



## **Consortium for the Regional Support for Women in Disadvantaged and Rural Areas**

### **Response to: Domestic Abuse Leave Bill Consultation**

**Issued by: Rachel Woods MLA**

**January 2021**

**Prepared by: Siobhán Harding  
Women's Support Network  
Email: [policy@wsn.org.uk](mailto:policy@wsn.org.uk)**



**Foyle Women's Information Network**



## **Women's Regional Consortium: Working to Support Women in Rural Communities and Disadvantaged Urban Areas**

### **1. Introduction**

**1.1** This response has been undertaken collaboratively by the members of the Consortium for the Regional Support for Women in Disadvantaged and Rural Areas (hereafter, either the Women's Regional Consortium or simply the Consortium), which is funded by the Department for Communities and the Department of Agriculture, Environment and Rural Affairs.

**1.2** The Women's Regional Consortium consists of seven established women's sector organisations that are committed to working in partnership with each other, government, statutory organisations and women's organisations, centres and groups in disadvantaged and rural areas, to ensure that organisations working for women are given the best possible support in the work they do in tackling disadvantage and social exclusion. The seven groups are as follows:

- ♀ Training for Women Network (TWN) – Project lead
- ♀ Women's Resource and Development Agency (WRDA)
- ♀ Women's Support Network (WSN)
- ♀ Northern Ireland's Rural Women's Network (NIRWN)
- ♀ Women's TEC
- ♀ Women's Centre Derry
- ♀ Foyle Women's Information Network (FWIN)

**1.3** The Consortium is the established link and strategic partner between government and statutory agencies and women in disadvantaged and rural areas, including all groups, centres and organisations delivering essential frontline services, advice and support. The Consortium ensures that there is a continuous two-way flow of information between government and the sector. It also ensures that organisations/centres and groups are made aware of consultations, government planning and policy implementation. In turn, the Consortium ascertains the views, needs and aspirations of women in disadvantaged and rural areas and takes these views forward to influence policy development and future government planning, which

ultimately results in the empowerment of local women in disadvantaged and rurally isolated communities.

**1.4** The Women's Regional Consortium appreciates the opportunity to respond to the Domestic Abuse Leave Bill Consultation issued by Rachel Woods, MLA. This is a highly gendered issue and employers have a vital role to play in supporting domestic abuse survivors in the workplace. This is even more the case due to the Coronavirus pandemic and resulting lockdowns which have forced many more people to work from home and which have also seen significant increases in domestic abuse figures.

## 2.0 General Comments

Domestic abuse crimes and incidents have been on the increase in Northern Ireland since records began and domestic abuse crime accounts for 19.1% of all crime in Northern Ireland.<sup>1</sup> Domestic Abuse is an issue predominantly faced by women. Women were 69% of all reported victims of domestic abuse crimes and 86% of perpetrators were men in Northern Ireland.<sup>2</sup>

There are also serious concerns that the impact of the Covid19 pandemic and resulting lockdowns will increase levels of violence and abuse against women. Refuge reported a 25% increase in calls to their 24-hour national domestic abuse hotline since the lockdown began, while hits to the national domestic abuse website increased by 150% during the first lockdown in the UK.<sup>3</sup> Northern Ireland has also seen a rise in incidents and crimes throughout 2020.<sup>4</sup> In the 12 months from July 2019 to June 2020:

- there were 32,127 domestic abuse incidents, an increase of 570 (1.8%) on the previous 12 months and the highest 12-month period recorded since the start of the data series in 2004/5;
- the number of domestic abuse crimes rose to 18,796, an increase of 2,203 (13.3%) on the previous 12 months and the second highest 12-month period recorded since 2004/05.

While the numbers of domestic abuse incidents continue to rise the outcome rate for domestic abuse crimes has been falling over the last number of years from 46.6% in 2010/11 to just 26.7% in 2018/19<sup>5</sup>. Using the word 'domestic' to describe these

---

<sup>1</sup> 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](https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q1/domestic-abuse-bulletin-jun_-20.pdf)

<sup>2</sup> Ibid

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

<sup>4</sup> 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](https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q1/domestic-abuse-bulletin-jun_-20.pdf)

<sup>5</sup> Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2018/19, PSNI & NISRA  
[domestic-abuse-incidents-and-crimes-in-northern-ireland-2004-05-to-2018-19.pdf \(psni.police.uk\)](https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q1/domestic-abuse-bulletin-jun_-20.pdf)

crimes makes it easier to turn a blind eye and to believe that this type of abuse is a private and more trivial issue than the serious crime it is.

According to the Femicide Census<sup>6</sup> on average, every three days a woman is killed by a man. In 2017, Northern Ireland had the joint highest femicide rate in Europe<sup>7</sup>, and in the first three months of the lockdown in 2020, more women had been murdered by their partners than in all of 2019.

