Aid Federation Northern Ireland have been consistently calling for a specific Violence Against Women and Girls Strategy as a matter of urgency. Women and girls in Northern Ireland should be afforded the same rights and protections from domestic abuse and gender-based violence as is available in the rest of the UK.

ENDS

For questions or queries regarding this response, please contact Rachel Powell, Women's Sector Lobbyist, Women's Resource and Development Agency at rachel.powell@wrda.net.

¹³ Women's Aid Survivors Handbook - Domestic Abuse and Your Physical Health: <https://www.womensaid.org.uk/the-survivors-handbook/domestic-abuse-and-your-physical-health/>