

A Visible Force for Change



**Women's Resource and Development Agency
Response to PMB on Paid Domestic Abuse Leave Consultation
Issued by Rachel Woods MLA
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Introduction:

The Women's Resource and Development Agency ([WRDA](#)) is a membership organisation that supports women's groups and networks across Northern Ireland. Our members are a key part of WRDA, they keep us relevant and ensure we are working on the issues which really matter to grass roots women. We keep our members up to date with the latest developments in the wider women's sector and provide them with opportunities to publicise their own work.

We also act as an information hub for the women's sector, while also striving to raise the profile of women's issues in the wider media. WRDA carries out regular policy work and lobbies decision makers on behalf of women. We work to enhance how the women's sector and women on the ground are communicating with all levels of government, ensuring women have their rightful say in the policies affecting them, including the development of Paid Leave for Victims/Survivors of Domestic Abuse in Northern Ireland.

As part of our vision to make women a visible force for change in Northern Ireland, we are actively lobbying and campaigning on issues that affect women. Despite almost 50 years of equality legislation, women continue to face many barriers, we are disadvantaged in economic, political and social life and we are not adequately protected from gender-based violence and misogyny.

We work with politicians, policy makers and influencers to advocate for law and policy that promotes women's rights and equality and for services that meet women's needs. We take a participative, grassroots approach to this work – all women have the right to be involved in decision-making and we aim to amplify the voices of the women who engage with the women's sector. WRDA are also the lead partner in the [Raise Your Voice](#) campaign against sexual harassment. We also work on a range of initiatives relating to health, including breast, cervical and bowel screening awareness and the Maternal Advocacy and Support project.

WRDA is submitting a response to consultation on your Private Member Bill for Paid Leave for Victims/Survivors of Domestic Abuse as we worked extensively for many years on campaigning to enhance the protections of women and victims of domestic and sexual abuse. We work with women's organisations, LGBT+ organisations, trade unions, the human rights sector, individual women and the broader voluntary and community sector to ensure that women are a visible force for change.

We also provide the secretariat for the [Women's Policy Group](#) which is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. WRDA were heavily involved in the development of the [WPG COVID-19 Feminist Recovery Plan](#), which was launched in July 2020 and provided a comprehensive overview of the impact of the pandemic on women in Northern Ireland and their civil, political, economic and social human rights. WRDA were also involved in the development of the WPG [General Election Women's Manifesto in 2019](#). In both of these publications, we advocated for the urgent implementation of adequate legislation to address

the persistent levels of gender-based violence in Northern Ireland. WRDA also published a briefing on [Domestic Abuse, COVID-19 and Legislative Reforms](#) in April 2020, where we made recommendations on supporting victims/survivors in their workplaces. Although there have been developments since April 2020 in relation to the Domestic Abuse and Family Proceedings Bill, and the Westminster Domestic Abuse Bill, this briefing highlights many of the gaps that remain in protections for victims in Northern Ireland alongside recommendations for recognising domestic abuse as a workplace issue. The contents of this briefing will be included in this response.

We will, therefore, be submitting both a WRDA response and a Women's Policy Group response to this survey. Any questions or queries relating to these responses can be directed to Rachel Powell, Women's Sector Lobbyist, rachel.powell@wrda.net.

Both Rachel Powell, Women's Sector Lobbyist, and Elaine Crory, Good Relations Coordinator, are WRDA staff members on the Women's Policy Group NI and both were involved in writing both the WRDA and Women's Policy Group NI evidence submissions to the Justice Committee on the Domestic Abuse and Family Proceedings Bill. Therefore, WRDA would like to fully endorse the Women's Policy Group response as it is fully in line with the response WRDA would like to provide as an individual organisation.

WRDA: Putting Women at the Heart of Public Consultations:

In the current political climate, there has been unprecedented numbers of public consultations, surveys to support private members bills and calls for evidence submissions to a range of committees in relation to various forms of legislation. The Women's Sector has faced funding challenges for many years, alongside additional challenges in working to support women throughout the COVID-19 pandemic. WRDA produced a guide for public authorities on 'Putting Women at the Heart of Public Consultations', and we would like to take this opportunity to share this resource again.