The cost of violence against women and girls to the economy is considerable. A report by the UK Home Office estimated that the economic and social costs of domestic abuse – including the cost of providing public services to victims/survivors of domestic violence and the lost economic output of women affected – was £66 billion annually in England and Wales alone.<sup>8</sup>

### **International Obligations**

Government has obligations under CEDAW. CEDAW's General Recommendation 35<sup>9</sup> on gender-based violence against women outlines how gender-based violence against women "*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.*"<sup>10</sup> The Recommendation spells out carefully the general obligations of states parties under CEDAW in relation to gender-based violence against women.<sup>11</sup> The overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,

---

<sup>6</sup> <https://www.femicidecensus.org/reports/>

<sup>7</sup> <https://www.bbc.co.uk/news/world-europe-49586759>

<sup>8</sup> Violence against Women and Girls and women's economic inequality, Eva Neitzert, Women's Budget Group, March 2020

<https://wbgroup.org.uk/wp-content/uploads/2020/07/Violence-and-womens-economic-equality.pdf>

<sup>9</sup> General recommendation No.35 on gender-based violence against women, updating general recommendation No.19, CEDAW/C/GC/35, July 2017

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

<sup>10</sup> Ibid, para 20

<sup>11</sup> Ibid, para 21

including gender-based violence against women. In terms of obligations it also recommends 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.”*<sup>12</sup>

In its 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, Wales and Scotland 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.”*<sup>13</sup> 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.”*<sup>14</sup> While there has been some progress in Northern Ireland through the Domestic Abuse and Family Proceedings Bill there is more work to be done to ensure effective support and protection for victims/survivors including through workplace policies and legislation.

The Istanbul Convention<sup>15</sup> aims to prevent all forms of violence against women, protect those who experience it and prosecute perpetrators. To date the UK Government has signed, but not ratified, the Istanbul Convention. Ratifying it would commit the UK government to following a strong set of minimum standards in combatting violence against women and girls. The UK Government has said that it is committed to ratification but that amendments to domestic law were necessary before this could be done including the introduction of the Domestic Abuse Bill. The Government states that the Bill, together with the Domestic Abuse and Family

---

<sup>12</sup> Ibid, para 30(f)

<sup>13</sup> 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 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f%20GBR%2fCO%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f%20GBR%2fCO%2f8&Lang=en)

<sup>14</sup> Ibid, para 30(b)

<sup>15</sup> 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>

Proceedings Bill currently working its way through the Northern Ireland Assembly, includes the necessary legislative measures to ensure all parts of the UK are compliant with the Convention.<sup>16</sup> However, the Westminster Domestic Abuse Bill does not cover Northern Ireland and the Northern Ireland Domestic Abuse and Family Proceedings Bill in its current form falls short of the Convention's requirements as it makes no reference to women and girls taking into account that women are disproportionately affected by violence.

Our colleagues in Women's Aid have been highlighting the lack of a Violence Against Women and Girls (VAWG) Strategy for Northern Ireland. Northern Ireland has no specific VAWG Strategy despite other parts of the UK including Scotland having their own Strategies. The Scottish Strategy<sup>17</sup> includes in its Action commitments *"Challenging all employers, particularly public sector employers, to support those who may be experiencing or at risk of violence or abusive behaviour."* A Northern Ireland VAWG Strategy could include similar commitments to ensure that all workplaces are properly supportive of victims/survivors and play their part in the prevention of gender-based violence. A specific strategy is needed in order to comply with CEDAW and the Istanbul Convention.

### **Women's Economic Disadvantage and Domestic Violence**

Gendered social norms restrict and limit women's roles in the economy, thereby contributing to women's economic disadvantage relative to men.<sup>18</sup> Women are more likely to be in receipt of social security benefits, more likely to be in low-paid, part-time and insecure work and also more likely to be providing care either for children or other family members which limits their ability to carry out paid work. This contributes to keeping women's incomes generally lower over their lifetimes and therefore means they are more likely to be dependent on men or the State through

---

<sup>16</sup> <https://hansard.parliament.uk/commons/2020-10-22/debates/20102247000009/IstanbulConventionRatification2020ReportOnProgress>

<sup>17</sup> Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls, Scottish Government, April 2018  
<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2018/04/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/documents/00534791-pdf/00534791-pdf/govscot%3Adocument/00534791.pdf?forceDownload=true>

<sup>18</sup> Ibid

social security benefits. This lack of economic independence can make women more vulnerable to abusive relationships.

Added to this the impact of a decade of austerity and welfare reform policies that have disproportionately impacted on women. Research by the House of Commons Library shows that 86% of the savings to the Treasury through tax and benefit changes since 2010 will have come from women. It shows that, by 2020, men will have borne just 14% of the total burden of welfare cuts, compared with 86% for women.<sup>19</sup> Research by the Women's Regional Consortium on the impact of austerity<sup>20</sup> and on the impact of Universal Credit<sup>21</sup> on women shows the extent to which changes to the social security system have worsened their ability to provide for their children and families and made them more vulnerable to financial hardship and poverty. Poverty is one of the main risk factors for violence against women and girls.

