



Submission to the Justice and Electoral Committee

This is a submission on the Domestic Violence–Victims’ Protection Bill.

1. Research for this submission was carried out by Law Reform student volunteers from the Wellington Community Justice Project (WCJP), a law student-lead society and registered charity at Victoria University of Wellington.
2. The WCJP aims to improve access to justice in the wider community, and provide volunteers with opportunities to develop their legal skills through volunteer projects. Law Reform is one of four teams within the WCJP with their primary focus on legislative changes and policy developments.
3. The WCJP supports the passing of this Bill into law but makes a few recommendations in relations to the scope of a “domestic violence document”, the minimum period of employment, an employer’s response time, and the implications on small business owners. The submission will also discuss the Bill’s interaction with the Health and Safety at Work Act 2015.

This submission is the collaborative work of:

Rose Emily Argyle (LLB/BA), Charlie Harvey (LLB/BCom), Benjamin Scully (LLB/BCom), Kate Slater (LLB/BA), and Paddy Rose Miller (LLB/BA)

Managed by: Josiah Koh & Vivian Tan

Editors: Julia Maclean & Amelia Retter

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I Introduction

[1] This Bill addresses a perceived gap in the legislative framework around domestic violence, that is the workplace.¹ Evidence clearly shows that a person's employment will be impacted by being a victim of domestic violence. Approximately 50 per cent of New Zealand organisations have staff affected by family violence in some way.² Research has shown that domestic violence has a profound spill-over impact in the workplace. A report by the New Zealand Family Violence Clearinghouse found that:³

“...women who experience domestic violence have a more disrupted work history, are on lower personal incomes, have had to change jobs frequently and are more likely to be employed in casual and part time work than women with no experience of violence. Supporting women to maintain employment is critical to economic independence.”

[2] Domestic violence is a significant issue in New Zealand and any government action to empower victims should be implemented. It has been acknowledged that “all too often staff with trouble at home are sacked as their performance at work drops [from] being in an abusive relationship.”⁴

[3] As domestic violence is amongst the most widespread and contentious issues in New Zealand today, the Wellington Community Justice Project is concerned that this Bill is yet another attempt to stick a plaster over a gaping wound, which avoids addressing the underlying causes. Nonetheless we recognise that implementing what measures are possible, wherever possible, to protect victims is worthwhile. We simply emphasise the importance of recognising this Bill as putting another last-resort option on the table rather than going any way to fix the real issues. It is neither prevention nor cure. At best it facilitates those who are willing or able to help themselves.

¹ Steve Hart “Spotlight on domestic violence” *The New Zealand Herald* (online ed, Auckland, 27 May 2014).

² Family Violence It's Not OK “Business” <www.areyouok.org.nz>.

³ New Zealand Family Violence Clearinghouse “Safe at Work, Safe at Home: Domestic Violence and the Workplace” <www.nzfvc.org.nz>.

⁴ Above n 1.

[4] This submission discusses the potential issues that may arise with the proposed amendments and recommends that some minor changes be made to the Bill. That being said, the Wellington Community Justice Project agrees with the overall intention of the Bill and welcomes it as legislation.

II The Victim's Protection Bill

[5] In 2015, the police responded to about 105,000 reported incidents of domestic violence.⁵ However, many incidents of abuse go unnoticed and unreported. It has been determined that if all domestic violence incidents were reported, the police would have responded to around 525,000 reports of abuse.⁶ Furthermore, it is estimated that at least 80 per cent of domestic violence incidents are reported in New Zealand.⁷

[6] This Bill would allow victims of domestic violence the ability to request up to 10 days paid leave each year from their employer. Jan Logie MP intends that paid leave provided to victims would help to assist in relocation, counselling, putting in place a safety plan, settling children into new schools, or dealing with the Family Court.⁸ It is estimated that around 41 per cent of victims are in paid employment when domestic violence occurs.⁹ As a result, by targeting the paid workforce, the Bill could have significant impacts on the overall situation of domestic violence in New Zealand.

III Potential Issues relating to Leave Entitlements

[7] The Wellington Community Justice has identified a few issues surrounding leave entitlement, which may or may not arise with the proposed amendments. We will address them below and make our recommendations in Part IV of this submission.

⁵ Anna Leask "Family violence: 525,000 New Zealanders harmed every year" New Zealand Herald (online ed, New Zealand, May 9, 2016).

⁶ Above n 5.

⁷ The Ministry of Justice "2014 New Zealand Crime and Safety Survey" (2015) Ministry of Justice <www.justice.govt.nz> at 107.

