



# **Domestic Violence - Victims' Protection Bill**

## **Submission to the Justice and Electoral Select Committee**

**April 2017**



**For a better working life**

New Zealand Public Service Association

Te Pūkenga Here Tikanga Mahi



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### Introduction

#### *Who we are*

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 63,000 members. We are a democratic organisation representing members in the public service, the wider state sector (the district health boards, crown research institutes and other crown entities), state owned enterprises, local government, tertiary education institutions and non-governmental organisations working in the health, social services and community sectors.

The PSA has been advocating for strong, innovative and effective public and community services since our establishment in 1913. People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they’re delivered.

#### *Why it’s important our voice is heard*

We have provided support for many people experiencing difficulties at work because they are subject to family violence and we have mourned the deaths of PSA members killed by family members.

People who are members of the PSA are directly affected by family violence. In 2013, as part of understanding better how family violence impacts on workers within the coverage of the PSA, we surveyed a structured sample of PSA members about their experience of family violence and how it impacts on their work.

Over half of survey respondents reported having some experience with domestic violence either in their personal lives or through someone they know. One in 4 respondents had personally experienced domestic violence and more than half of this group (58%) reported being in paid employment at the time.

In addition, with people who are PSA members working in each of the public service departments, district health boards and other state and non-governmental organisations working with family violence, the PSA is well placed to submit on this bill.

The PSA is an affiliate of the New Zealand Council of Trade Unions Te Kauae Kaimahi (the CTU) and strongly supports its submission on this bill.

In preparing this submission we provided information to members about the bill and we understand that over 180 PSA members have made individual personal submissions.

## PSA submission

*Parliament has shown strong leadership*

Thank you to all of the parliamentarians who supported this bill through its first reading. This has shown real cross-party leadership and provided the opportunity for much needed public debate and profile for the issue of family violence and how it impacts on the workplace. But with an issue of this seriousness, debate is not enough.

*This bill complements the Family and Whānau Legislation Bill*

This committee will soon be considering the Family and Whānau Legislation Bill, which among other things promotes a much more integrated approach from agencies and the community sector to the challenge of ending family violence. This bill is welcomed. There is a risk however that in progressing this bill alone, Parliament will feel that it has gone far enough in taking steps to end family violence. This will not be the case. For government's response to family violence to be truly integrated, it needs to include the workplace.

*Let's get it right and take a truly integrated approach*

We can't keep treating the workplace as if it's somehow outside of our communities. We are all responsible for ending family violence and we cannot leave this responsibility at the workplace door. This private member's bill presents the Committee with an opportunity for New Zealand to get it right and ensure a truly integrated approach to family violence.

*The evidence is that this works*

We support the government's focus on evidence based-decision making and take seriously then Finance Minister English's statement at his annual IPANZ address last year that the public service does not have a monopoly on evidence - "if you have good evidence, bring it to us and we will use it."

The Committee has been presented, through submissions, with robust evidence that workplace supports have a real impact on outcomes for those experiencing family violence. This evidence has also been presented to the Minister and the Ministry of Justice through consultations on strengthening New Zealand's legislative response to family violence.

We ask you to support this bill as a companion to the Family and Whānau Legislation Bill because it helps employers and colleagues help those experiencing family violence to stay in work. Financial independence means that people have more choices, including the choice to leave violent relationships and this results in better outcomes for victims and their families.

*Please make the necessary changes to the Bill*

There are some problems with the drafting of the Bill you are currently considering. These are largely because since it was drafted there have been changes to the legislation it amends. We would urge you as a committee to get past these issues and make the changes necessary for the Bill to achieve its objects. We support the changes proposed by the CTU in their submission.

*It is right to do this through legislation*

Some question whether it is right to require domestic violence workplace protections for victims through legislation. And in the last two years some employers have shown real leadership in providing these supports. But this leadership is rare and the reality is that very few victims can rely on these supports at work. Whether or not you can access support and keep your job shouldn't depend on who you work for.

Since 2013 the PSA has sought commitments from employers to the kinds of supports provided from in the Bill. We thought, as New Zealand's largest trade union we'd have a reasonable opportunity of gaining this for our over 63, 000 members. Sadly, this has not been the case.

And the evidence is that this failure on the part of State sector employers costs taxpayers a conservative estimate of \$47.84 million every year.<sup>1</sup>

Only 3 State sector employers have agreed to leave entitlements for domestic violence reasons – the Human Rights Commission, the Government Communications Security Bureau and GNS Science. The Ministry for Women provides managers with the discretion to grant leave “where it can be accommodated” and Crown Law and the Ministry of Justice provide for use of existing sick and domestic leave entitlements. So, the PSA does not have confidence that State sector employers will provide adequate workplace supports for victims of domestic violence without a legislated mandate.

*This is widely supported by others in the violence sector and internationally*

In parliament, the Minister of Justice expressed concern that it's “only unions and the Green Party”<sup>2</sup> who are interested in legislated workplace supports for domestic violence victims. The committee, and the Minister, will be assured by the submissions it has received from others that this is not the case.

Please support this bill.

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<sup>1</sup> Based on the State Sector as 13% of total NZ workforce and using Kahui, S, Ku, B & Snively S 2014, Productivity Gains from Workplace Protection of Victims of Domestic Violence.

<sup>2</sup> In her response to oral parliamentary question 12 on 13 February 2017

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