

Statement for Joint Committee on Children, Equality, Disability, Integration and Youth
Pre-Committee Stage Scrutiny of The Organisation of Working Time (Domestic Violence Leave) Bill
2020 [Private Members Bill]

The Department of Children, Equality, Disability, Integration and Youth holds responsibility for the development of policy and legislative proposals on family leaves. As the Committee is aware, family leaves have undergone significant expansion in recent years. Since 2019, this has included the introduction of paid Parents' Leave and its extension to seven weeks for each parent of a child under 2; and the extension of unpaid parental leave to 26 weeks with respect of a child under 12. The Work Life Balance and Miscellaneous Provisions Bill 2022 includes provisions for leave for medical care purposes and the extension of breastfeeding breaks.

The Government has decided to bring forward, as part of the Work Life Balance and Miscellaneous Provisions Bill 2022, legislative proposals which will introduce domestic violence leave. These proposals are based on recommendations made as part of the Domestic Violence Leave Report.

The Programme for Government contains a number of commitments aimed at addressing domestic violence leave, including the commitment to 'investigate the provision of paid leave and social protection provision to victims of domestic violence'. In response to the Private Member's Bill being discussed today – the Organisation of Working Time (Domestic Violence Leave) Bill 2020 - the Government agreed to examine the feasibility of establishing a statutory entitlement to paid domestic violence and to provide a report.

Work on the development of the Domestic Violence Leave Report began with a consultation process with relevant stakeholders, in particular service providers and victims' representative groups through the Monitoring Committee of the Second National Strategy on Domestic, Sexual and Gender Based Violence. The consultation had the aim of gathering their views on how best domestic violence leave should operate to address the needs of victims most effectively.

Consultations also took place with social partners, including employer representative groups and trade unions, to get a better understanding of the needs of employees and employers in terms of introducing such leave. These consultations explored the current approach taken by businesses to support employees experiencing domestic violence, including where there are existing domestic violence workplace policies in operation and any particular learnings from how those operate.

Submissions were also invited through the national Equality Strategies and other stakeholders who represent minority and other seldom heard voices, including the National Strategy for Women and Girls, the National Traveller and Roma Inclusion Strategy, the National LGBTI+ Inclusion Strategy, and the Migrant Integration Strategy.

Alongside those consultations, research was undertaken into the international experience around the introduction of leave for this purpose. A number of countries have some form of leave for this purpose, both paid and unpaid and with different criteria.

The outcome of the consultations and research informed the development of the recommendations in the Domestic Violence Leave Report. Some key considerations were the need for the leave not to operate independently of other supports – that the leave should be part of a broader workplace awareness and openness around domestic violence – and that the leave should be available as flexibly as possible, to be taken when, and as needed, with no notice period required.

The first recommendation of the report focusses on that need for a broader approach to help victims, but also to help managers understand how best they can support an employee who is a victim. The Department is tendering for a partner who will help us to develop templates and guidance for employers of all sizes.

The report also recommends that 5 days paid domestic violence leave be introduced, to be taken within a 12 month period, with a provision that it be reviewed within two years of introduction with the option to extend to 10 days. It also recommends that no notice period should be required, in order to facilitate uptake as needed.

Further recommendations include that the leave should be available for a range of purposes, including relocation or to seek legal or other supports, and that employment protections should apply.

Committee Stage amendments to the Work Life Balance and Miscellaneous Provisions Bill 2022 are being finalised at present. These will be based on the detail of the recommendations that I have outlined above. They reflect the seriousness of the Government's commitment to support persons experiencing domestic violence.

Thank you for the invitation to meet with the Committee today, and I am happy to answer any questions that the Members may have on the development of the Domestic Violence Leave Report or on the legislative proposals.