⁸ (8 March 2017) 720 NZPD.

⁹ Sherilee Kahui, Bryan Ku and Suzanne Snively "Productivity Gains from Workplace Protection of Victims of Domestic Violence" (21 March 2014) The New Zealand Public Service Association <www.psa.org.nz> at 6.

A Domestic Violence Document

- [8] Section 69ABB of the Bill outlines how a request for domestic violence leave can be made.¹⁰ Section 69ABB (2)(h) states a request must include an attached copy of the employee's domestic violence document. The Bill indicates that a “domestic violence document” could be produced in the form of a police report, a record of conviction, a court order, or a report from a medical practitioner. As indicated above, victims tend not to report offending to police. We are skeptical that victims will follow through with a request for leave due to the Bill's requirement of attaching a domestic violence document. The process of seeking such a document could subject a victim to rigorous procedure and formality, acting as an unwelcome barrier.
- [9] An Australian study into the under-reporting of domestic violence indicates the reasons why victims tend not to report incidents. Some reasons included the victim's own shame or embarrassment and fear of future violence from the perpetrator.¹¹ It was found that 24 per cent of non-reporting victims chose not to because they wanted to avoid the stresses of talking to police.¹²

B Minimum Period of Employment

- [10] Section 69ABB(1)(b) of the Bill stipulates that an employee must be employed by his or her employer for at least six months before a request for paid leave can be made.
- [11] We have concerns about this time frame. On the one hand, we recognise that domestic violence could be viewed by some as low-level abuse inflicted over a long-term period, therefore posing little immediate harm to a victim. As a result, there may be no need for employers to “rush” any leave requests through. However, on the other hand, abuse can be sporadic and unplanned, creating the potential for great harm. It is estimated that 13 women and 10 men are killed each year by family violence.¹³ Such statistics indicate that any request should be taken seriously and should not be declined purely on the basis that

¹⁰ Domestic Violence—Victims' Protection Bill (215-1), s 69ABB.

¹¹ New South Wales Government “Focus Topic: under-reporting of domestic violence assaults” (June 2013) Women New South Wales <www.women.nsw.gov.au>.

¹² Above n 11.

¹³ Leask, above n 5.

the particular employee fails to meet the six month employment requirement specified in the Bill.

[12] In the interest of consistency with other paid leave legislation, to prevent employees taking undue advantage of the legislation, and to protect small business, six months is a desirable minimum employment period to entitle employees to domestic violence leave. However, in Canada, the Legislative Assembly of the province Manitoba introduced the Employment Standards Code Amendment Act in 2015 which states that an employee need only be employed for 90 days to receive domestic violence leave entitlements.¹⁴ A shorter employment period before leave entitlements are available would further enable victims to seek help when they need it, instead of leaving the victims to wait in a dangerous home situation until they can request leave.

C Employer's Response Time

[13] Section 69ABC of the Bill sets out an employer's duties in regard to requests for leave. Section 69ABC(a) allows an employer to wait up to three months after receiving a request to respond.

[14] While we understand the pressures of running a business from an employer's perspective, a potential three month wait could be too long. Victims of domestic violence are often situated in a volatile home environment where they face immediate harm or danger. It would be unfair to trap an employee in a dangerous home situation for three months before they are enabled to take action.

[15] Any request should be responded to as soon as possible. Paid leave from work should also be provided to allow victims the opportunity to escape potential harm, relocate and seek help. Instead of the three month limit, the onus can be shifted to the employee to give the employer as much notice as is reasonable and practicable in the circumstances.¹⁵ The employer must then respond as soon as possible and within a reasonable time, determined by relevant circumstances.

¹⁴ Employment Standards Code Amendment Act, s 59.11(2).

¹⁵ Section 59.11(9).

D Employer's Power to Refuse Requests

[16] Under s 69ABD of the Bill the employer has extensive power to refuse requests for variations to work arrangements or to grant leave. The committee should address whether this section should be less restrictive and provide further flexibility to the employee as to what they can request. Perhaps limitation should be placed on an employer's power of refusal by way of a clause that states that "an employer must not unreasonably withhold consent to an employee's request to take domestic violence leave or to access flexible work arrangements" or something to that effect.