Women in Northern Ireland have been disproportionately impacted by the COVID-19 pandemic; financially, socially and in terms of health. It is crucial that legislative process on issues relating to women are accessible and open, as women's lived experience is crucial to tackling gender-based violence.

The full guidelines can be read [here](#).

WRDA Briefing on COVID-19 and Domestic Abuse – April 2020

Introduction:

The Women's Resource and Development Agency welcomes the proposed legislative changes regarding domestic abuse and violence both within the Northern Ireland Assembly and in Westminster Parliament. Activists, women's organisations and support providers have spent many years calling for adequate domestic abuse legislation in Northern Ireland. In the current global pandemic, domestic abuse and violence has sharply increased as many are put at greater risk due to the ongoing government-issued social distancing and lockdown measures. Creating adequate domestic abuse and violence legislation could not be more pertinent than it is right now. Whilst the quick action to introduce Northern Ireland-specific legislation is to be welcomed, this legislation is now over three years old and it is essential that we learn from the lessons in other jurisdictions and ensure that the women's sector are included in the application and implementation of relevant legislation moving forward.

Where are we now?

COVID-19 and Domestic Abuse:

Refuge have reported a 25% increase in calls to their 24-hour national domestic abuse helpline¹ since the lockdown began, while hits to the national domestic abuse website increased by 150% during the initial stages of Covid-19 lockdown. Some further concerns highlighted by Refuge include:

- Ordinarily, the window for women to seek help is extremely limited. During periods of isolation with their perpetrators, this window narrows further,
- Isolation is often used as a tool to abuse – and while the current lockdown has the potential to exacerbate abuse – it is not the reason for it,
- Domestic abuse is a crime and is ultimately rooted in power and control. It is crucial that every woman who needs support knows where and how to access it.

Women's Aid have also shared similar concerns and have stressed that they are still here and still open. Services might look and operate a bit differently at the minute because of COVID but they are still available through different methods of communication.

"Women's Aid is here for all women and children experiencing abuse across Northern Ireland. If you need support or information around domestic abuse you can find your local Women's Aid Group contact information at this link <https://www.womensaidni.org/get-help/local-groups/>

You can also contact the 24hr Domestic and Sexual Abuse Helpline (managed by NEXUS) on 0808 802 1414. If you are like you are in immediate danger contact the PSNI on 999. If you need to contact the police but are not able to speak you can dial 999 and then 55 and the police will be alerted."

¹ Refuge: <https://www.refuge.org.uk/25-increase-in-calls-to-national-domestic-abuse-helpline-since-lockdown-measures-began/>

Northern Ireland Assembly – Domestic Abuse and Family Proceedings Legislation

We welcome the fast action by Minister Long to re-introduce domestic abuse legislation in Northern Ireland on 31st March 2020. However, as the [proposed legislation](#) is now over three years old, we strongly support calls made by Women's Aid Northern Ireland for the following key issues to be addressed:

- **Introduction of Coercive Control and Stalking legislation**
- **Non-fatal and fatal strangulation legislation**
- **Recognition of Violence against Women and Girls and gender-based violence**
- **Grant of Secure tenancies in cases of domestic violence and abuse**
- **Review of the court systems in NI including criminal, civil and family courts**
- **Introduce a Domestic Abuse Commissioner**
- **Secure funding for specialised services and a review of tendering and procurement in relation to domestic violence and abuse services**

WRDA also supports the removal of the caveat of “reasonable defence”, as we are concerned with such measures being used as a justification of abuse by defendants through portraying victims of abuse as mentally unstable. Further, victims may suffer from mental health issues caused by abuse, and disabled women, who are already more likely to be victims of domestic abuse, could find themselves being disproportionately impacted by the implications of a “reasonable defence”.

WRDA calls for a cross-departmental approach to implementing this legislation, as certain aspects, such as refuge and secure tenancies, will fall under the remit of other Ministers and NICS departments. Detailed information must also be outlined on the resourcing available to the PSNI, social services, legal professional, PPS etc. to ensure adequate implementation of the legislation. WRDA also calls for the full involvement of the women's sector, particularly in the drafting and implementation of any future Miscellaneous Bill to address issues not covered in the above legislation.