With the social security system increasingly not providing a reliable safety net, women's vulnerability to violence is heightened. Abusers exploit women's existing economic inequality or create economic instability to reduce their partner's ability to resist control. Women who can't find £100 at short notice are 3.5 times more likely to experience economic abuse. Without access to the economic resources required to leave and live independently, victims stay with abusers for longer and experience more harm as a result.<sup>22</sup> The links between economic stability and safety are therefore very clear.

Concerns about austerity measures and about the way Universal Credit is paid have been raised internationally by the CEDAW Committee. Following its recent

---

<sup>19</sup> Estimating the gender impact of tax and benefit changes, Richard Cracknell, Richard Keen, Commons Briefing Papers SN06758, December 2017  
<http://researchbriefings.files.parliament.uk/documents/SN06758/SN06758.pdf>

<sup>20</sup> Impact of Ongoing Austerity: Women's Perspectives, Women's Regional Consortium, March 2019  
<http://www.womensregionalconsortiumni.org.uk/sites/default/files/Impact%20of%20Ongoing%20Austerity%20Women%27s%20Perspectives.pdf>

<sup>21</sup> The Impact of Universal Credit on Women, Women's Regional Consortium, September 2020  
<http://www.womensregionalconsortiumni.org.uk/sites/default/files/The%20Impact%20of%20Universal%20Credit%20on%20WomenRevised.pdf>

<sup>22</sup> [What we do - Surviving Economic Abuse](#)



examination of the UK, the CEDAW Committee recommended that the UK government “*undertake a comprehensive assessment on the impact of austerity measures on the rights of women and adopt measures to mitigate and remedy the negative consequences without delay.*”<sup>23</sup> The Committee also highlighted its concerns about the single payment of Universal Credit stating “*the payment of the universal credit.....into a single bank account.....risks depriving women in abusive relationships of the ability to gain access to necessary funds and trapping them in situations of poverty and violence.*”<sup>24</sup>

Addressing women’s disadvantage in the economy requires action to ensure that women are able to be economically independent not only through paid work but also including through a properly supportive social security system which provides a safety net when women are not able to work. This should include ensuring that benefits are set at a level that enables women and families to afford to live free from poverty including the removal of gendered welfare reform policies such as the Benefit Cap and the two-child limit. It should also include work to reduce women’s economic dependence on their partners including by allowing Universal Credit payments to be automatically split between partners.

### **Domestic Violence and the Workplace**

Beyond the social security system, additional workplace protections could also support survivors. This could include a range of actions including the implementation of workplace domestic violence policies, awareness raising, training and guidance for staff, HR professionals, line managers and employers on how to identify and respond to the signs of abusive behaviour as well as rights to paid leave for victims/survivors. However, it is still the case that too many employers do not recognise domestic abuse as a workplace issue even though it can have much wider impacts than on the victim/survivor.

---

<sup>23</sup> Concluding Observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, CEDAW/C/GBR/CO/8, March 2019 (para 17)  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8%20&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8%20&Lang=En)

<sup>24</sup> Ibid, para 52

The Irish Congress of Trade Unions carried out research on Domestic Violence as a workplace issue.<sup>25</sup> This research *“found that domestic violence doesn’t just shatter the home lives of victims and families but also impacts hugely on the workplace affecting the health, safety and performance of victims and work colleagues.”* It found that a third of respondents had experienced domestic violence with over 40% of those reporting that it affected their ability to get into work for reasons including threats, physical injury and restraint.

It is clear that domestic violence can have huge implications for the workplace in terms of lost working days through sick leave, low morale and low productivity. It makes good business sense to support workers in this situation and there are real benefits in supporting staff in terms of productivity, loyalty and reputation. Not only is it good business sense but employers have a duty of care under health and safety legislation<sup>26</sup> to ensure the health and safety at work of their employees. Employers are also required to assess the risks of violence to employees and make arrangements for their health and safety by effective planning, organisation and control.<sup>27</sup>

Employers have a vital role to play in supporting domestic abuse survivors in the workplace. In January 2021, the Business Minister Paul Scully MP issued an open letter to employers on domestic abuse setting out a range of steps that employers could take.<sup>28</sup> Mr Scully said that managers and colleagues are often the only other people outside the home that victims talk to each day and so are "uniquely placed" to spot signs of abuse. He said that employers did not have to become "specialists" in handling domestic abuse but could do more to help, including:

- Ensuring staff can spot the signs of a colleague facing domestic abuse so they can respond appropriately and sympathetically;

---

<sup>25</sup> Domestic Violence is a workplace issue, Irish Congress of Trade Unions Northern Ireland Committee  
[20160308123357.pdf \(ictu.ie\)](#)

<sup>26</sup> Health and Safety at Work (NI) Order 1978

<sup>27</sup> The Management of Health and Safety at Work Regulations (NI) 1992

<sup>28</sup> [Domestic abuse: open letter from the Business Minister to employers - GOV.UK \(www.gov.uk\)](#)

---

- Communicating that they are there to help and promoting information about support services;
- Fostering a more open work environment where workers feel able to share problems; and
- Offering practical support such as space and privacy to make calls and arrangements or access to financial help.

