

A Pervasive Malice from Bedroom to Workroom

Domestic Violence and its impact on Work

Lifelong Economic Wellbeing for Women in Australia research (2015) was undertaken by economic Security 4 Women as part of an informed dialogue to ascertain the perceptions of and issues of Australian women concerning to their economic empowerment and wellbeing throughout every decade of their lives. It reveals the fiscal challenges and/or opportunities that impact women economically, including the cumulative effects of sometimes intersecting advantage and disadvantage on lifelong personal wellbeing and financial security.

A series of eS4W Discussion Papers address key areas that emerged through women's narrative in the survey including the implications and impacts of divorce, violence, and parenting on women in the workforce, and for women wishing to re-enter the workforce.

This discussion paper is on divorce, separation, single parenting and women's lifelong economic security is drawn from Stage 1 (e-Survey and consultations) and Stage 2 (Draft Discussion Papers and Roundtables) of the economic Security for Women *Lifelong Economic Wellbeing for Women in Australia* research (2015) results. This section on violence and work also builds on eS4W previous studies such as Workplace Gender Equality¹ and Domestic Violence is a Workplace Issue²

For the purposes of this study, domestic violence is defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

Background Facts & Figures – Domestic Violence as a Human Rights Issue

Domestic and family violence is a workplace issue. Having domestic/family violence as a new protected attribute in anti-discrimination legislation can provide another avenue of protection for victims and survivors who experience discrimination, as well as lead to improved measures for addressing domestic/family violence.

*Elizabeth Broderick (2014), Sex Discrimination Commissioner,
 Australian Human Rights Commission*

In 2014 the Australian Human Rights Commission developed a fact sheet³ on Domestic Violence – a workplace issue, a discrimination issue. The fact sheet notes a number of issues and suggestions to address domestic violence in the human rights framework.

The United Nations *Declaration on the Elimination of Violence against Women* defines violence against women as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life'⁴.

¹ <http://www.security4women.org.au/wp-content/uploads/WorkplaceGenderEquality20120809.pdf>

² http://www.security4women.org.au/wp-content/uploads/eS4W_DomesticViolenceIsAWorkplaceIssue20151125.pdf

³ Australian Human Rights Commission (2014) Fact Sheet : Domestic and family violence – a workplace issue, a discrimination issue www.humanrights.gov.au/our-work/family-and-domestic-violence/publications/fact-sheet-domestic-and-family-violence-workplace downloaded 4/4/2016

⁴ United Nations, *Declaration on the Elimination of Violence against Women*, UN Doc A/Res/48/104, (1993), art 1.

Under international human rights law, it is well established that domestic and family violence is a violation of human rights, with grave and far-reaching repercussions for victims, survivors and their children. It is recognised that domestic and family violence violates a wide range of human rights and fundamental freedoms, including the rights to life, not to be subject to torture or to cruel, inhuman or degrading treatment or punishment, equal protection according to humanitarian norms in time of international or internal armed conflict, liberty and security of person, equal protection under the law, equality in the family, the highest standard attainable of physical and mental health, and right to just and favorable conditions of work⁵.

The United Nations *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) requires governments to take appropriate measures to eliminate discrimination against women (which includes violence against women) in all areas of life including in employment, and to ensure that women have access to safe and healthy working conditions⁶.

Australia also has a range of federal, state and territory legislation that prohibits discrimination, as well as legislation which requires employers to create workplace environments that are safe and free from discrimination, harassment and bullying.

The Costs of Domestic Violence in the Australian Economy

The social and economic costs of violence against women are considerable. In 2009 the National Council to Reduce Violence against Women and their Children (NCRVWC) estimated that violence against women and their children, including both domestic and non-domestic violence, cost the Australian economy \$13.6 billion⁷.

In 2013 the World Health Organisation (WHO) published the first systematic international review on the prevalence of violence against women. The review found that violence against women is a significant public health problem and a violation of human rights that affects more than one third of all women globally. The review concluded that the prevalence of violence constitutes 'a global public health problem of epidemic proportions, requiring urgent action'⁸.

In Australia, domestic, family and sexual violence is widespread across all cultures, ages and socio-economic groups and the majority of those who experience these forms of violence are women. The Australian Bureau of Statistics (ABS) survey estimated that in 2012, 49 per cent of men aged 18 years and over and 41 per cent of women aged 18 years and over had experienced some form of violence since the age of 15. Men were far more likely to experience physical violence at the hands of a stranger. However, the majority of women experienced physical violence by someone known to them—usually an intimate partner⁹. Women are more likely to experience sexual violence than men.

Current estimates drawn from reported incidences of violence are that one in six women in Australia has experienced violence from a current or former partner and one in three women in Australia will experience violence in their lifetime.