E Domestic Violence-related Leave

[17] Employees are currently entitled to a 10 days worth of leave for reasons relating to domestic violence. In Australia, the Surf Coast Shire Council in Victoria offers 20 days leave for domestic violence reasons. We wondered if 20 days is a more practical amount for employees to allow for the life changes that this Bill intends to enable. On the flip side, the Canadian province of Manitoba allows five days paid leave and five days unpaid leave for domestic violence reasons.¹⁶

[18] Research in Australia suggests 20 days is not an unmanageable amount of leave for employers due to the small volume of people that actually take domestic violence leave.¹⁷ Research shows the costs of providing 10 days domestic violence related leave per year are negligible.¹⁸ Furthermore only allowing five days a year may neglect the cyclic nature of domestic abuse and the length of court cases or length of time it takes to make necessary housing arrangements. Domestic violence victims in the Philippines are entitled to extend their 10 days domestic violence leave "when the necessity arises as specified in a protection order issued by an appropriate authority".¹⁹

[19] We suggest Parliament to look into introducing a similar clause in the New Zealand legislation where the extension of 10 days is permitted on the grounds of necessity.

¹⁶ Employment Standards Code Amendment Act (Leave for Victims of Domestic Violence, leave for Serious Injury or Illness and Extension of Compassionate Care Leave) RS M 2016.

¹⁷ Jim Stanford "Economic Aspects of Paid Domestic Violence Leave Provisions, a Briefing Paper for the Centre for Future Work at the Australia Institute" (December 2016) Centre for Future Work < www.futurework.org.au > at 12.

¹⁸ New South Wales Government, above n 11.

¹⁹ Anti-Violence Against Women and Children Act 2003 (Republic of the Philippines), s 43.

Maximum empowerment to domestic abuse victims would make the 20 days or an extension clause a more desirable measure, however discussion needs to be had with small businesses to determine whether this would be achievable in practice.

IV Recommendations

[20] The Wellington Community Justice Project makes these recommendations in relations to the problems identified in Part III of the submission.

A Expand the scope of “domestic violence document”

[21] We view the requirement of producing a domestic violence document under 69ABB as unnecessarily onerous for a victim. Due to the often violent nature of offending, victims may not want to recount particular incidences to an unfamiliar person like a police officer or medical practitioner.

[22] We suggest that the definition of "domestic violence document" be widened to include a more informal confirmation of occurring domestic violence. Perhaps a declaration by a family member or support person of said abuse could suffice. Often workmates or close friends of a victim are the only ones aware of domestic violence, but may not know what to do or how they can help.²⁰ This would allow those closest to the victim, whom the victim feels most comfortable to talk to, to be able to officially declare their awareness of abuse.

[23] It could be argued that a widened definition of "domestic violence document" could lead to a proliferation of requests from victims trying to exploit the system. However, Australian research has shown that under a similar scheme introduced, victims did not tend to exploit entitlements and it was rare for victims to take the full entitlement allowed by the scheme (also 10 days paid leave).²¹ Another argument is that as victims tend not to report offending to police, then they also would not report offending to an employer. It is a simple reality that there is no quick fix to such a comprehensive issue like domestic violence. However, we believe that victims who are courageous enough to seek help from

²⁰ NZPD, above n 8.

²¹ Jim Stanford, above n 17, at 3.

an employer should have the process of making a request as straight forward and comfortable as possible.

[24] By widening the scope of "domestic violence document" a victim's friend, family member, or co-worker could declare their knowledge of abuse. This would inevitably make the process of requesting paid leave more comfortable and straightforward for the victim.

B Reduce the minimum period of employment of an employee

[25] Making victims wait until they have been employed at a workplace for six months before being allowed to request leave may leave them in serious danger. As Ms Logie has suggested, paid leave provided to a victim under this Bill could give victims the financial means to escape a dangerous situation and relocate.²² This six month minimum employment period is in line with requirements for other paid leave entitlements in New Zealand. For example, an employee is entitled to five sick days a year, but only if the employee has been employed in that workplace for at least six months.²³

[26] It could be argued that there should be no change to the six month minimum employment period in this Bill because it is streamlined with requirements for other paid leave entitlements, like sick leave, in New Zealand. While illness is often predictable and treatable, domestic violence can be sporadic and unpredictable. Also, the stakes can be much higher in cases of domestic violence, with victim's lives being put at risk.

[27] We view the six month period minimum employment period as too long. We believe that s 69ABB(1)(b) of the Bill should be amended to allow employees to request leave when they have been employed by a workplace for at least three months. A particular sense of urgency should be attached to domestic violence leave requests, as the stakes are so high. After three months, employees have likely already integrated and established themselves into the fabric of their business or workplace. As a result they should be permitted to reap the benefits that employment offers.