In order to make domestic violence legislation operational and reflective of the needs and realities of women in Northern Ireland, full consultation and communication with the sector is essential. As a regional organisation representing a wide range of the women's sector and women in NI, we look forward to working with public representatives, department officials and ministers in the coming months on both the above legislation and any related legislation to follow.

House of Commons – Domestic Abuse Bill

Within the [Westminster Domestic Abuse Bill](#) there are several issues that need to be addressed relating the bill and to Northern Ireland. WRDA supports the views of Women's Aid and other organisations that the proposed Domestic Abuse Bill has the potential to create major change nationally in relation to domestic violence and abuse². This bill was introduced with the intention of creating stronger provisions for challenging domestic violence and abuse in England and Wales. In doing this, the aim of the bill is to fulfil the UK's international

² Women's Aid: <https://www.womensaid.org.uk/what-we-do/campaigning-and-influencing/campaign-with-us/domestic-abuse-bill/>

obligations to combat violence against women and domestic violence as a signatory of the [Istanbul Convention](#).

There are some gaps between this bill and the Northern Ireland bill, as certain protections afforded elsewhere in the UK through the bill do not apply to women in Northern Ireland.

These gaps include:

- **Provide guidelines to employers on recognising the signs of abusive behaviour**
- **Introduction of a Domestic Abuse Commissioner (already in post for England and Wales)**
- **Powers to deal with domestic abuse:**
 - **Introduction of domestic abuse protection order**
 - **Introduction of domestic abuse protection notice**
- **Grant of secure tenancies in cases of domestic violence**
- **Safer family court and child contact system**

WRDA support the view of the Women's Aid Federation Northern Ireland that '*women experiencing domestic violence and abuse should have equal protections across the UK, their geographic location should not impact their recourse to justice*³'. We ask that all elected representatives and political parties in Northern Ireland make themselves aware of the provisions in each bill to ensure women in Northern Ireland have the equivalency of services and do not have less rights than their mainland-UK counterparts.

We welcome these movements to create stronger domestic abuse bills across the UK, however, the Northern Ireland legislation should not be a diluted version of the GB bill, nor can the UK government leave Northern Ireland out of their effort to comply with the Istanbul Convention. We need the equal protection of victims and survivors across all of the UK.

Domestic Violence as a Workplace Issue

Domestic abuse affects job performance, and therefore, job prospects and financial security. This can be heightened when both the victim and perpetrator work in the same organisation. Many organisations over the years have expressed a willingness to support victims in the workplace, however, government support is needed to ensure this can happen. We support calls from Unison and other Trade Unions to have measures introduced to also see domestic violence as a work issue. We support calls from unison to:

- **Provide guidelines to employers on recognising the signs of abusive behaviour**
- **Guidance on identifying links between abusive behaviour and a perpetrator's role at work**
- **Create workplace policies on domestic violence**

³ Women's Aid Federation Northern Ireland: <https://www.womensaidni.org/call-to-action-the-domestic-abuse-bill/>

- **Consider domestic abuse as a form of discrimination affecting workers' employment conditions and income**
- **Introduce paid leave for those experiencing domestic abuse**

Safe Housing – Housing Selection Scheme Review

Given the current lockdown, and the shortage in safe housing and refuge for victims, WRDA supports the call for [greater funding](#) to be allocated to Women's Aid Federation Northern Ireland in providing refuge to victims. It is also worth considering the 2017 Housing Selection Scheme (HSS) review. Many recommendations were made around the controversial 'intimidation points' mechanism, although the Executive collapsed and this review has not since been acted on.

WRDA believes it is worth considering recommendations made by [Housing Rights](#) in the HSS review in 2017 in relation to intimidation points and domestic violence. Specifically, Housing Rights partly agreed with the removal of intimidation points from the HSS, but only if alternative safeguards were put in place⁴. The existing points system does not adequately account for victims of domestic violence as victims received a low number of intimidation points compared to other crimes such as sectarian hate crimes. We support the view of Housing Rights that it would be appropriate to consider a separate award of "trauma" that would encompass domestic violence.

In summary, the support services provided by Women's Aid Federation NI to victims of domestic violence are invaluable. Further funding should be provided to deal with the rise in domestic violence throughout this pandemic to ensure women who are victims of domestic violence can access refuge. In the longer-term, it is crucial that a cross-departmental approach is taken, in consultation with the women's sector, to ensure the trauma victims have faced is recognised and that women are able to access safe housing.

