

9 December 2016

Vice President Watson
Fair Work Commission
11 Exhibition St
Melbourne VIC 3000

Dear Vice President

AM2015/1 - Family & Domestic Violence Clause

We write on behalf of the Australian Retailers Association (**ARA**) and Master Grocers Australia (**MGA**) (together “**the Retail Associations**”).

We note that on 2 November 2016 you received correspondence from Dominique Lamb, Chief Executive Officer of the National Retail Association (**NRA**), in which Ms Lamb communicated the NRA’s support for the Australian Council of Trade Unions (**ACTU**) application in the above matter. We consider it important to inform the Commission of the position of the broader retail industry on this issue.

The Retail Associations consider domestic and family violence to be a serious issue for the Australian community, and as such is one which requires a community response. Causes of domestic violence are often entrenched and intergenerational, so there is no quick fix. There is a need for a concerted effort to drive cultural change across the community that focuses on prevention as well as support for people in need.

The Retail Associations have sought feedback from our members in relation to the ACTU’s proposed clause. The overwhelming feedback is that members typically work sensitively with employees experiencing domestic violence, often voluntarily granting time off work, access to leave and other arrangements. Some members have formal arrangements to support employees impacted by domestic violence. Many retailers show their awareness of domestic violence through supporting the work of organisations such as White Ribbon.

But not all businesses have the capacity to honour a new category of leave, and members of the Retail Associations are no different. The Retail Associations and their members believe a combination of current leave entitlements, and a case by case voluntary extension of paid leave, is a better response to the challenge at this stage.

We have also reviewed the evidence presented to the Commission in this matter. We appreciate the task of assessing the need for amendments to the safety net under the Modern Award system is a difficult one. It requires a consideration of the impact of any change on employers and employees, and a balancing of those impacts. And where a change proposed is significant, it requires a significant evidentiary case to be made in support of the change. We believe this is missing in the case run by

the ACTU. In that regard the Retail Associations support the submissions of the Australian Chamber of Commerce and Industry filed on 28 November 2016.

Yours faithfully



Russell Zimmerman
Executive Director
Australian Retailers Association



Jos de Bruin
Chief Executive Officer, GAICD
MGA Independent Retailers