



Damage limitation

The effects of domestic violence are felt far beyond the home. What are employers obliged to do?

BY JOHN WILSON AND REBECCA RICHARDSON, BRADLEY ALLEN LOVE

Following media discussion in 2016 about comprehensively introducing paid domestic violence leave, the impacts of familial violence beyond the home – particularly in the workplace – are under scrutiny.

Around one in six female workers has experienced or is currently experiencing domestic violence (DV). Many victims of DV experience financial risk or poverty. Financial security, such as stable employment, increases a victim's ability to leave a violent situation, and gives them a secure financial future independent from their attacker. However, it can be difficult to maintain employment while suffering abuse and its flow-on effects.

DV can impact employment in numerous ways: perpetrators may interrupt workplaces – giving rise to work health and safety issues; victims may need time off work in order to

access support services; victims may be unable to concentrate at work and have performance related issues. Understandably, this can make the employment relationship volatile for both the employee and the employer.

What employers must do

Under the Fair Work Act 2009 employees experiencing DV, or caring for an immediate family member who is experiencing DV, have the right to request a 'flexible working arrangement'. For example, an employee may request to start work later because they have had to move to a new suburb with poor public transport in order to escape their abuser.

Employers are not obliged to agree to requests for a 'flexible working arrangement', provided any refusal is based on 'reasonable business grounds'. For some organisations it would not be possible to have an employee start later because that employee normally opens the shopfront, and the business cannot afford to hire another employee to cover this duty.

In general, employees do not have the right to challenge the refusal of a flexible working arrangement unless they are entitled under an enterprise agreement. However, that does not mean that an employer should feel free to refuse all requests. A request for a flexible working arrangement should open up a dialogue between employer and employee to see if they can find an arrangement that is suitable for both parties.

“Domestic violence can impact in numerous ways. Perpetrators may interrupt workplaces – giving rise to work health and safety issues”

Creating a DV policy

Work health and safety laws apply equally to all employees. It is important to keep this in mind, especially if a victim and perpetrator operate in the same workplace or the perpetrator can also attend the workplace seeking to engage with the victim. Not only is the victim at risk, but other employees may also be affected.

Many businesses are now developing domestic violence policies, in order to provide sensible guidelines and procedures. The Australian Human Rights Commission provides a step by step guide on how to create a policy. Policies can help both employers and employees navigate the difficult realities of domestic violence in the workplace and support victims. However, it is worth noting that in some cases workplace policies can form part of an employment contract. This means that both employees and employers are bound to adhere to the terms in the policy, or face legal consequences.

Dismissal dangers

Dismissing an employee who is the victim of domestic violence can cause difficulties. In some instances dismissals have been found to be 'unfair' because the dismissal was harsh, unjust or unreasonable as it did not take into account the victim's situation (which was made known to the employer post-termination).

The future

There has been national discussion recently about paid DV leave. There is currently no national 'right' to paid domestic violence leave. However, all public servants in the Australian Capital Territory are entitled to 20 days' domestic violence leave per annum. Several large employers have followed suit, introducing paid domestic violence leave into their enterprise agreements.

It is probable that in the future all employees will be entitled to this leave. At this stage, though, there does not appear to be overwhelming support from the current federal government – who recently stripped enterprise agreements covering Commonwealth employees of entitlements to domestic violence leave. ●●●

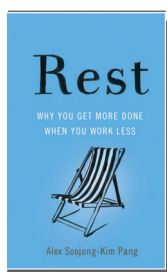
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Relax, it's **only** work

This month we examine books with counterintuitive takes on work.



REST: WHY YOU GET MORE DONE WHEN YOU WORK LESS

BY ALEX SOOJUNG-KIM PANG
PENGUIN \$29.99 [END SUB]

“Rest is not work’s adversary. Rest is work’s partner. They complement and complete each other.” This is the

central thesis, premise and jumping off point of Soojung-Kim Pang’s book and after finishing its 300 engaging pages you will feel energised – oddly enough – to get better at resting.

Broken up into two parts, Stimulating Creativity and Sustaining Creativity, the book’s most winning tactic is to explain the latest science on the benefits of rest and then support this evidence with smartly written anecdotes from some of history’s most famous people. You will be surprised by the amount of time figures as diverse as Charles Darwin and Bill Gates have devoted to relaxation.

Learning about the greats is a fantastic way of tackling the guilt any modern reader is likely to feel at the mention of avoiding a rigorous nine-to-five. It’s hard to feel shame for your lunchtime walk when you learn that Winston Churchill took a midday nap and a bath during the Blitz.

A common fault of self-help books like this one is that they tend to be either overly optimistic, and

premised on a single new scientific idea that hasn’t been tested enough to know if it’s truly useful. Or, they’re too cautious, and resort to trying to repackage basic facts like “exercise is good” into something more fanciful. Rest strikes the right balance. When it talks about exercise it connects specific varieties with the fields for which they’ve shown the most benefit.

And that’s the thing, it’s not about relaxation of any sort – the book offers tips and analysis of the types of rest that are most helpful for your life and labours, including walks, sabbaticals, and something called ‘deep play’.

It’s fun as well, and will get you experimenting with how you would typically approach your time off. I’ve napped before but I’d never tried the Dalí method – of doing so in a chair with my palms open and facing upward with a large key between the thumb and forefinger of my left hand.

When you finally do drift off, the key you were holding hits the floor, wakes you, and you’ve accessed what sleep scientists call the ‘hypnagogic sleep state’ where the mind is hyper associative and distant thoughts combine into potentially great ideas.

This kind of practical information goes a long way to making the apparent paradox – that not working is needed for good work – become a personal truth. Now all you have to do is convince your boss.



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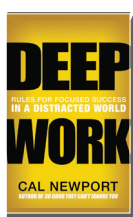
Now here’s something that will not only make your life easier, your organisation will thank you. If you’re still stuffing your purse or wallet with all the receipts you plan to give to the company accountant – stop, and set yourself free.

With the SmartScan feature of Expensify you can simply snap a photo of each receipt and let it organise the information for you.

But the app does so much more than that. It also tracks how far you’ve travelled, how much time has been spent on a project, and then syncs it with a multitude of accounting and CRM programs. It’s the perfect tool for every business trip, as it allows you to focus on the actual work and not itemising how much everything costs.

Endorsed by accounting organisations and rated highly by *Forbes*, *Business Insider* and the *Wall Street Journal* this app is here to stay – unlike the now pointless wad of receipts in your pocket.

GETABSTRACT



DEEP WORK: RULES FOR FOCUSED SUCCESS IN A DISTRACTED WORLD
BY CAL NEWPORT
GRAND CENTRAL \$22

Professor Cal Newport presents a multipart argument for deep, concentrated work and provides tips on how to arrange your life to achieve it. People face increasing distractions that drive them toward shallow work but work that demands a full focus is intrinsically valuable and rewarding, he says. In an information economy, an ability to handle “deep work” grows ever more vital.



MISTAKES MILLIONAIRES MAKE: LESSONS FROM 30 SUCCESSFUL ENTREPRENEURS
BY HARRY CLARK
GREENLEAF BOOK GROUP
\$10.69 (FOR THE EBOOK)

Clark highlights a neglected subject: experiencing business failure. Stories of success are easy to come by, but Clark’s treatment of mistakes proves far more compelling. Some stories recount the 2008 crisis, and some relate to the real estate bust that pulled down many millionaires. Clark’s presentation of the habitual nature of entrepreneurs and their weaknesses offer memorable lessons. ●●●

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