ENDS

Further Comments:

The prevalence of domestic abuse in Northern Ireland and the gendered nature of domestic abuse cannot be underestimated. Domestic abuse accounts for 19.1% of all crime in Northern Ireland; women account for 69% of all reported victims of domestic abuse crimes and 86% of perpetrators of reported abuse were men in Northern Ireland⁵. It is crucial that adequate funding is provided to specialist support providers such as Women's Aid Federation Northern Ireland, HERe NI, The Rainbow Project, Men's Advisory Project, Migrant Centre NI and so on, so the unique needs of victims can be met.

⁴ Housing Rights HSS Review Consultation Response, 2017, pp.27-29:

<https://www.housingrights.org.uk/sites/default/files/policydocs/Housing%20Rights%20Response%20to%20DF%20Consultation%20on%20Proposals%20for%20Fundamental%20Review%20of%20Social%20Housing%20Allotments%20.pdf>

⁵ Domestic Abuse Incidents and Crimes Recorded by the Police Service in Northern Ireland, Update to 30 June 2020, PSNI & NISRA: <https://www.psnipolice.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q1/domestic-abuse-bulletin-jun-20.pdf>

Femicide is also a growing issue, and in 2017, Northern Ireland had the joint highest femicide rates in Europe⁶. According to the Femicide Census, on average a woman is killed by a man every three days⁷. Much greater work is needed to address violence against women, including through a specific strategy tackling Violence Against Women and Girls.

Northern Ireland is currently the only part of the UK without a specific strategy to recognise and combat violence against women and girls. Despite recent developments of the Domestic Abuse and Family Proceedings Bill, Northern Ireland is not currently meeting international obligations. Under CEDAW's General Recommendation 35 on gender-based violence, it is stated that violence against women⁸:

'occurs in all spaces and spheres of human interaction, whether public or private, including in the contexts of the family, the community, public spaces, the workplace, leisure, politics, sport, health services and educational settings, and the redefinition of public and private through technology-mediated environments'

State parties are required to pursue by all appropriate means, and without delay, a policy of eliminating discrimination against women, including gender-based violence and domestic abuse against women. This also requires the engagement of the private sector in efforts to eradicate all forms of gender-based violence against women which 'should also address workplace entitlements for victims/survivors'⁹.

Further, in the most recent Concluding Observations for the UK Government, the CEDAW Committee welcomed the adoption of measures to combat violence against women and girls in England, Scotland and Wales, but were:

*'concerned about the lack of uniform protection of women and girls from all forms of gender-based violence across the jurisdiction of the State party, noting with particular concern the inadequacy of laws and policies to protect women in Northern Ireland'*¹⁰.

Therefore, CEDAW recommended that the UK:

*'Adopt legislative and comprehensive policy measures to protect women from all forms of gender-based violence throughout the State party's jurisdiction including Northern Ireland.'*¹¹

Further, as stated earlier in this response, the Domestic Abuse and Family Proceedings Bill still does not meet the obligations of Istanbul Convention which aims to prevent all forms of

⁶ Blunt, R. (2019), 'Femicide: The murders giving Europe a Wake Up Call', *BBC News*, (available online): <https://www.bbc.co.uk/news/world-europe-49586759>

⁷ Femicide Census Reports 2009 - 2018: <https://www.femicidecensus.org/reports/>

⁸ General recommendation No.35 on gender-based violence against women, updating general recommendation No.19, CEDAW/C/GC/35, July 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en

⁹ *ibid*, para 30(f).

¹⁰ Concluding observations on the eighth periodic report of United Kingdom of Great Britain and Northern Ireland, Committee on the Elimination of Discrimination Against Women, Para 29
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f%20GBR%2fCO%2f8&Lang=en

¹¹ *ibid* (n8), para 30(b).

violence against women, protect those who experience it and prosecute perpetrators¹². It is worth noting that the UK Government is the State party responsible for meeting these international obligations, and that the UK Government has signed, but not yet ratified the Istanbul Convention. However, as the Westminster Domestic Abuse Bill does not cover Northern Ireland, the Domestic Abuse and Family Proceedings Bill is the devolved equivalent and falls far short of recognising and combatting violence against women and girls.