The National Council to Reduce Violence against Women and their Children (NCRVWC) 2009 report argued that without action, an estimated three-quarters of a million Australian women will have experienced violence by 2021–2022. Based on this level of reporting, the estimated cost to the Australian economy would be around \$15.6 billion, with domestic violence accounting for \$9.9 billion of this figure (including \$3.9 billion attributable to pain, suffering and premature death)¹⁰. In an earlier

⁵ See CEDAW Committee, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992), para 7.

⁶ United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc A/34/46 (1979), art 11.

⁷ NCRVWC and KPMG management consulting, accessed 3 April 2016. The cost estimate methodology in this report broadly adopts the same approach as that taken by Access Economics in 2004. However, Access Economics assessed only the cost of domestic violence and included violence against men

⁸ World Health Organization (WHO), London School of Hygiene and Tropical Medicine and South African Medical Research *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence Executive summary*, WHO, Geneva, 2013, accessed 4 April, 2016

⁹ Australian Bureau of Statistics (ABS), *Personal safety survey Australia 2012*, cat. No. 4906.0. ABS, Canberra, 2013, accessed 29 April 2014.

¹⁰ The cost of violence against women and their children NCRVWC and KPMG management consulting, accessed 3 April 2016 p. 66. The

report, Access Economics estimated the cost of domestic violence in Australia during 2002–03 at \$8.1 billion, including \$3.5 billion in costs attributable to pain, suffering and premature mortality¹¹.

On an individual level, domestic violence, whether physical, psychological, financial or all of the above, creates complex economic issues for women and their children and disrupts their lives over the short and long term. Regardless of their prior economic circumstances, many women experience financial risk or poverty as a result of domestic violence. Women within this study stated these difficulties hamper their recovery and capacity to regain control over their lives.

The Gendered Implications of Domestic Violence and Work in Australia

In the eS4W: *Lifelong Economic Wellbeing for Women in Australia* research (2015), it is reported from over 5000 comments received through the study, that domestic, family and kinship group violence has a severe effect on the attendance, performance, safety and consequently, the productivity of a woman whether she has children or not. That controlling and isolating behaviours by an abusive partner both prevent and restrict a woman's choice of work and impact severely on the lifelong economic wellbeing of women.

Domestic violence directly affects women's financial security in key areas of life: debts, bills and banking, accommodation, legal issues, health, transport, migration, employment, social security and child support.

The research further confirmed that violence creates complex economic issues for women and their children and disrupts lives over the long and short term. The research further found that women across all socio-economic environments were subjected to violence and the consequent impact usually resulted in financial risk and/or poverty. The detrimental impact of domestic and family violence meant, for many women, a long, arduous journey to recovery.

Gaining and maintaining paid work is pivotal in creating a secure financial future for those women who had experienced domestic violence and for their families. Ongoing abuse and its subsequent effects, can seriously undermine a woman's full participation in employment and thereby her capacity to achieve financial security and wellbeing.

Victims of rape, returning to, or entering a workforce where there are large numbers of males, or where there are 'male dominant leadership styles', highlight the **impact of their violent experience** and how this has affected their efforts to seek and/or maintain employment. Violence in all its forms, has a pervasive impact on mental, psychological and physical health and wellbeing. Some male-dominated industries can pose a greater challenge than industries that have a more diverse workforce, or are female-dominated.

Economic entrapment can be an outcome where a woman is in a violent, abusive or controlling relationships; as evidenced from a woman at a roundtable who spoke of making a recent and sudden decision to leave her home. Women also spoke of controlling behaviours and financial abuse that restricted their choice to work, or to pursue a job or career. A controlling relationships placed unreasonable demands on a woman and often resulted in work absences or late arrivals, thereby impacting on perceptions of performance by her manager or supervisor.

Where physical violence is present in the relationship, some women reported absences from work due to hospital or doctors stays and absences due to court hearings or police visits. Such incidences led to a disrupted work history, changes in jobs or locations, and resorting to part-time or casual work, often in the lower pay sector or casual sector. Long term planning for retirement is overlooked.

A high number of women in the eS4W research reported the mental, physical and psychological aspects of violence manifest long after the violence has taken place. In some cases, women had been persuaded they had a mental illness and that the problem was "in their heads" and not a real problem.

NCRVWC estimates included six other cost categories: health, production, consumption, administrative and other, second generation and transfer costs.

¹¹ Access Economics, *The cost of domestic violence to the Australian economy*, Canberra, 2004, accessed 3 July 2014 http://www.apf.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/ViolenceAust

The high number of women making such comments during the roundtable discussions is evidence that medical professionals remain challenged in their ability to identify stress-related reactions to domestic violence and its impact on mental health. In many cases, the GP will diagnose the woman as 'depressed' and treat her accordingly. Whilst there is no doubt that depression is a presenting symptom of domestic violence victims, the lack of other supports and services that a GP can recommend, inhibit a woman's path to recovery.

Improve information and training for GPs on domestic and family violence, with an emphasis on discovery through acute questioning and other evidence-based symptoms; provide GPs and surgery staff with information on support services, including specialists trained in domestic and family violence.