While the Government did write to employers about this issue there is disappointment that the Department for Business, Energy & Industrial Strategy Review into Workplace support for victims of domestic abuse<sup>29</sup> does not recommend paid domestic abuse leave for victims.

### **The impact of Covid19**

As previously stated lockdown and social distancing measures as a result of the Covid19 pandemic have seen rises in domestic abuse figures. Rising numbers of people working from home as a result of lockdowns has meant that more and more people face the prospect of spending increasing amounts of time with their abuser.

For many victims and survivors work is a place of respite. Being based at home or placed on furlough removes this place of respite and communication with colleagues which can make it even more difficult to notice the signs of domestic abuse. Victims may avoid calls or videos and may become quiet, anxious or tearful and secretive about their home life. It may also make it more difficult for victims to reach out to someone at work or their employer for help.

Research from the charity Surviving Economic Abuse<sup>30</sup> found that 45% of victim-survivors reported that perpetrators were deliberately sabotaging a woman's ability

---

<sup>29</sup> Workplace support for victims of domestic abuse: Report from review, January 2021  
[Workplace support for victims of domestic abuse: report from review \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91421/workplace-support-for-victims-of-domestic-abuse-report-from-review.pdf)

<sup>30</sup> The Cost of Covid-19: Economic abuse throughout the pandemic, Briefing one – Employment and education, Surviving Economic Abuse, November 2020  
<https://survivingeconomicabuse.org/the-cost-of-covid-19-economic-abuse-throughout-the-pandemic-on-employment-and-education-2/>

---

to work and study now that they are spending more time at home due to lockdown orders, furloughing or job loss. Examples included deliberate damage/hiding of essential work equipment such as phones, laptops and Wi-Fi routers, constant interruptions and demands on their time, as well as extreme levels of stress and anxiety that made working very difficult. A particularly common response was how perpetrators used childcare arrangements to negatively impact a victim's ability to work or study. Respondents reported that perpetrators would refuse any responsibility forcing some women to miss meetings, turn down job opportunities or reduce hours and therefore pay.

While working from home employers still have a duty to protect their employee's health and safety which includes if they are being subjected to domestic abuse. The employer must still take account of any risk to that person's physical and mental health and safety in the environment in which they work.

As the future of work will be in the home for many months to come it must be a priority to make working and living at home as safe as possible and to introduce statutory paid domestic abuse leave.

### **Domestic Abuse Leave for Victims/Survivors**

In 2018 New Zealand became the second country following the Philippines in 2004 to introduce paid domestic leave. The provisions allow for 10 days of paid domestic violence leave each year (separate from annual leave and sick leave entitlements) as well as the ability to ask for a short-term flexible working arrangement for up to two months. Those who qualify can also ask for paid domestic leave to support a child who has experienced domestic abuse.<sup>31</sup>

Closer to home there have been developments in paid domestic abuse leave in Wales. The Welsh Government and Neath Port Talbot Council have already introduced paid leave for victims of domestic abuse. Deputy Minister for Housing and Local Government Hannah Blythyn has also written to all devolved public

---

<sup>31</sup> <https://www.govt.nz/browse/work/domestic-violence-leave/>

services to highlight a joint statement by the Workforce Partnership Council which supports paid leave for members of public sector staff experiencing domestic abuse.<sup>32</sup> The joint statement recognises the profound impact domestic abuse can have and asks devolved public service organisations to make an explicit commitment in their special leave or domestic abuse policies to provide paid leave for staff experiencing domestic abuse.