WRDA, the Women's Policy Group, the wider women's sector and Women's Aid Federation Northern Ireland have been consistently calling for a specific Violence Against Women and Girls Strategy as a matter of urgency. Women and girls in Northern Ireland should be afforded the same rights and protections from domestic abuse and gender-based violence as is available in the rest of the UK.

Finally, the impact of domestic abuse on the physical and mental health of victims and survivors more than justified the need for paid leave, as research by Women's Aid shows that 45% of women survivors of abuse reported having mental or emotional health problems as an effect of the abuse¹³. The creation of legislation for paid leave for victims and survivors of domestic abuse would send a clear message of support and understanding for victims and survivors. This could potentially reduce stigma, shame and demonstrate that we stand with victims and support them in breaking the silence about abuse.

¹² Council of Europe Convention on preventing and combating violence against women and domestic violence: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

¹³ Women's Aid Survivors Handbook - Domestic Abuse and Your Physical Health: <https://www.womensaid.org.uk/the-survivors-handbook/domestic-abuse-and-your-physical-health/>

Survey Questions:

1. *Do you agree that victims/survivors of domestic abuse should be entitled to paid leave?*

Yes – as highlighted in our briefing above, domestic abuse affects not only the ability to attend work, but also job performance, and therefore, job prospects and financial security. This can be heightened when both the victim and perpetrator work in the same organisation. Many organisations over the years have expressed a willingness to support victims in the workplace, however, government support is needed to ensure this can happen universally. We support the view that victims/survivors of domestic abuse should be entitled to paid leave. Domestic abuse is an extremely serious issue and currently accounts for 19.1% of all crime in Northern Ireland¹⁴. We, therefore, support proposals such as this one to better support victims and survivors.

2. *Do you believe that paid leave for victims/survivors of domestic abuse should be enshrined in law?*

Yes – as stated in response to question 1, whilst many organisations over the years have expressed a willingness to support victims in the workplace, government support is needed to ensure this can happen in all workplaces. Legislation should:

- Enshrine at least 20 days of paid leave for victims/survivors of domestic abuse as a day one right. Any paid leave must be of an adequate duration, and providing 20 days does not mean that all of this leave needs to be taken, but to provide assurance to victims of domestic abuse that support is available without a financial penalty.
- Paid leave should be available to all categories of worker and across all work patterns, whether classified as employees or as workers, or in a part-time, full-time, temporary or permanent contract.
- Leave should be paid as at the relevant daily pay, as is the case in New Zealand, as not paying leave at a full daily pay rate could exclude vulnerable and low paid workers as they would be financially unable to take up the scheme.
- Leave should be available to be taken as a block or flexible with minimum administration.
- Applicants should not have to “prove” their eligibility.

In addition, WRDA believes that the law relating to paid leave for victims/survivors should also:

- Cover taking time off to care for dependents who have been the victim of domestic abuse,
- Cover taking time off to access healthcare services, treatment and therapy to deal with the long-term effects of domestic abuse,
- Cover taking time off to access refuge or flee an unsafe home,
- Cover taking time off for criminal proceedings relating to the abuse,
- Be available to survivors of historic abuse, particularly as criminal proceedings can take place quite some time after the abuse happened,
- Should be accompanied by a right to request short-term flexible working,

¹⁴ PSNI (November 2020), ‘Domestic Abuse Statistics 2020-21’, <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q2/domestic-abuse-bulletin-sep-20.pdf>

- Should require employers to have a robust domestic violence policy negotiated with trade unions,
- Require employers to provide training to their staff, development with specialist Violence Against Women and Girls Organisations, Domestic Abuse Support Service Providers and Trade Union representatives, to ensure their first response to survivor employees is safe and appropriate,
- Require line managers and HR professionals to undertake enhanced training, including training on handling the disclosure of abuse,
- Provide guidelines to employers on recognising the signs of abusive behaviour,
- Provide guidance on identifying links between abuse behaviour and a perpetrator's role at work,
- Consider domestic abuse as a form of discrimination affecting workers' employment conditions and income.

