

PPTA

NEW ZEALAND POST PRIMARY
TEACHERS' ASSOCIATION

TE WEHENGARUA

www.ppta.org.nz

SUBMISSION

to the

JUSTICE AND ELECTORAL COMMITTEE

on the

DOMESTIC VIOLENCE VICTIMS' PROTECTION BILL

April 2017

About PPTA

1. PPTA represents the majority of teachers engaged in secondary education in New Zealand, including secondary teachers, principals, and manual and technology teachers.
2. Under our constitution, all PPTA activity is guided by the following objectives:
 - (a) To advance the cause of education generally and of all phases of secondary and technical education in particular;
 - (b) To uphold and maintain the just claims of its members individually and collectively; and
 - (c) To affirm and advance Te Tiriti O Waitangi.
3. PPTA is an affiliated member of the New Zealand Council of Trade Unions (“**NZCTU**”) and the National Council of Women of New Zealand (“**NCWNZ**”), and we support the recommendations made in those submissions.

Introduction

4. New Zealand has one of the highest rates of domestic violence in the world: one in three women and one in seven men experience domestic violence at some point in their lifetime.
5. As one of the most significant social issues in New Zealand, domestic violence cannot be seen in isolation. To gain a deep understanding of the problem requires a comprehensive approach – such as tracing a domestic violence victim through the system to see where they are experiencing structural or cultural problems that need to be addressed.
6. PPTA supports the overall intent of this Bill as a great leap forward in the practical steps that we can take to better support victims of domestic violence. Significantly, maintaining a support network and financial independence through the workplace is an essential component in helping a victim to leave an abusive relationship and to seek the help they need.
7. As the organisation representing secondary teachers, our interest is in the benefits that these policies will have not just for teachers who may be subject to this violence, but also the positive impact that these support mechanisms will have for students (including students’ learning and wellbeing) and their parents.
8. We were very pleased to see that all political parties in Parliament agreed to pass the Bill through first reading and refer it to select committee for consideration and public submissions. This reflects a mature and long-term approach to domestic violence policy that is much needed if we are to eliminate it as a social problem.
9. We hope that this unity continues throughout the parliamentary process and recommend that the Bill be passed into law with the amendments outlined below.

Comment on the proposed changes to the Domestic Violence Act 1995

10. We agree that all of the documents listed in the new definition of “domestic violence document” (clause 4, new section 2) should be included and that there should be a legislative power to include other documents in this definition by way of regulations.
11. The application of the domestic violence document is intended to be for civil law purposes, rather than a higher legal threshold of criminal sanctions. There are no direct consequences for the offender in these circumstances; rather, it links to proposals that are focussed on supporting the victim to seek help or otherwise deal with the effects of domestic violence and to be safe at work.
12. Despite the statistics quoted above, the research shows that domestic violence in New Zealand is frequently unreported so will not lead to a prosecution or even a support agency necessarily being directly involved. Where a victim is applying for domestic violence leave or flexible work, it may actually be for the purpose of seeking help from one of those agencies for the first time.
13. Research also shows that victims are not always likely to proactively seek help themselves when they are a victim within a cycle of violence and where there may be children in the relationship. The support from a friend, workmate or family member may be necessary in these cases to help the victim access services that they need and to see the situation from the perspective of someone who cares about their wellbeing.
14. As a result, we need to make sure that the barriers for victims in seeking this help or accessing these statutory entitlements are low.
15. We recommend that a signed and witnessed declaration from the victim or a person supporting the victim (such as a family member, workmate, or friend) be added into the statutory definition rather than leaving it to the discretion of the government of the day through regulations.

Comment on the proposed changes to the Employment Relations Act 2000

16. We support the proposed changes to the timeframes, the need to treat such requests for flexible work with urgency, and the higher threshold for refusing a request – as per the recommendations from the NZCTU.
17. Some of these proposed changes, such as to timeframes, reflect amendments to the law that were made by the Employment Relations Amendment Act 2014. Specifically, the fact that there is no limit on the number of times that a request can be made or previous employment before such a request is made. There is no sense in having a higher threshold for domestic violence requests. In fact, we think that such requests need to be considered and responded to with urgency given the risks of harm to the employee that may otherwise occur.

18. NCWNZ has raised some concerns about the need to ensure employers are aware of the confidentiality of such disclosures and that this information is only handled by people who need to have access to it. This should be explicit in the Employment Relations Act 2000 rather than just relying on general requirements under the Privacy Act 1993.
19. We also recommend that there is a fast and efficient way of resolving any disputes about a request for flexible work in this area. If this remains with the Labour Inspectorate, then there needs to be trained inspectors and more resourcing put into this group to ensure that such issues can be managed both efficiently and appropriately.

Comment on the proposed changes to the Health and Safety at Work Act 2015

20. We support the premise that domestic violence is a workplace issue and should be responded to appropriately through the health and safety legislation. Regulations should be produced setting out the need for domestic violence policies (with an easy template) and health and safety representatives should receive training in how to respond appropriately to domestic violence disclosures – or to ensure that such a system exists within their workplace.
21. In a school environment, domestic violence can impact not only the individual teacher, parent, or child involved but can also create health and safety risks for the entire school community.
22. There are also ways that an employer can help to protect an employee from domestic violence at work, such as not disclosing work telephone numbers for that person or ensuring that it is safe for them to leave the premises after work.

Comment on the proposed changes to the Holidays Act 2000

23. We strongly support the proposed changes to the Holidays Act 2000, which would enable a victim to take paid leave for the purposes of dealing with the effects of domestic violence.
24. Within teaching, there is no dedicated leave for this purpose, and a teacher who was a victim of domestic violence would need to rely on the goodwill of a principal as to whether the school is prepared to allow discretionary paid or unpaid leave, for example, to attend court, to move house, or to attend counselling.
25. It should not be discretionary according to employer.
26. This should be a minimum right for all workers in New Zealand, not just those who are fortunate enough to have secured employment at a workplace that has this leave available.

27. Suzanne Snively's research¹ shows that there are significant gains in productivity that are made from providing this support – which benefits the employer and the general economy. It is a saving, not a cost, for businesses. We recommend all members of the select committee read her research.
28. We would also support such leave being made available for offenders of domestic violence, for example, to attend counselling sessions or to deal with the underlying causes / catalysts of domestic violence, including alcohol and drug programmes. We note that The Warehouse Group provides this leave for their employees.

Comment on the proposed changes to the Human Rights Act 1993

29. We support the proposed changes to the Human Rights Act 1993 that would add being a victim of domestic violence as an unlawful ground for discrimination. It is not fair or appropriate for a victim of domestic violence to be further disadvantaged in other areas of her life because of the actions of his or her abusive partner, for example, being denied housing.
30. We also recommend that there be an independent review (for example, by the New Zealand Law Commission) of this part of the Human Rights Act 1993 to see if there are additional grounds that should be added.

Oral Submission

31. We request the opportunity to appear before the Select Committee to present our submission.

¹ <http://ppta.org.nz/dmsdocument/428>