In addition, the Future Generations Commissioner for Wales, Sophie Howe, has gone even further. She announced that people who work for her will be eligible for financial support to leave an abusive relationship.<sup>33</sup> This is an acknowledgment that accessing safety from an abuser does not only need time but also money. Under this new financial support policy employees can apply for a cash grant of up to £500, a salary advance or a loan of up to £5,000 to help pay for anything from essential supplies to relocation costs including rent or a deposit on a home. She said: *“Future generations need everyone including employers to do what they can to address this. We often think this is just a matter for police or social services but the reality is that employers have a massive role to play in helping to keep their employees safe in work and at home.”*

An article in inews<sup>34</sup> has detailed two anonymised stories from domestic abuse victims which illustrate the difficulties women face with domestic violence and their work and these cases make a powerful argument for the introduction of paid statutory leave for domestic abuse victims:

*When Tessa tried to leave her ex-partner, he kicked her cat across the room. Alongside his physical and emotional abuse, she soon found out that without her knowledge, he had put his name on her*

---

<sup>32</sup> <https://gov.wales/public-sector-wales-encouraged-offer-paid-leave-victims-domestic-abuse>

<sup>33</sup> <https://www.futuregenerations.wales/news/domestic-abuse-survivors-at-future-generations-wales-will-get-financial-support-to-leave-an-abusive-relationship/>

<sup>34</sup> Covid-19 and the rise of working from home has shown we urgently need paid leave for domestic abuse victims, inews, December 2020  
<https://inews.co.uk/opinion/covid-19-and-the-rise-of-working-from-home-has-shown-we-urgently-need-paid-leave-for-domestic-abuse-victims-778697>

*mortgage. As she fled to a friend's house, she couldn't face going into work at the job she had excelled at for 10 years. In the midst of a mental health crisis, she quit. As a result she found herself on Universal Credit and using foodbanks.*

*Melanie also lost her job – a job she loved – because of domestic abuse. After being attacked by her ex-partner, Melanie felt suicidal and took a week off without informing her employer. When she returned, she was told she had failed her probation. Now, weeks before Christmas, she is still without employment.*

The ability to take domestic abuse leave may have allowed both these women to keep their jobs while taking unplanned paid leave to sort out the myriad of issues that are involved in dealing with domestic abuse. This could include moving to a place of safety/moving house, making arrangements for children including childcare, seeking legal advice, medical help or taking time off to cope with the mental stress of their situation. Without access to this leave it left these women with no other choice than to lose their job with the accompanying loss of earnings.

While there is currently no legal obligation on firms to provide paid domestic abuse leave a number of firms are already taking action on this issue. This includes Vodafone which offers specialist training to HR and line managers and support for victims including counselling and additional paid leave.<sup>35</sup> The law firm Linklaters has a very supportive offering for victims/survivors<sup>36</sup> including paid leave, an emergency assistance fund of up to £5,000 to support an individual in becoming financially and physically independent from their abuser and also offers emergency accommodation to support employees and their children who need to flee their home in an emergency (they will fund three nights' accommodation in a hotel and provide a daily living expenses allowance).

---

<sup>35</sup> <https://www.vodafone.com/covid19/news/domestic-violence-abuse-providing-support-during-isolation>

<sup>36</sup> <https://www.linklaters.com/en/about-us/news-and-deals/news/2020/august/linklaters-launches-new-policy-and-support-programme-for-victims-of-domestic-abuse>

While it is positive that some employers are taking action on this issue and recognising the need to protect and support their employees in this area this type of life-saving support for victims/survivors and their children should not be seen as a 'perk of the job' or being lucky to work for the right employer, it should be a right.

Domestic Abuse Commissioner for England and Wales, Nicole Jacobs, has said that domestic abuse leave from work is *“essential in enabling victims and survivors of abuse to access medical assistance and to help find safe accommodation.”*<sup>37</sup>

Nicole Jacobs is supporting an amendment to the Domestic Abuse Bill currently making its way through Parliament to ensure employers are given proper guidance on how to support staff who are victim-survivors, including the provision of paid leave.

---

<sup>37</sup> Covid-19 and the rise of working from home has shown we urgently need paid leave for domestic abuse victims, inews, December 2020  
<https://inews.co.uk/opinion/covid-19-and-the-rise-of-working-from-home-has-shown-we-urgently-need-paid-leave-for-domestic-abuse-victims-778697>

---

### **3.0 Specific Comments**

**1. Do you agree that victims/survivors of domestic abuse should be entitled to paid leave?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We strongly support the introduction of paid leave for victims/survivors. It is important for employers/workplaces to provide for the safety and welfare of their staff and to play their role in ensuring that victims can escape abusive partners. As is clear from the examples given in Section 2.0 victims are dealing with a range of issues when suffering domestic violence and without proper policies in place they will have no choice but to leave their jobs. This is not only to the detriment of the victim but the loss of a valuable asset to the organisation which could be prevented with policies such as paid leave in place.

**2. Do you believe that paid leave for victims/survivors of domestic abuse should be enshrined in law?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We believe that paid leave for domestic abuse victims/survivors must be enshrined in law. While some employers have already taken action on their own initiative there is a need to ensure that this happens across the board. It should not be on account of good fortune or a 'perk of the job' that victims are supported in dealing with domestic abuse, this right must be available to all employees.