3. *Do you agree that victims/survivors of domestic abuse face barriers to accessing support services because of work?*

Yes – women are disproportionately overrepresented in low-paid, insecure and part-time work and constitute the majority of victims of domestic abuse in Northern Ireland. Women have also been disproportionately impacted by a decade of austerity and the COVID-19 pandemic¹⁵. In a time of increasing levels of domestic abuse crimes in Northern Ireland, and with many women being in a more vulnerable economic position with less financial security, we would agree that victims/survivors face barriers to accessing support services because of work.

It is also important to note that there are additional barriers that need to be addressed. For instance, disabled women are twice as likely to be in a relationship with domestic abuse than non-disabled women, and many face increased barriers due to austerity, cuts to support services for disabled people, their abuser potentially being their carer and more. In addition, asylum seeker women face barriers to support due to the inhumane 'No Recourse to Public Funds' policy and may fear accessing support or seeking justice due to uncertain immigration status. Further, trans women may face unique forms of coercive control whereby abusers can threaten to "out" them to their families/workplaces, or implement a 'spousal veto' to block gender reaffirming care if the victim tries to seek support. Other barriers that can prevent victims/survivors from accessing support services can be due to rural access poverty, the lack of a childcare provision, other caring responsibilities, inaccessible public transport and more.

Whilst the introduction of paid domestic abuse leave could certainly address the barrier many face in accessing support services due to work, there are many other barriers that must be addressed in addition to this proposal. The introduction of paid leave from work is certainly a step in the right direction and should help many victims/survivors.

4. *Do you agree that many victims/survivors of domestic abuse are concerned about how seeking help and attempting to change their circumstances will affect their financial situation?*

Yes – as stated in response to question 3, women face much greater financial insecurity than men in Northern Ireland and may be unable to access support and change their

¹⁵ See Women's Regional Consortium (2019), 'Impact of Austerity: Women's Perspectives', (available online): <http://www.womensregionalconsortiumni.org.uk/sites/default/files/Impact%20of%20Ongoing%20Austerity%20Women%27s%20Perspectives.pdf>; WPG (2020) 'COVID-19 Feminist Recovery Plan', (available online): <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020.pdf>

circumstances due to their financial situation. Women have also been disproportionately impacted by the economic consequences of the COVID-19 pandemic, as 79% of health and social care workers are women; 79% of part-time workers are women and 70% of those ineligible for Statutory Sick Pay are women. Much greater protections are needed and the introduction of paid leave for victims/survivors of domestic abuse could certainly alleviate some of the financial concerns of victims/survivors in need of leave from work.

It is also worth noting that victims may face financial barriers in accessing support and changing their circumstances in areas beyond work. For instance, in order to be compliant with the Istanbul Convention/Council of Europe¹⁶ there must be adequate levels of secure tenancies, access to housing and appropriate funding of refuges to ensure enough units (1 unit per 7,500-10,000 people). This is not currently the case in Northern Ireland, and this provides a financial barrier to victims/survivors trying to leave an abusive home. There should be adequate levels of secure tenancies that meet requirements of the Istanbul Convention and also include increases for costs of living, ensure housing offered to survivors is appropriate (for instance, accessible for disabled women or children) and that there is a review of housing allocations.

Addressing the financial barriers to finding safe housing should also be a matter of priority, as studies show that many women who are the victims of femicide have previously tried to flee their home and the vast majorities of femicides take place within the victim's home¹⁷.

As stated in response to question 3, the 'No Recourse to Public Funds' creates huge barriers for victims of domestic abuse, as those with uncertain immigration status may fear coming forward to report abuse due to information sharing with the Home Office. In addition, migrant women may face financial hardship if they leave their abuser due to barriers in accessing welfare support and housing.

5. *Do you agree that paid leave for victims/survivors of domestic abuse will enable them to seek help?*

Yes – paid domestic abuse leave should certainly enable some victims and survivors of domestic abuse to seek help. As stated in response to question 2, this must be a right that is available to all, whether they are classified as employees or workers, and be available as a day one right.

Paid leave for victims/survivors of domestic abuse would be crucial for those who are financially unable to take time off work, and the paid leave must equate to a standard daily rate of pay to be accessible.

6. *Do you agree that paid leave for victims/survivors of domestic abuse will improve their ability to access emergency and specialist support services?*

Yes – paid leave should improve victims/survivor's ability to access emergency and specialist support services. Further, this leave must be flexible, and not have to be taken as a block, to enable victims/survivors to access emergency and support services when they are required.

