



Introduction

1. The National Collective of Independent Women's Refuges (NCIWR) is a non-governmental organisation delivering services to women and children affected by domestic violence in New Zealand. NCIWR provides support, advocacy, legal, and health services to 16,507 clients annually. 52 percent of these are women, and 48 percent are children. Last year, 2,852 women and children needed to be admitted into our safe houses to protect them from ongoing violence.
2. Please note we wish to appear before the Select Committee for this Bill.
3. NCIWR wholeheartedly supports the provisions behind this Bill and commends the inclusion of supportive provisions for working victims of domestic violence, in addition to the general commitment to ending violence against women and children. In particular, we support the amendment of Section 21 of the current Human Rights Act 1993 to add 'being a victim of domestic violence' as a prohibited ground of discrimination.
4. We are pleased to observe the emphasis being placed on employers creating safe environments for employees, including employees who have been subjected to abusive behaviour. This emphasis correctly implies that victims' performance and ability to continue in their workplaces is dependent on the active management of opportunities for perpetrators of violence to disrupt this work.

Responding to the Policy Statement

5. The Explanatory Note of this Bill refers to the often hidden, insidiously harmful nature of domestic violence and its persistent effects on victims' abilities to attain and maintain autonomy. We strongly agree that maintaining employment is imperative to victims' ability to rebuild their lives without undue constraints.
6. We also applaud the accuracy with which the problem of domestic violence and its impacts on the victim in the workplace are detailed. This is congruent with our extensive experience in working with victims of domestic violence, many of whom are subject to ongoing economic abuse, which targets the victim's ability to work and therefore to maintain some independence and social power. Often, we work with victims whose capacity to work – and therefore their employment history – has been severely impacted by abusers repeatedly phoning them at work, showing up at their workplaces, insisting that they take leave, contriving emergencies to force them to choose between their family and their employment duties, spreading rumours about them to their work colleagues, or threatening to humiliate them at the workplace so that it becomes untenable to remain employed there. This is in addition to other insidious methods of abuse such as controlling all access to financial resources, preventing the use of shared transport, and making the victim feel



disloyal for not remaining in the home. However, the first set of abusive behaviours are ones that adversely affect not only victims, but also other employees and workplaces themselves, by transforming the workplace into an environment where abuse can be perpetuated (and, often, where more traditionally 'serious' forms of violence such as physical or sexual violence can be threatened).

7. Victims cannot be held responsible for their victimisation, or for their preparedness to work towards 'safer' situations (it is important to note that 'safety' cannot always be achieved by leaving, moving, or ceasing contact; rather, this can increase risk). It is therefore imperative that workplaces themselves act to ensure a safe environment for all employees, and that they actively work to eliminate risks or disadvantages that may further erode victims' well-being and future prospects.
8. Feedback from companies such as The Warehouse, which has instituted a comprehensive and evidence-based package of policies, awareness-raising campaigns, and training initiatives, confirms what has been made evident in the literature on corporate responsiveness to domestic violence: that such programmes prove to be cost-effective by preventing the economic consequences of staff absence, staff turnover, and low staff morale due to domestic violence.
9. We further acknowledge the likely flow-on effects of this policy; most notably, the increased societal conversation about domestic violence and the consequent reduction in misinformed, shaming, or silencing approaches. Significant risk lies within the secrecy surrounding victimisation by partners or family members, and increased dialogue and perceived appropriateness of speaking out is associated with less peer acceptance of violent perpetration.

Part 2: Employment Relations Act 2000

10. We enthusiastically support the insertion of a new Part 6AB into the Employment Relations Act 2000 to provide flexible working arrangements. It is our experience when working with clients that victims of domestic violence are often hindered by the constraints of working hours, precluding their access to doctors, lawyers, Women's Refuge advocates, counsellors, and other support people, and may also experience difficulty in caring for children simultaneously during periods of transition – all things that may be enabled, or at least more easily accommodated, through flexible working hours.
11. The insertion of Part 6AB into the ERA may also have the additional benefit of temporarily removing the predictability of location and time inherent in regular working hours, thereby making it more difficult for the perpetrator to gain access to the victim.



Victims' Protection Bill

12. We further applaud the amendment of Section 105 to the ERA to include, as a prohibited ground of discrimination, being a victim of domestic violence. As implied by the term 'victim', and as discussed above, victims do not participate in their own victimisation – they are the unwilling subjects of a prolonged crime and, accordingly, should not face additional barriers imposed by individuals or organisations on the basis of their victimisation.

Part 3 and 4: Health and Safety at Work Act 2015 & Holidays Act 2003

13. We embrace the proposed Clauses 10, 11, and 12 regarding the Health and Safety at Work Act 2015 and the insertion of a new subpart 5 in part 2 of the Holidays Act 2003. As we discussed in response to the policy statement, PCBUs not only have a moral imperative to ensure the safety of their employees whilst at work, but are likely to experience tangible benefits from such policies and programmes. Workplaces already implementing such policies – particularly those relating to leave provisions - and awareness/responding programmes report unequivocal success.

14. Victims of domestic violence often perceive their experiences as unique, blame themselves, and consider talking about these experiences to be socially taboo. This presents often insurmountable barriers to accessing support. Prolonged or acute exposure to domestic violence often leads to a decline in physical and/or well-being, social withdrawal, decreased performance, and ultimately increased absence – all of which have associated costs or implications for both the employee and their workplace. Regarding domestic violence (irrespective of the context it occurs in) as a hazard that affects the wellbeing and performance of workers, and therefore one that needs to be proactively and expertly managed, is essential.

15. We consider Clause 12 to be of particular importance for a range of reasons, given the range of responses received by victims disclosing domestic violence. Firstly, victims may not self-identify as victims, and may have normalised the behaviour to which they have been subjected either as a coping mechanism or due to lack of knowledge about what constitutes abuse. It is difficult to solicit help without acknowledging the presence of abuse, indicating the need for health and safety representatives to receive expert training on identifying indicators of abuse and beginning conversations about that abuse. Secondly, not all offers of 'help' to victims of abuse are necessarily helpful or safe. Encouraging victims to leave abusers without sufficient preparation can be extremely risky – evidenced by domestic statistics that show that half of all domestic violence homicides occur at the time of, or immediately after, leaving. Finally, victims are often accustomed to having their experiences minimised by the offender, who may tell them they are imagining it, that they are to blame, that they are overreacting, or that they are crazy. This, in conjunction with offenders often limiting exposure to alternative social realities or forbidding social contact, makes



victims vulnerable to self-blame and, consequently, self-concealment. Therefore to make policies usable, they must be accompanied by a willingness to develop staff to intervene responsibly, respectfully, and with expert awareness of the possible dynamics, effects, and risks of domestic violence.

Part 3: Health and Safety at Work Act 2015

16. As previously stated in regard to the proposed amendment to the ERA, we enthusiastically support the proposed amendment to section 21 of the Human Rights Act 1993 to include being a victim of domestic violence as prohibited ground for discrimination. This, we believe, is essential to recognise the human rights violation that occurs through the perpetration of violence, and the need to conceptualise victims' experience of domestic violence as such, and respond accordingly; in other words, in supportive rather than punitive ways, and in a manner that locates responsibility solely with the offender. This, we feel, goes some way toward achieving that, and as such we sincerely endorse it.