We believe that this should only be one of a number of rights around domestic abuse which should be provided for in the workplace. Other rights that should also be provided should include rights to request short-term flexible working arrangements



and the right to time off to care for dependents who have been the victims of domestic abuse. We also believe that there should be requirements on employers to put in place workplace policies on domestic abuse, provide training to all staff on domestic abuse awareness including more in-depth training for line managers and HR staff. This training should be developed in conjunction with specialist VAWG services and Trade Union representatives.

**3. Do you agree that victims/survivors of domestic abuse face barriers to accessing support services because of work?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We believe that victims/survivors face a range of barriers to accessing support services. As previously stated in Section 2.0 women are more likely to be in low-paid, part-time and insecure work and have been disproportionately impacted by a decade of austerity and welfare reform policies. In addition, women are now disproportionately impacted by the Covid19 pandemic as outlined in the Women's Policy Group Feminist Recovery Plan.<sup>38</sup> Women are therefore in a more vulnerable economic position and generally have less financial security meaning they face more barriers to accessing support services because of work.

Some groups of women may face additional barriers. This includes disabled women who are twice as likely to be in an abusive relationship and who have suffered even more from austerity/welfare reform policies. It also includes asylum seeker women who are subject to the 'No Recourse to Public Funds' policy. Research has shown that women, pregnant women and disabled people are more likely to be impacted by the negative effects of this policy.<sup>39</sup> Trans women may also face unique forms of coercive control with abusers threatening to "out" them to family/workplaces or

---

<sup>38</sup> Covid-19 Feminist Recovery Plan, Women's Policy Group NI, July 2020

<https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf>

<sup>39</sup> Access Denied: The cost of the 'no recourse to public funds' policy, The Unity Project, June 2019

<https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d021ada54e8ee00013fe5b9/1560419116745/Access+Denied+-+V12+%281%29.pdf>

implement a 'spousal veto' to block gender reaffirming care if the victim tries to seek support.

Existing gender inequalities for women can perpetuate the barriers that victims/survivors can face seeking support services. This includes difficulties in accessing affordable childcare, respite from other caring responsibilities, the availability/affordability of transport and particular issues for rural women due to access poverty.

The introduction of paid leave would be one important step, among others, in addressing the barriers that many women face in accessing support services due to work.

**4. Do you agree that many victims/survivors of domestic abuse are concerned about how seeking help and attempting to change their circumstances will affect their financial situation?**

☒ **Yes**

☐ **No**

☐ **Unsure**

As stated in our response to Question 3 women are more likely to experience financial insecurity as a result of part-time, low paid and insecure work coupled with caring responsibilities which limit their time for paid work. This is particularly the case after a decade of austerity/welfare reform policies and the impact of the Covid19 pandemic which has hit women harder as they are more likely to be in sectors impacted by lockdowns such as retail, hospitality and travel. This all means that women's financial situations may be precarious and they will be concerned about doing anything that could further affect their finances including leaving an abuser. Migrant women may face even greater financial hardship if they leave their abuser due to barriers in accessing social security benefits and housing.

There is undoubtedly a need for a wider suite of protections for victims/survivors including in the workplace. The provision of paid leave would be very beneficial in removing this barrier to changing their circumstances and in lessening the concerns of victims/survivors about their financial situation.

**5. Do you agree that paid leave for victims/survivors of domestic abuse will enable them to seek help?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We agree that paid leave for victims/survivors will enable them to seek help. Enabling workers to take paid leave without worrying about a lack of money will ensure that a crucial financial barrier keeping them from being safe is removed.

However, in order for this to be truly supportive and effective for victims this leave must be paid at their normal rate of pay and must be available to all workers from day one of their employment and regardless of their employment status.

**6. Do you agree that paid leave for victims/survivors of domestic abuse will improve their ability to access emergency and specialist support services?**

☒ **Yes**

☐ **No**

☐ **Unsure**

We agree that paid leave for victims/survivors will improve their ability to access emergency and specialist support services. In order to be properly effective in achieving this the leave must be able to be taken flexibly, as and when victims need it. Flexibility in taking the leave rather than requiring for it to be taken as a block means that victims have a better chance of using the leave to access the help they need according to their own individual circumstances.

It is important that the emergency and specialist support services that victims/survivors so desperately need are adequately funded on a statutory basis. These must be accessible and available to victims when they take courageous steps to change their circumstances. It is also important that statutory funding is available to community organisations who provide specialist support for migrants, LGBTQ+ communities, disabled people and women as these trusted spaces are often the first port of call and provide ongoing support for victims and their families. It is vital that when victims/survivors need help whether through emergency and specialist support services or from their employers through supportive work policies that this is available to them. This is particularly important in the current climate of rising domestic abuse incidents and crimes and the impact of the Covid19 pandemic on levels of abuse.

