

## Domestic Violence Leave Rate Briefing Note 30<sup>th</sup> January 2023

S7 of the Work Life Balance and Miscellaneous Provisions Bill 2022 amends the Parental leave Act 1998 to provide for Domestic Violence leave. S13AA (5) of this Act as amended states that

*An employer shall pay an employee a prescribed daily rate of pay (in this section referred to as 'domestic violence leave pay') for each day on which the employee is absent from work on domestic violence leave.*

S13AA (6) and (7) outline how the Minister may make regulations to prescribe the daily rate of Domestic Violence leave pay, which will be a prescribed percentage of an employee pay up to a maximum daily amount.<sup>1</sup>

Women's Aid notes that during the Second Stage Debate in the Seanad, in relation to the rate of pay of Domestic Violence Leave, the Minister stated that they are looking at parity with sick pay<sup>2</sup>. This is in line with the proposal in the DCEDIY Report on Domestic Violence Leave, recommending that the daily payment from the employer be 70% of daily salary rate, capped at €110 per day and that a minimum rate entitlement should also be set. This proposal is modelled on the Sick Leave Act 2022<sup>3</sup>.

**Women's Aid disagrees with this proposal and strongly believes that domestic Violence Leave should instead be paid in full at a person normal rate of pay, because of the following reasons:**

- **Financial hardship**

Women experiencing domestic abuse and coercive control are often subjected to financial abuse, frequently do not have access to savings or family assets and have to survive on very tight budgets. Losing 30% of their daily salary if taking the leave may be very difficult for them, create real hardships for women and children and play against them taking Domestic Violence leave.

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1 S13AA(6)(a) of the Parental leave Act 1998 as would be amended by S(7) of the Work Life Balance and Miscellaneous Provisions Bill 2022

2 Seanad Éireann debate -Wednesday, 14 Dec 2022

3 Department of Children, Equality, Disability, Integration and Youth, Domestic Violence Leave Report and Recommendations. Published 26 September 2022. Available here

<https://www.gov.ie/pdf/?file=https://assets.gov.ie/235161/cecb3ff6-6b9f-4f8c-b266-da577db218a3.pdf#page=null>

In many cases Domestic Violence leave may be taken by women who are in the process of questioning the relationship or leaving the abuser (therefore the need for counselling, Court, relocation, which are some of the reasons for taking DV leave). Separation is not only a very dangerous time but also a time when women face additional and significant expenses (such as legal expenses, finding alternative accommodation), therefore a decrease in income would be very problematic.

- **Safety risks**

If a woman's income is monitored and/or appropriated by her abuser, a change in her normal salary may alert the abuser that she has not attended work as usual, possibly jeopardising her safety. Where the abuser is used to appropriating her salary, the victim may also be in danger if she is not able to provide them with the usual amount with no explanation.

- **Privacy**

Unfortunately there is still a lot of stigma attached to domestic abuse and fear of the abuse becoming common knowledge in the workplace may prevent a survivor from accessing Domestic Violence leave. If the normal salary is paid, this would minimise Domestic Violence Leave being identified on payslips and pay rolls, while employers could still keep track of it separately.

International best practice is to pay Domestic Violence Leave in full, as is the case in New Zealand<sup>4</sup>, Italy<sup>5</sup> and Australia.<sup>6</sup>

We note that the government currently proposes the Domestic Violence leave to be only 5 days, so we believe that paying full wages for days taken as Domestic Violence leave would be of great advantage for survivors without posing a huge burden on employers.

**Recommendation: Women's Aid recommends that Domestic Violence Leave is paid in full at a person's normal rate of pay.**

Ends.

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4 <https://www.employment.govt.nz/leave-and-holidays/family-violence-leave/rights-and-responsibilities/#scrollto-pay-rate-for-family-violence-leave>

5 <https://www.inps.it/prestazioni-servizi/congedo-indennizzato-per-le-donne-vittime-di-violenza-di-genere>

6 <https://www.fairwork.gov.au/newsroom/news/new-paid-family-and-domestic-violence-leave>