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FAIR WORK COMMISSION

Fair Work Act 2009 (Cth)

**AM2021/55: Family and Domestic Violence Leave Review**

1. JobWatch Inc (JobWatch) refers to the above matter and notes that parties supporting the Australian Council of Trade Union's (**ACTU**) proposed variations are invited to file submissions.
2. JobWatch is an employment rights, not-for-profit community legal centre. We are committed to improving the lives of workers, particularly the most vulnerable and disadvantaged.
3. JobWatch is funded by the Office of the Fair Work Ombudsman, Victoria Legal Aid and the Victorian Government. We are a member of Community Legal Centres Australia and the Federation of Community Legal Centres (Victoria).
4. JobWatch was established in 1980 and is the only service of its type in Victoria, Queensland and Tasmania. Our centre provides the following services:
  - a. Tailored information and referrals to workers from Victoria, Queensland and Tasmania, via a free and confidential telephone information service (**TIS**);
  - b. Community legal education, through a variety of publications and interactive seminars aimed at workers, students, lawyers, community groups and other relevant stakeholders;
  - c. Legal advice and representation for vulnerable and disadvantaged workers across all employment law jurisdictions in Victoria; and
  - d. Law reform work and advocacy aimed at promoting workplace justice and equity for all workers.
5. Since 1999, JobWatch has maintained a comprehensive database of the callers who contact our TIS. To date we have collected more than 210,000 caller records, with each record usually canvassing multiple workplace problems, including contract negotiation, recovery of wages, discrimination, harassment, bullying and unfair dismissal. Our database allows us to follow trends and report on our callers' experiences, including the workplace problems they face and what remedies, if any, they may have available at any given time across State and Federal laws.
6. JobWatch currently assists approximately 12,000 callers to the TIS per year. The vast majority of our callers are not union members and cannot afford to get legal assistance from a private lawyer. In order to become clients of the legal practice, workers must have an employment law matter that has legal

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merit and their cases must satisfy the requirements of our funding agreements (which typically focus on client vulnerability and public interest issues).

7. JobWatch broadly supports the recommendations put forth by ACTU in its submission and proposed variations, dated 30 July 2021 (**ACTU's submission**). In particular, JobWatch submits the following:
  - a. The FWC should vary all modern awards so as to provide for 10 days of paid FDV leave for all employees.
  - b. The definition of FDV leave in modern awards should be expanded to include violent, threatening or abusive behaviour by a close relative of an employee *or member of a person's household*.
8. However, in contrast to the ACTU's submissions, JobWatch is of the view that – jurisdictional issues aside – modern awards should allow eligible employees who are experiencing FDV to access paid personal/carer's leave once the paid FDV leave entitlement is exhausted.

Please do not hesitate to contact us with any queries: [gabriellem@jobwatch.org.au](mailto:gabriellem@jobwatch.org.au) or [laurab@jobwatch.org.au](mailto:laurab@jobwatch.org.au).

Yours sincerely,



Gabrielle Marchetti a  
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JobWatch Inc

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