**7. Do you agree that paid leave for victims/survivors of domestic abuse will help them access healthcare services, treatment and therapy to deal with the long-term effects of abuse?**

☒ **Yes**

☐ **No**

☐ **Unsure**

Yes we believe that paid leave for victims/survivors will help them access healthcare services, treatment and therapy to deal with the long-term effects of abuse. As previously stated providing paid leave will remove some of the financial barriers that exist to enable victims to access these services. In addition, some of these services may only be available during normal office hours so allowing for paid leave from work will ensure that victims can access these important services when they are needed and available.

Again it is important to highlight the need for adequate funding of these healthcare services, treatment and therapy to ensure that victims/survivors particular needs are met.

**8. Do you think that there should be any limits on the number of times that an employee, who is a victim/survivor of domestic abuse, can take paid leave throughout the course of their employment?**

- ☐ Yes
- ☒ No
- ☐ Unsure

We do not think there should be any limits on the number of times that a victim/survivor of domestic abuse can take paid leave throughout the course of their employment. This leave must be provided flexibly so that employees can take the leave as and when they need it. Domestic abuse is a complex issue taking many forms and impacting on victims and their families in many different ways. The victims needs must be paramount in this situation so that they are able to access safety and a life away from their abuser however long this may take.

**9. Do you agree with any of these options on how many times an employee can take domestic abuse leave?**

- ☒ As many times as they need (no limit)
- ☐ Two or more times per year
- ☐ Only once per year
- ☐ Only once throughout their entire employment
- ☐ None of these

As previously stated we believe that this leave must be flexible and that employees should be able to take it as many times as they need to without limits.

**10. If entitlement to domestic abuse leave were to be on a yearly basis, similar to other statutory paid leave, how many days do you think that an employee should be entitled to?**

- ☐ Less than 10 days per year
- ☐ 10 days per year
- ☒ More than 10 days per year
- ☐ None of these

We believe that an employee should be entitled to more than 10 days ideally 20 days paid leave per year. Given the complexities and the range of issues which may need to be dealt with in domestic abuse situations it is important to provide adequate paid leave to enable victims/survivors to access safety. The victim/survivor may need time and space to organise issues around children/childcare, accommodation, finance, healthcare, therapy, legal advice and more. Some of these issues will require considerable time to sort out and there may be no quick fixes. If the paid leave is not provided for an adequate length of time it may still have the end result of victims/survivors feeling they have no choice but to leave their job and suffer financial hardship as a result.

Providing 20 days leave does not mean that all of this leave has to be taken but it provides reassurance to victims/survivors that support is available to them without impacting on their finances.

**11. What level of remuneration do you think is appropriate for domestic abuse leave?**

- ☒ **Full pay (the normal rate of pay according to an employee's contract)**
- ☐ **National Minimum Wage (according to employee's age)**
- ☐ **90% of their pay or £150.20 per week, whichever is lower (equal to parental leave)**
- ☐ **None of these**

We believe that the leave should be paid at the normal rate of pay according to the employee's contract as is the case in New Zealand. It is vital to pay this leave at the employee's normal rate of pay to ensure that they are not deterred from using this leave due to financial constraints. This is especially the case for low-paid and more vulnerable workers who simply cannot afford to take the financial hit of being without their normal rate of pay.

**12. Do you think that there should be a paid and unpaid element to domestic abuse leave, similar to sick leave or maternity leave?**

☐ **Yes**

☒ **No**

☐ **Unsure**

We do not think that there should be a paid and unpaid element to domestic abuse leave. As previously stated we believe that victims/survivors should not be deterred from taking action on domestic abuse due to financial constraints. Due to the serious nature of this crime and the fact that in some cases it is life threatening it is vital that barriers are not put in the way for victims. We have previously outlined the issues that women face in terms of their economic situation with the impact of welfare reform and Covid19 causing greater levels of financial hardship. It is therefore of the utmost importance that victims are not put off accessing leave in these situations because of financial worries.

**13. If you answered yes to Question 12, please briefly outline your thoughts on how to incorporate paid and unpaid elements to domestic abuse leave.**

N/a.

**14. In terms of eligibility for paid leave, do you think that victims/survivors of domestic abuse need to have worked for their employer for a minimum period of time?**

☐ **Yes**

☒ **No**

☐ **Unsure**

We do not think that victims/survivors need to have worked for their employer for a minimum period of time. This would only serve to create a hierarchy of victims – those who qualify for this leave and those who do not. As previously stated given the seriousness of this crime not being able to avail of this leave due to some arbitrary qualifying period could make a real difference to a victims safety.

Paid leave must be a day one right and must be available to all categories of worker/employee and across all patterns of work including full or part-time, temporary or permanent. As previously stated this leave should be flexible in how it is taken either in shorter periods of time or as a block, whichever is most beneficial to the victim/survivor.