There is also evidence that women in a violent, controlling relationship, were forbidden by their partner to seek work or activities outside the home. These findings are similar to those echoed in overseas studies, which highlight how domestic violence not only acts as a barrier to education, training and employment but can also escalate when survivors seek or participate in such activities. In order to maintain control over their partners, abusers may interfere with women's efforts to become self-sufficient¹².

Concerns / Recommendations

Women expressed a clear message in the roundtable discussions of the importance of 'going to work'. For those women experience domestic violence, the workplace provided them with a place of 'normality' where they could draw breathe, gather reserves and 'be normal'.

For some, work provided them with a sense of self-fulfillment and purpose where they were seen to be excellent performers. Disclosure of the violence in their lives was an anathema to their sense of professional-self and therefore presented challenges on whether to disclose or not. Women were fearful, humiliated and embarrassed that a disclosure of violence would result in indirect discrimination as a result of being treated differently. They were also concerned about the stigma attached to domestic violence and to disclosing evidence of what is still considered by society to be a private matter.

Policy development and implementation, together with relevant training will inform employees that support and assistance is available for those individuals affected by domestic and family violence. Policy may be incorporated into the broader Personal Leave policy that exists in many organisations; or may be developed as a stand-alone policy. In the development phase it will be important to consider the sensitivities surrounding domestic and family violence; and therefore the most appropriate and respectful place to locate a policy. Support services such as Employee Assistance Programs and specially-trained Domestic Violence workers should be included in information and communication procedures.

The key aim of the policy is to provide an employee with assurances that they will be supported in a safe environment and that they are encouraged to continue to work and contribute to the best of their ability.

There was also a recognition that multiple challenges exist for those individuals affected by domestic violence; and those business representatives seeking to manage to work impact and support the affected individual. Such challenges are evident irrespective of whether the business is private, government, SME's or Not-for-Profit.

Government funded counselling services and training in dealing with those struggling with family violence would assist both the individuals concerned and workforce functionality. These services should be freely available to

¹² L McKean, *Addressing domestic violence as a barrier to work*, Centre for Impact Research, Chicago, 2004; J Swanberg and T Logan 'Domestic Violence and employment : a qualitative study' *Journal of Occupational Health Psychology*, 10 (1), 2005, pp 3-17, accessed 3 July 2014 as reported in Phillips, J & Vandenbroek, P (2014) *Domestic Violence & Sexual Violence in Australia*

employees and employers in the business sector and for sole traders.

For those female proprietors of medium to small business, who are subject to domestic and family violence, the financial impact is even more direct on the individual and the business sustainability. No work equals no pay/no business.

Introduce government subsidies of up to \$10,000 to support the woman and the business.

Current gaps were identified in service information and accessibility in CALD, Indigenous and Rural communities.

A targeted marketing campaign to increase awareness of domestic violence and its impact on work performance to provide key information for employees from large, medium and small business on policy development, services and supports.

With the current push by governments to increase the number of women in the workforce by 2025, there is an urgent and drastic need for change. Social and economic conditions have had a major impact on women's life circumstances; the effects of domestic and family violence or additional caring responsibilities for the elderly or young children, add additional challenges and burdens that affect a woman's financial security and economic wellbeing.

Further, there is a lack of concrete data on the incidences of domestic violence and how these impact an employee's performance in the workplace.

Conduct a more in-depth research study to provide evidence and data on domestic violence and its impact at work.

Support and review current practice standards for working with women affected by domestic and family violence.

Implement the recommendations provided by the Australian Human Rights Commission (2014) that domestic and family violence, be recognized as a protected attribute, in federal anti-discrimination laws as well as in the Fair Work Act 2009 (Cth). Creation of a discrimination ground would clarify and strengthen existing discrimination protections.

Domestic and Family Violence Counselling Services. This is a specialist services sector with dedicated training in counselling services that aim to support a woman who is in a domestic violent situation. Recent government changes have failed to recognise the value and service supports provided by this group of specialists. Such changes have also reduced the number of women-only refuges for victims and their families; in some cases placing women fleeing from domestic violence in multi-mix housing that includes male residents. Decisions such as these further exacerbate what is already a distressful and fraught situation for both the woman and her family.

Governments, federal and state, to review and increase funding for the provision of Domestic and Family Violence Services, with particular reference to the ongoing development of specialist DFVS Counsellors.

Governments to further review the current housing decisions for women leaving domestic violent homes, and determine if such changes have supported and/or inhibited the safety and wellbeing of women and their families.

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economic Security4Women (eS4W) is a national women's alliance, funded by the Australian Government through the Office for Women in the Commonwealth Department of Prime Minister and Cabinet. eS4W is one of five National Women's Alliances.

It is an alliance of women's organisations united in the belief that economic wellbeing and financial security are essential for women and will enable women of all ages to have an equal place in society.

A key function of eS4W's remit is to source the views, issues and concerns of Australian women on matters that affect their lifelong economic wellbeing and financial security.

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