

**WE
WON'T
WAIT**

At least 10 days paid family and domestic violence leave for all.

Workplace Campaign Guide

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ACTU D No.39

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Introduction

Family and domestic violence (FDV) is a national crisis.

We know the tragic numbers: on average a woman is killed each week by a partner, ex-partner or family member in Australia. Hundreds of thousands report facing violence at home – figures that have surged during the pandemic, as many women – and it nearly always is women – were trapped further into abusive relationships.

Workplaces have a key role to play in supporting a woman facing family and domestic violence. Paid leave, can help a woman leave. It gives her the time and financial security to take steps to secure her safety.

As trade unionists, we've made tremendous progress in tackling this crisis. Back in 2010 union campaigners secured the very first workplace right to paid family and domestic violence leave. Since then, our campaigning and bargaining has seen this right extended to employees at one in three employers. All State and Territory Governments are also on board, offering the right to their public servants.

It is the Federal Government that is yet to support the right. That's why we need your help to win this right for all workers: to get paid family and domestic violence leave embedded in our National Employment Standards.

This Workplace Campaign Guide aims to help you do that.

Part one of this campaign Guide provides the background to the issue. Part two is about taking action: getting your employer to show their public support and your colleagues engaged and active. Part three is about the steps needed to prevent and respond to domestic violence in your workplace.

Finally, I want to thank the unions that assisted with making this Guide. In particular Natalie Lang, the Secretary of the ASU NSW/ACT branch, and her members – especially the frontline domestic violence workers - developed much of the material that this Guide draws on. Without their support this Guide would not have been possible.

It takes paid leave to leave. Together, let's win this for all workers.

In solidarity,



Michele O'Neil
ACTU President



PART 1: WHY WE WON'T WAIT

What is Family and Domestic Violence?

Domestic and family violence is behaviour and conduct that is violent, threatening, coercive, controlling or intended to cause the family or household member to be fearful. It is usually part of a pattern of behaviour that is controlling and coercive. It is always about gaining and maintaining power over another. It may include physical, sexual, emotional, psychological or financial abuse.

Domestic and family violence occurs across the socio-economic spectrum, across all cultures and in all kinds of relationships, including:

- intimate partners, lovers, husband and wife, same-sex couples, ex-partners
- older people and their children (elder abuse)
- other family members, including step-parents
- parents and their teenage or adult children
- people with disabilities and their carers

Key facts:

- ! In Australia, at least one woman a week is killed by a partner or former partner.
- ! Intimate partner violence contributes to more death, disability and illness in women aged 15 to 44 than any other preventable risk factor.
- ! Domestic or family violence against women is the single largest driver of homelessness for women, is a common factor in child protection notifications, and results in a police call-out on average once every two minutes across the country.
- ! When domestic violence occurs between adults in heterosexual relationships, research shows that men are most likely to be the perpetrators and women the victims.
- ! When the violence occurs against children in families, parents and stepparents are most likely to be the perpetrators.
- ! Children and young people also experience violence when they live with and/or witness violence between other family members.
- ! Indigenous women, young women, pregnant women, women separating from their partners, women with a disability and women experiencing financial hardship are at greater risk of family and domestic violence.
- ! Women and men who experienced abuse or witnessed domestic violence as children (before the age of 15) are also at increased risk.

Experiences of violence are greatly shaped by gender. Men are subjected to violence mostly from other men in public spaces, and women mostly from men they know in private spaces. Women are far more likely to experience sexual violence than men, and women are also much more likely than men to be afraid, assaulted or killed by an intimate partner or former partner.

Why is it a workplace issue?

Around two-thirds of women who experience domestic violence – some 800,000 - are in the workforce. One in six women in the workforce are affected by some form of violence in their home. This means that the effects of domestic violence reaches into nearly all workplaces.

Workers living with domestic violence change their job more often, miss out on promotions, are more likely to resign or to be terminated and more likely to be bullied.

There are also the real costs to the workplace of increased absenteeism and staff turnover, decreased performance, and safety issues if the perpetrator attends the workplace.

The workplace is also a key way to reach people who are affected by family violence, to provide support for them and to help them take steps to secure their safety.

Why it takes leave to leave

Leaving a violent relationship takes more than courage. It takes planning, time, and money. The police, doctors, counsellors, teachers, lawyers, childcare educators, banks, Centrelink staff, real estate agents, removalists, and the courts, all have key roles to play in helping a woman escape a violent relationship – but mostly during business hours. To draw on these supports and services, can take an estimated 141 hours and \$18,280, according to research by the Australian Services Union.

Paid Family and Domestic Violence leave helps a woman achieve this. It means that she doesn't have to choose between her safety and her job. And those practitioners that can support her are able to do so.

Back in 2010 union campaigners secured the very first workplace right to paid family and domestic violence leave. Since then our campaigning and bargaining has seen this right extended to employees at one in three employers.

Australian Unions took a case to the Fair Work Commission for paid leave to be included in all Awards. We fell short, winning five days of unpaid leave in 2018, which was then legislated into the Fair Work Act.