²² NZPD, above n 8.

²³ Employment New Zealand "Sick leave entitlements" (2016) Employment New Zealand <www.employment.govt.nz>.

C Shorten the maximum response time for employers

[25] The ability for employers to wait up to three months before responding to an employee's request under s 69ACB(a) is concerning. A victim should not have to wait longer than one month for a response from their employer.

[26] Running a business is often a fast paced and high-pressured. We understand that in some cases responding to requests for leave can be inconvenient and difficult to process in an administrative sense. However, this challenge facing employers must be balanced with the rights of victims to request leave and have a response in a timely fashion. We believe that a maximum one month response time could strike this balance.

D Reduce negative implications of domestic violence-related leave on small businesses

[27] A research by Jim Stanford for the Centre for Future Work at the Australia Institute in 2016 suggests that the cost of domestic violence to employers can cost up to one per cent of the gross domestic product each year and include lost work time (even if unpaid), reduced productivity, higher turnover and resulting recruitment and training costs, risks of violence spilling over into the workplace, and reputational risks with customers and other employees.²⁴ The utilisation rate of domestic violence paid leave is also low, since victims are often reluctant to use services available to them. For example, the utilisation rate of domestic violence paid leave in Australia is 0.022–0.31 per cent.²⁵ This means that concerns relating to victims abusing the extra leave offered are unjustified.

[28] It is reasonable to suggest that small businesses would be able to cope with the costs of implementation based on a wider cost-benefit analysis. Moreover, there are many benefits to introducing legislation to mitigate the effects of domestic violence on employers, such as: reduced absenteeism, reduced turnover, improved productivity, and reduced incidence of violence. However, we believe that this conversation should be continued with small business owners as legislation such as this will require their support for effective implementation.

²⁴ Jim Stanford, above n 17, at 9.

²⁵ Jim Stanford, above n 17, at 19.

[29] We further propose that the government bear the cost of such an implementation.

[30] In the scheme of tackling domestic violence, the financial burden on the government would be insignificant. It has been estimated that domestic violence costs our economy \$8 billion a year.²⁶ The government is not only in a better position to bear this cost, it can also accommodate it in their budget for domestic violence programs. It would not be unpredictable expenditure as a person is limited to 10 days and the data on victims of domestic violence is easily attained.

[31] Having the government bear such a cost would also incentivise businesses to support and accommodate their employees when they are going through a difficult situation. Some businesses are already supportive, which is positive.²⁷ They have gotten ahead of the law change and already implemented policies to deal with employees who have been a victim of domestic violence.²⁸ However, it is those businesses, most likely small ones, that may not be able to financially bear the cost of paying for an additional 10 days leave. It would create unnecessary stress on mainly small and medium businesses who may not be in a position to pay for the extra leave plus any further costs that result. For example, lost productivity and the replacement of staffs. With the goal of integrating the issue of domestic violence into everyday society, giving businesses no excuses is a strong step in promoting the purpose of the Bill.

[32] If the government bears the costs of domestic violence-related leave, unconscious bias would be minimised, if not avoided. Despite the Bill making illegal any discrimination on the grounds of domestic violence, employers may still be incentivised to avoid potential employees that they may stereotype as being more likely to be at risk of domestic violence and therefore more costly to their business. By taking the cost issue out of the equation it gives employers an easier choice when choosing who to hire.

²⁶ Letter from Rae Duff ONZM (President of the National Council of Women in New Zealand) to the Honorary Michael Woodhouse (Member of Parliament) regarding the Domestic Violence Victims' Protection Bill (10 February 2017).

²⁷ Anusha Bradley "Govt urged to support domestic violence bill" *Radio New Zealand* (online ed, New Zealand, 13 February 2017).

²⁸ Westpac New Zealand Limited "Why Westpac decided to help tackle domestic violence" *REDnews* (online ed, New Zealand, 23 February 2017).

E Education and Training

[33] The committee should also take into account others factors when deciding what needs to be included in the domestic violence leave legislation. We suggest the following:²⁹

- a. Raise awareness within the workplace. Companies could train employees with managerial roles on how to respond when they are alerted to an employee's experience with domestic violence. PwC trained nearly 80 people through rape and domestic violence services about how to respond when an employee says they are experiencing domestic violence. The company also publicised who those individuals were, and that they are contactable at any time.
- b. Confidentiality must be guaranteed, and all final decisions must be made in collaboration with the individual experiencing domestic violence.
- c. Other minor aspects of work life should be addressed as well, including the changing of bank details, work phone numbers and email addresses in company directories, in order to ensure the safety of the employee.
- d. Individuals, especially managers and company leaders, should be trained how to spot the signs of domestic violence. This includes physical signs of injury, but also changes in behaviour such as arriving late, consistently calling in sick or being distracted at work.

