

Flinders University Independent Review Team  
Via email: [FDVLeaveReview@flinders.edu.au](mailto:FDVLeaveReview@flinders.edu.au)

12 June 2024

Dear Independent Review Team

**Re: Statutory Review of the Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022 (Cth)**

The Council of Small Business Organisations Australia (COSBOA) thanks the Independent Review team for its consultation on the Family and Domestic Violence (FDV) Leave Review to date.

COSBOA is the peak industry body representing small businesses in Australia. Small businesses make up 97 per cent of all businesses in Australia and are the life blood of the Australian economy employing thousands. Over the last few years, small businesses have struggled with the cost of doing business amidst increasing regulatory burden, complex industrial relation laws to navigate and general market conditions coming out of the pandemic.

As COSBOA has mentioned previously, all forms of FDV is unacceptable. Small businesses have been known to deal with cases of FDV quite generously and compassionately when notified of staff members experiencing FDV given the intimate nature of a small business.

Since the commencement of 10 days paid FDV leave for all employees, COSBOA has heard of very little incidences with the FDVL system.

Whilst small businesses have access to the Fair Work Ombudsman's website and key resources including a dedicated website where there are support and resource guides, not all small businesses have the luxury of time nor a Human Resources personnel to be able to navigate the obligations and requirements, including the emotional skills required to support a staff member experiencing FDV. Accordingly, we recommend that the system be enhanced such that an impacted employee or their notified employer be referred to 1800respect or similar so that the appropriately trained and resourced assistance can be provided.

Additionally, COSBOA is aware of challenges regarding how the leave is accessed:

- There are concerns about the potential misuse of leave.
- Both employers and employees report challenges in determining what is a legitimate request and specifically what evidence is deemed appropriate.
- Employees suffering from FDV often do not want to involve their workplace given their want to keep information private, especially where the perpetrator may work in the same environment.

Small businesses are concerned that they may additionally be negatively impacted by the required financial support of employees through the FDVL requirements. We remain of the view that the cost of FDV leave should be covered by Government.

Where small businesses are already struggling to break even, it is difficult to keep cash on the side in case a staff member seeks FDV leave. COSBOA strongly recommends that the Independent Review team consider the financial impact implementation of the mandate has on a small business and consider recommendations to government about a fully funded government scheme or one that is jointly funded.

Small businesses do not have the capacity to become experts in handling traumatic and sensitive FDV situations.

COSBOA welcomes further consultation with the Independent Review team on any of the points made above.

Yours sincerely,

Luke Achterstraat  
CEO, COSBOA