¹⁶ Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, November 2014, ISBN 978-92-871-7990-6, available at: <https://www.refworld.org/docid/548165c94.html>

¹⁷ Women's Aid (2017), 'The Femicide Census', <https://www.womensaid.org.uk/wp-content/uploads/2018/12/Femicide-Census-of-2017.pdf> (available online) p.31.

It is also crucial that these emergency and specialist support services are adequately funded, on a statutory basis, to ensure all victims can seek the support that they need.

Issues remain with the implementation of the Domestic Abuse and Family Proceedings Bill, as there has not been adequate funding provided to ensure the Bill can be fully operational. Widespread training and education are needed within workplaces, the criminal justice system, education system and wider society to ensure that any new legislation implemented can fully support victims and create a culture where domestic violence is not tolerated.

This includes the full recognition of, and measure to combat, violence towards women and girls and domestic violence, as required by the Istanbul convention. Any guidelines created to support the implementation of this legislation support also specifically reference and target violence against women and girls. Robust statutory finding must also be available for community organisations that provide specialist support for migrants, the LGBTQ+ community, disabled people and more.

7. Do you agree that paid leave for victims/survivors of domestic abuse will help them access healthcare services, treatment and therapy to deal with the long-term effects of abuse?

Yes – if paid leave for victims/survivors incorporates the recommendations made in response to question 2, this should mean that all workers/employees can access this leave in an accessible way. Providing victims/survivors with financial certainty to enable them to access healthcare services, treatment and therapy should remove some of the barriers that currently exist.

These methods of support and services should also be adequately funded, particularly given the increased levels of domestic abuse due to COVID-19, and the several years that have gone by without adequate legislation on the matter. Northern Ireland has a serious issue with domestic abuse, and those from marginalised groups (such as migrants, disabled people, LGBTQ+ community, rural victims etc.) still face additional barriers to accessing support.

WRDA fully supports the introduction of paid leave for victims/survivors of domestic abuse and hopes that the Bill being introduced reflects the recommendations we have made to make this legislation accessible and robust.

8. Do you think that there should be any limits on the number of times that an employee, who is a victim/survivor of domestic abuse, can take paid leave throughout the course of their employment?

No – if paid leave incorporates the recommendations made in response to question 2, this should mean that there are no limits on the number of times workers/employers can take paid leave, as this leave should be for a minimum of 20 days and can be taken flexibly rather than as a block.

9. Do you agree with any of these options on how many times an employee can take domestic abuse leave?

- As many times as they need (no limit) - ☒
- Two or more times per year
- Only once per year
- Only once throughout their employment
- None of these

10. If entitlement to domestic abuse leave were to be on a yearly basis, similar to other statutory paid leave, how many days do you think that an employee should be entitled to?

- Less than 10 days per year
- 10 days per year
- More than 10 days per year ☒
- None of these

We believe this leave should be for a minimum of 20 days per year.

11. What level of remuneration do you think is appropriate for domestic abuse leave?

- Full pay (the normal rate of pay according to an employee contract) - ☒
- National Minimum Wage (according to the employee's age)
- 90% of their pay or £150.20 per week, whichever is lower (equal to parental leave)
- None of these

As stated earlier in this response, we believe the paid leave should be for a standard day of pay, and that this should be available for those classified as workers and employees.

12. Do you think that there should be a paid and unpaid element to domestic abuse leave, similar to sick leave or maternity leave?

No – domestic abuse is a very serious crime and can be life threatening, therefore, we do not think that any of this should be unpaid as this may prevent a victim/survivor from taking leave to gain safety due to financial constraints. For this leave to be accessible to those who need it, it must recognise the seriousness of domestic abuse and not impose any financial barriers to victims/survivors in need of support. This is of particular importance for women, who are disproportionately impacted by domestic abuse and are vastly overrepresented in low-paid, part-time, insecure and precarious work.

13. If you answered yes to question 12, please briefly outline your thoughts on how to incorporate paid and unpaid elements to domestic abuse leave:

N/A

14. In terms of eligibility for paid leave, do you think that victims/survivors of domestic abuse need to have worked for their employer for a minimum period of time?