[34] Furthermore, it could be helpful to look into:

1. Whether it is practical to require a manager to be trained in dealing with issues of domestic violence;
2. How we can further educate employees and make them aware of their entitlements under the Act;
3. How we can facilitate good employer/support organisation relationships to arrange necessary help for employees that are victims?

V *Interaction with the Health and Safety at Work Act 2015*

²⁹ Rachael Brown "Domestic Violence Leave as a Workplace Right" HRM <www.hrmonline.com.au>.

[35] One of the effects of the Bill is to introduce amendments to the new Health and Safety at Work Act 2015 (HSWA). Unequivocally, the Bill addressing domestic violence in the workplace is of enormous value. New Zealand has a substandard record regarding workplace safety, which contributed to the genesis of the HSWA 2015. Further, recognising that domestic violence is a workplace issue is indeed incredibly positive, and a bold step forward.³⁰ There are however, some conceptual and linguistic difficulties with the implementation of the Bill to the HSWA.

A Section 16 of the HSWA

[36] It was suggested that there should be relevant definitions for “domestic violence”, “domestic violence document” and “victim of domestic violence”. The definition of “hazard” is also delineated into two parts:

“s 16 definition of “Hazard”:

- a. a person’s behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person’s behaviour); and
- b. a situation in which a person’s behaviour stems from being a victim of domestic violence or from being the person who inflicted the domestic violence referred to in the victim’s domestic violence document.”

[37] We agree that inserting the relevant definitions (domestic violence, domestic violence document, victim of domestic violence) is valuable and is an important step in ensuring consistency between the Bill and the HSWA. However, delineating the definition of hazard may result in some problems.

[38] The use of “a situation” in s 16(2)(b) is inconsistent with the existing treatment of behaviour as a temporary condition (fatigue, drugs or alcohol, traumatic shock, or another temporary condition). If it is the *situation* that is the hazard this implies that a victim of domestic violence is a latent hazard. It is also unclear whether “being the person who inflicted the domestic violence” is referring to a situation in which the abuser is the *employee* who is now suffering an impediment at work or is arriving at the victim

³⁰ NZPD, above n 8.

employee's workplace, certainly that is the impression from Jan Logie's speech and read against sch 2 cl (10)(1)(da) which emphasises supporting the *victim* or both.

[39] We recommend that the above are clarified to ensure consistency with s 37.

B Section 37: Duties of a PCBU who manages or controls the workplace

[40] It has been suggested that the following clause relating to the duties of a PCBU be inserted:

- “(1A) Every PCBU who manages or controls a workplace must have a policy on dealing with situations in which a person's behaviour—
- a. stems from being a victim of domestic violence or from being the person who inflicted the domestic violence referred to in the victim's domestic violence document; and
 - b. is an actual or potential cause or source of harm, to the person or another person, within a workplace or outside a workplace.”

[41] The linguistic use of “situation” to deal with the victim's behaviour suggests they are a latent hazard, whereupon some trigger a situation occurs. Moreover, “being the person who inflicted the domestic violence” is confusingly written. The section thus reads as “in which a person's behaviour... stems from being the person who inflicted the domestic violence”. It is unclear whether this person is the *employee*, or a third party to the workplace.

[42] The term “actual or potential” harm is effective for the policy of the Bill to mitigate harm, but it should be emphasised that responsibility for *potential* harm can only stem from one of the s 37(1A) situations to a certain extent. It needs to be limited appropriately. The language “to the person, or another person” is also ineffective. The PCBU's responsibilities are to employees, the victim, other employees, the PCBU themselves, and visitors to the workplace. Though PCBUs can be responsible to members of the public, this should be limited appropriately. To extend their responsibilities past this would be inconsistent with the HSWA.

[43] PCBUs are responsible for hazards within workplaces and this is consistent with the Bill.³¹ However, the use of “or outside a workplace” is tricky and could mean multiple things. For example:

1. Outside referring to a small geographical proximity to the workplace – close enough to the area in which the PCBU is responsible to be appropriate, office car parks, exits and entrances from the workplace – the sort referenced by Jan Logie in her speech where she dropped the victim to work who was scared her abuser would be *outside* her work.
2. Outside referring to everything outside work – outside work hours, outside the control of the PCBU as structured by the HSWA. This extends the responsibilities of the PCBU in a manner not consistent with the HSWA and should be looked at.