**15. With regard to the amount of time spent working for an employer, what option do you think is most appropriate in order to assess eligibility?**

- ☒ **Should be available immediately**
- ☐ **Less than 6 months**
- ☐ **6 months**
- ☐ **More than 6 months**

See answer to Question 14.

**16. Do you think that a victim/survivor of domestic abuse should have to provide evidence or proof to their employer in order to be granted paid leave?**

- ☐ **Yes**
- ☒ **No**
- ☐ **Unsure**

We do not think that victims/survivors should have to provide evidence or proof to their employer in order to be granted paid leave. We fear that requiring victims to provide evidence or proof could act as a deterrent to accessing this right. Admitting that you are a victim of domestic abuse is a huge step and there is still considerable fear and stigma around coming forward about these issues. A requirement to produce proof or evidence would simply make this situation worse and potentially prevent victims/survivors from accessing their rights. We also feel that this may be very difficult for employers/HR departments and may cause unnecessary embarrassment, distress and administration.



**17. If you answered yes to Question 16, what sort of evidence do you think would be appropriate?**

- ☐ **Personal testimony**
- ☐ **Communication from a friend or relative**
- ☐ **Communication from a support service/organisation**
- ☐ **Communication from a health professional**
- ☐ **Police report**
- ☐ **Legal documents**
- ☐ **Other (please specify):**

N/a.

**18. Do you think that eligibility for paid leave should be tied to the amount of time since the abuse occurred?**

- ☐ **Yes**
- ☒ **No**
- ☐ **Unsure**

We do not think that eligibility for paid leave should be tied to the amount of time since the abuse occurred. Domestic abuse is a complex issue and can take many forms some of which may not be immediately recognised by the victim as abuse. Abusers are often extremely manipulative and controlling and this behaviour can continue over long periods of time before it is acknowledged as abuse and action is taken to leave the abuser. In addition, criminal proceedings for domestic abuse often take place a long time after the abuse happened. Abuse is abuse and regardless of the timeframe victims must be able to access their rights without barriers such as arbitrary timeframes.

**19. If you answered yes to Question 18, what do you think the limit should be with regard to historical abuse?**

- ☐ **Within the last 12 months**
- ☐ **Between 1 year and 5 years**
- ☐ **More than 5 years**

N/a.

**20. Do you agree that introducing paid leave for victims/survivors of domestic abuse will help to reduce the number of sick days and periods of absence due to sickness?**

- ☒ **Yes**
- ☐ **No**
- ☐ **Unsure**

We agree that introducing paid leave for victims/survivors will help to reduce the number of sick days and periods of absence due to sickness. At present taking sick leave or unpaid leave from work may be the only options open to people who are coping with a domestic violence situation. This only means additional stress in complying with sick leave reporting requirements and in many cases reduced incomes for victims. Providing access to adequate statutory paid leave will ensure that employees are not forced into using sick days and should help to make it easier for them to come forward about domestic violence issues if they know that this right is provided for by law.

**21. Do you think that the effectiveness of paid leave for victims/survivors of domestic abuse should be monitored and evaluated, specifically with regard to the impacts on victims/survivors and the economy?**

- ☐ **Yes**
- ☐ **No**
- ☒ **Unsure**

If the monitoring and evaluation is carried out from the point of view of learning lessons from how it works in terms of how easy it is to access, how flexible it is and feedback from victims/survivors then this could be positive. The needs of victims/survivors must be at the centre of this policy so any monitoring and evaluation should be around improving the policy to better suit the needs of victims/survivors.

However, if monitoring and evaluation is used purely in economic terms then this could be detrimental. If, for example, the introduction of this policy does not have a positive impact on levels of sickness absence could it then be argued that it should be removed? We would also be concerned if monitoring and evaluation focused on uptake levels. There are problems with some of the existing workplace rights such as flexible working and shared parental leave due to complex eligibility criteria and employer's refusing requests. While employees may wish to access these rights they are often unable to for these reasons. Low uptake levels may not therefore mean that there isn't a need for these rights.

**22. Please comment below if you have any personal experience of difficulties with employment and domestic abuse that you would like to share. Any information that you provide will be anonymised, and used solely for the purposes of developing the legislation.**

N/a.

**23. Please comment below if you have any experience of effective workplace policies that have helped to support victims and survivors of domestic abuse.**

We have no specific experience of effective workplace policies that have helped to support victims and survivors. However, we would point to the guidance and expertise of Trade Unions on this issue. Many have produced guidance and models for workplace domestic violence and abuse policies.

Learning must also be taken from organisations and other jurisdictions such as New Zealand that have successfully introduced paid domestic abuse leave.

**24. If you do not agree with the proposal, please comment below to outline:**

**a) Why you object to the proposal.**

**b) What alternative proposal in respect of supporting victims/survivors of domestic abuse would you propose, and why?**

**c) Is there any additional element which, if added to the proposal, would cause you to agree with this proposal?**

N/a.