No

15. With regard to the amount of time spent working for an employer, what option do you think is most appropriate to assess eligibility?

- Should be available immediately - ☒
- Less than 6 months
- 6 months
- More than 6 months

This leave should be made a right from day-one of work.

16. Do you think a victim/survivor of domestic abuse should have to provide evidence or proof to their employer in order to be granted paid leave?

No – as stated in response to question 2 and throughout this response, requiring evidence on domestic abuse or making victims/survivors “prove” that they are being abused could act as a huge barrier to accessing this leave. This could also create greater problems in organisations with a poor history of workers’ rights and could prevent many from accessing the leave that they need. Coming forward about abuse is already an extremely difficult thing to do given the heinous nature of domestic abuse and providing evidence or proof of this abuse could further prevent victims/survivors from seeking help.

17. If you answered yes to Questions 16, what sort of evidence do you think would be appropriate?

N/A

18. Do you think that eligibility for paid leave should be tied to the amount of time since the abuse occurred?

No – we strongly oppose this given the nature of domestic abuse. It can often take place over a long period of time, with forms of coercive control, gaslighting and other forms of manipulation that can make it difficult for victims/survivors to recognise this as abuse. This would act as a further barrier to victims seeking support. Further, criminal proceedings relating to abuse can take several years.

19. If you answered yes to Question 18, what do you think the limit should be with regard to historical abuse?

N/A

20. Do you agree that introducing paid leave for victims/survivors of domestic abuse will help reduce the number of sick days and periods of absence due to sickness?

Yes

21. Do you think that the effectiveness of paid leave for victims/survivors of domestic abuse should be monitored and evaluated, specifically with regard to the impacts on victims/survivors and the economy?

Unsure – clarity would be needed here in what is meant by the relationship is between victims/survivors accessing paid leave and what this means for the economy. Effectiveness should be measured on the number of requests made, how many are approved, the flexibility given by the employer and so on. Supporting victims/survivors of abuse in terms of how this impacts the economy could be detrimental if not done through placing the needs of victims/survivors as the main priority. Trade Unions and Domestic Abuse Support Organisations should be consulted in measuring the effectiveness of paid leave for victims/survivors of abuse, as other forms of leave entitlements still have significant issues with employees/workers not being able to access this support (for instance, very few workers are eligible for flexible working and a high number of requests are rejected; very few workers take shared parental leave due to the unnecessarily complicated levels of criteria; vast levels of discrimination still happens in relation to pregnancy and maternity leave entitlements; 70% of workers ineligible for Statutory Sick Pay are women, and so on).

The cost of domestic abuse to the economy is substantial, and a report by the UK Home Office estimated that the economic and social cost of providing public services to victims and survivors of domestic abuse and the lost economic output of women affected was £66 billion annually in England and Wales alone¹⁸. It is crucial that any measurement of the impact on the economy is not done to undermine the need for this paid leave entitlement, and that the needs of victims and survivors is at the centre of any measurement of effectiveness. The disproportionate impact of the economic impacts of austerity and COVID-19 has been well documented by the women's sector in Northern Ireland, and this should also be considered when measuring the economic impact or effectiveness of any policy.

22. Please comment below if you have any personal experience of difficulties with employment and domestic abuse that you would like to share.

N/A

23. Please comment below if you have any experience of domestic workplace policies that have helped to support victims and survivors of domestic abuse.

N/A – however, trade unions have a long history of campaigning for guidelines for employers and treating domestic abuse as a workplace issue and should be consulted on their experiences with these policies. Unison also made a number of amendments to the Domestic Abuse Bill in Westminster with regards to paid leave which could be considered for this Bill. Further, the effectiveness of paid leave for victims/survivors elsewhere, such as New Zealand, should be considered and the lessons learned could be applied in Northern Ireland.

24. If you do not agree with the proposal, please comment below:

N/A

ENDS

For questions or queries regarding this response, please contact Rachel Powell, Women's Sector Lobbyist, Women's Resource and Development Agency – rachel.powell@wrda.net

¹⁸ Neitzert, E. (2020), 'Violence against Women and Girls and Women's Economic Inequality', *Women's Budget Group UK*, (available online): <https://wbq.org.uk/wp-content/uploads/2020/07/Violence-and-womens-economic-equality.pdf>