[44] We recommend that this section be clarified and that the responsibilities of a PCBU be limited appropriately, in terms of who they owe a duty of care to, the scope of “potential” harm and the scope of “outside the workplace”.

C Schedule 2 cl 10(1): Obligations of PCBU to health and safety representative

[45] We found no issues with inserting “(da) take all reasonable and practicable steps to provide any health and safety representative for a work group with training in supporting workers who are victims of domestic violence” as this is consistent with the policy, and the HSWA.

VI Other Comments

[46] Much of the Bill’s provisions go no further than the entitlements available to victims covered by the ACC scheme. Under sch 3 of the Accident Compensation Act 2001, the ACC will cover violence of a sexual nature.³² This includes females assaulted by males;³³

³¹ Health and Safety at Work Act 2015.

³² Schedule 3.

³³ Section 194.

indecent assaults;³⁴ and the mental effects of any of these.³⁵ Any instances of domestic violence not falling within these categories should still be covered as “accidents” within the meaning of the statute, given they are applications of force.

[47] There is already a sensitive claims process in place to help domestic violence victims access ACC entitlements.³⁶ These entitlements can include earnings-based compensation for those unable to work, therefore this Bill’s proposed amendments to the Holidays Act 2003 are to some extent a duplicate.

A Support Persons

[48] The definition of “victim of domestic violence” in the Bill includes not only a primary victim but also “a person [who] provides care or support to an individual in the person’s immediate family or household who requires care or support because the individual suffers domestic violence in the individual’s family”.³⁷

[49] We support this extension as it recognises the importance of a support person in helping a primary victim and enables the support person to be more effective by extending the entitlements under the Holidays Act 2003, Human Rights Act 1993, and Employment Relations Act 2000 to them. In particular, a support person will not have access to many of the existing protections, such as ACC, and therefore would benefit from access to paid leave enabling them to assist the primary victim without detriment to their employment.

[50] However, we note that the number of support persons included in the Bill’s definition is limited due to the immediate family/household requirements. In many cases a primary victim will seek support outside this group, as household members are likely to be party to or also a victim of violence, and immediate family members may be unaware or not in a position to help. Domestic violence victims are likely to be isolated from their families, and communities, hence the focus of campaigns such as “Are you ok?” on encouraging people to reach out to those they suspect to be victims.

³⁴ Above n 31, s 135.

³⁵ Section 20.

³⁶ National Collective of Independent Women’s Refuges Inc *Fresh Start: A Practical Guide For Women Wanting To Be Free From Abuse* (5th ed, National Collective of Independent Women’s Refuges Inc, Wellington, 2012) at 136.

³⁷ Domestic Violence—Victims’ Protection Bill (215-1), cl 5.

[51] There is good reason to provide recognition and entitlements to any legitimate support person irrespective of whether they are a family or household member, because the mere fact of a primary victim having a support person is crucial to escaping the violent situation. A University of New South Wales Study observed that “employees who support affected co-workers may find that doing so affects their own productivity due to stress and greater workload”, and this presents a strong case for extending at least the paid leave part of support person entitlements to colleagues.³⁸

B Domestic Violence in the Workplace

[52] Domestic violence, while characterised as taking place in the home, can extend to the workplace. While the Bill does not explicitly recognise or refer to this, some of the measures it proposes will help to address it. The same NSW study found that:³⁹

“19% of Australian workers who had experienced domestic violence in the previous 12 months reported the harassment continued at their workplace. The primary form of abuse involved receiving threatening phone calls and emails, and over 11% of respondents who had experienced domestic violence reported that the perpetrator had physically come to their workplace.”

[53] It is expected that New Zealand data would be similar. This is a significant concern for the victim who has their safety endangered, productivity reduced, and potentially their job placed at risk. It is also a problem for the employer who is responsible for the safety of other employees who may be endangered, must suffer the cost of lost productivity and may feel pressured into dismissing the victim.

VII Conclusion

[54] The Wellington Community Justice Project would like to commend the overall intention and predicted positive impacts that the Bill could have on the situation of domestic violence in New Zealand. We would also like to thank the Committee for their consideration of our thoughts.

³⁸ University of New South Wales “Gendered Violence and Work” <www.arts.unsw.edu.au>.

³⁹ Above n 38.