

## **A Fact Sheet for Unions Organisers, Union Delegates and Health and Safety Reps**

### **The Domestic Violence – Victims’ Protection Act 2018**

The Domestic Violence –Victims’ Protection Act passed in 2018, comes into effect on 1 April 2019 and makes changes to New Zealand law.

These law changes provide employees affected by domestic violence, either in the past or currently, with some supports at work, including paid leave and an ability to request short term changes to working arrangements. This applies to employees who experience or have experienced domestic violence directly or who live or have lived with a child/ children who has experienced or have experience domestic violence.

#### **Leave**

The new law entitles victims of domestic violence to be able to request up to 10 days additional leave from work a year for reasons related to domestic violence. This leave is intended to assist employees manage the effects of domestic violence and to make themselves and their children safe by enabling time for arrangements, such as moving house, attending scheduled court dates, and arranging care for their children, without risking their ongoing employment.

To be eligible for this leave, an employee must have worked for 6 months with their employer continuously; or worked at least an average of 10 hours a week with no less than 1 hour in every week or no less than 40 hours in every month over a 6 month period. An employee needs to request the leave and the employer may require proof. Proof could be in the form of a letter from a medical practitioner or a statutory declaration.

#### **The Changes**

An employee, or a person acting on their behalf, has the right to request a change of working conditions on a short term temporary basis for up to two months including the ability to work from a different location and carry out different duties as well as variation of other terms.

The things that could be changed are:

- The place of work
- Hours of work
- Days of work
- Duties at work
- Specific contact details that the employee must provide to the employer and may be negotiated
- Other things that in the employee’s view need changing so as to enable the employee to deal with the effects of domestic violence.

The requirement for change (request) needs to be in writing and:

- The employer needs to respond as soon as possible but no later than 10 working days after having received the request
- If an employer does not deal with a request then it can be referred to a Labour Inspector, mediation or to the Employment Relations Authority.

When an employee is asking for changes to employment for reasons related to domestic violence the formal request must be in writing and include the following:

1. The employee's name
2. The date on which the request is made
3. That the request is made under s69ABC of the Employment Relations Act 2000
4. The specific changes that the employee is seeking and for how long (up to a maximum period of 2 months)
5. The start and finish dates of the requested changes
6. How, in the employee's view these changes will assist the person to deal with the effects of domestic violence
7. In the employee's view, what changes the employer may need to make to accommodate the employee's request.

An employer may require proof that an employee is affected by domestic violence. An employer can refuse to meet a request if proof is requested and not supplied.

While there are some specific grounds in law on which an employer can refuse a request an employer has to be reasonable in responding to, and accommodating, the request.

The new law now makes it unlawful under the Human Rights Act 1993 for an employer to discriminate against someone affected by domestic violence.

For more information or support and assistance in making a request for domestic violence leave or other support related to reasons to domestic violence contact your union/ union organiser.

### **Other Supports**

If you or someone close to you needs support and assistance for urgent or immediate assistance because of domestic violence these organisations can be contacted:

- [Are You OK?](http://areyouok.org.nz/utility-pages/contact-us/) <http://areyouok.org.nz/utility-pages/contact-us/> For information about family violence, what it is and where to get help. Family Violence Information Line (0800 456 450)
- [Oranga Tamariki–Ministry for Children](https://www.orangatamariki.govt.nz/contact-us/contacts/) <https://www.orangatamariki.govt.nz/contact-us/contacts/> Phone 0508 FAMILY (0508 326 459) if you are concerned about a child or young person.
- Women's Refuge. <https://womensrefuge.org.nz/home-page/> Phone 0800 REFUGE (733 843)
- [Shine](http://www.2shine.org.nz/) <http://www.2shine.org.nz/> Making homes violence free in NZ. Free helpline 0508 744 633 provides information to victims of family violence and also a Training provider for the prevention of family violence
- National Network of Stopping Violence <http://nnsvs.org.nz/about/> is a network of community organisations working to end men's violence to women and children across New Zealand.

**Prepared by the CTU February 2019**