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*Charities # CC11104*

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Committee Secretariat  
Justice and Electoral Committee  
Parliamentary Buildings  
WELLINGTON

Tēnā koutou

Thank you for the opportunity to make a submission on the Domestic Violence Victims' Protection Bill Supplementary Order Paper (SOP).

Family Planning previously made a submission on the Domestic Violence Victims' Protection Bill. Overall, Family Planning strongly supported the Bill. However we raised some questions about the requirements for making a request, and the timeframes and criteria for refusals. We are pleased that the SOP addresses the majority of the concerns we raised.

Family Planning is committed to health equity including addressing domestic violence, and its impact on sexual and reproductive health and wellbeing for our clients and our employees. For further information about these issues, please refer to our initial submission dated 28 April.

**Domestic violence documents**

Family Planning supports the amendment to clause 4 of the Domestic Violence Act which adds an affidavit or statutory declaration from a victim of domestic violence to the list of acceptable domestic violence documents. These documents are required to access leave or a variation in work arrangements. Family Planning believes this change will help remove barriers for victims accessing domestic violence support at work, particularly for victims who do not engage with police or support services.

While we believe the change is positive, we maintain our original position that an employee domestic violence policy should be treated the same as other employee polices. Accessing support for domestic violence should be based on the trust that exists between employers and employees. Family Planning recommends removing the domestic violence document requirement.

An alternative, more flexible approach would be to use language similar to what is in the Holidays Act around sick leave “an employer *may* require an employee to produce proof of sickness or injury...” This would give an employer the right to ask for a domestic violence document from a victim, but it would not be a mandated requirement for all victims seeking support from their employer.

### **Timeframes**

In our previous submission Family Planning commented that “three months seems an extraordinarily long timeframe for an employer response in this context.” We appreciate the change to section 69AB(b) of the Employment Relations Act which would require an employer to deal with a request for a variation in work arrangements no later than 5 working days. This change will benefit victims of domestic violence who often reach out for help when the situation has become unbearable, or they are experiencing a crisis. It is important that victims can quickly and easily access support, including a variation in work arrangements.

### **Employer responsibility to provide domestic violence information**

Family Planning supports the change to section 69ABC(b). Family Planning agrees that an employer should be required to provide information about specialist domestic violence support services but not a referral. Not all victims of domestic violence want to obtain support from a specialist service.

### **Privacy**

In our initial submission, Family Planning commented that where victims are required to provide documentation or detailed information about domestic violence to their employer, issues of privacy should be a key consideration. We appreciate the new section being added to section 69ABC which clarifies that it is the duty of an employer to maintain confidentiality.

### **Refusals**

Family Planning supports the new section 69ABE(1)(c) which provides an employee with recourse if an employer unreasonably declines a request under the eight grounds for refusing a request for a variation in working arrangements.

Family Planning previously commented that some of the grounds for refusal seem too broad. It will be important for employers to be given support to appropriately interpret the grounds for refusal. Providing practical guidance, including mock scenarios, to employers will help prevent unnecessary refusals and disputes.

Overall Family Planning believes the SOP amendments strengthen the Domestic Violence Victim Protections Bill and we support these changes.

Thank you for the opportunity to comment.

Ngā mihi nui

A handwritten signature in dark ink, appearing to read 'Jackie Edmond', with a stylized flourish at the end.

Jackie Edmond  
Chief Executive