This isn't good enough. All workers need a minimum of 10 days paid FDV leave to be legislated for in the National Employment Standards so that it applies to nearly all employees and employers across the country.

PART 2: WINNING PAID LEAVE FOR ALL

The more people and organisations calling for paid leave, the easier it will be to convince political parties to do the right thing.

This section provides actions you can do in your workplace to build support for the campaign, including getting your employer to publicly support the campaign.

If your employer is yet to provide paid family and domestic violence leave for staff, read Part 3 on the steps you can take to win this right in your workplace first.



We also have the following resources at australianunions.org.au/wewontwait to help you:

**Employer briefing
& Model letter**

(A word version so you can adapt it)

Selfie signs

Workplace action card



Workplace posters

Workplace petition

+ Campaign video

Does your union want to make their own version of these materials?

Drop us a line at wewontwait@actu.org.au and we can send through the original design files to your team.

Actions to win at work

Here are four actions you can take in your workplace to help us win the campaign:



Raise awareness among your colleagues

Hold a workplace briefing on the campaign with your colleagues. Come up with a workplace plan of action, using the ideas and materials in this Guide.



Get your employer to publicly back the campaign

Does your employer already offer paid leave? Great. Now get them to publicly back the campaign. If your employer doesn't offer paid leave, read Part 3 of this Guide on the steps you can take to win it in your workplace first.

Considering writing to your employer, adapting the model letter in this Guide. Do they need more convincing? Include the two-page briefing (page 15) on the issue and a petition signed by all staff.

Are they on board? Great work. Get them to fill out this form to show their support: australianunions.org.au/wewontwait

A list of supportive organisations is here: australianunions.org.au/wewontwait/onboard



Show everyone that you and your workmates are on board

- Print out some We Won't Wait selfie signs on australianunions.org.au/wewontwait
- Take a group selfie.
- Put it on social media with **#wewontwait**



Get everyone you know to sign the national petition.

The petition is here:



Or download a hard copy from australianunions.org.au/wewontwait and send a photo of the completed petition to wewontwait@actu.org.au



Model letter to your employer to support the campaign

EMPLOYER

TITLE

ADDRESS

Via email:

Dear [NAME],

Paid domestic violence leave will save lives.

Family and domestic violence is a national crisis. One woman dies every week on average at the hands of her partner, or former partner. Tragically, the levels of family and domestic violence have surged during the pandemic.

Paid family and domestic leave gives a woman the time, resources and support to escape a violent relationship. It means she can attend court, doctor's appointments, meet with real estate agents and change her children's school, all without the fear of losing her job.

It is great that [Company] provides this entitlement to its workforce. We are now after your public support to ensure that all workers can access this fundamental right. The current entitlement in the National Employment Standards of 5 days of unpaid leave is clearly inadequate. A woman's safety shouldn't depend on who her employer is.

Will [COMPANY] publicly support 10 days of paid family and domestic violence leave to be included in the National Employment Standards (NES).

Show your support by [signing the declaration of support on the following page or] completing this online form: australianunions.org.au/wewontwait

Your support will then be displayed on our campaign webpage, and we will let Federal politicians know.

If you have any further questions, we are also including a briefing on the issue and would be pleased to meet to discuss further.

Yours sincerely,

Declaration of employer support – 10 days paid family domestic violence leave

At COMPANY, we recognise that the problem of family and domestic violence in Australia is pervasive and widespread, and that we can have a role in supporting victims of domestic violence to safely leave a violent relationship. To play our part, we provide paid family and domestic violence leave to our employees. This is essential to support someone seeking to escape a violent relationship.

To ensure that all workers have this right, we are also calling on all political parties to amend the *Fair Work Act* to ensure that victims of domestic violence, who are overwhelmingly women, can access 10 days of paid family and domestic violence leave.

SIGNED: _____

DATE:

Employer Briefing on 10 Days

Paid Family and Domestic Violence Leave

All employees should have access to a minimum of 10 days paid family and domestic violence leave in the National Employment Standards. Join the campaign.

Family and Domestic Violence is a national crisis

On average, a woman is killed by her partner or family member each week in Australia.

About one in four Australian women (23% or 2.2 million) and one in thirteen men (7.8% or 703,700) have experienced violence by an intimate partner since the age of 15ⁱ. Family and domestic violence is the leading contributor to death, disability and ill-health among women aged between 15 and 44.ⁱⁱ

During Covid the situation has reached crisis levels: both family and domestic violence support services and the police recorded a surge in cases in 2020.ⁱⁱⁱ

Domestic Violence is a workplace issue.

The effects of domestic violence reach into workplaces.

Around two-thirds of women who experience domestic violence – some 800,000 - are in the workforce. Workers living with domestic violence change their job more often, miss out on promotions, are more likely to resign or to be terminated and more likely to be bullied.

There are also the real costs to the workplace of increased absenteeism and staff turnover, decreased performance, and safety issues if the perpetrator attends the workplace.

The workplace is also a vital way to reach people who are affected by family violence, to provide support for them and to help them take steps to secure their safety.

“It was definitely a relief knowing that I could access a FDV leave entitlement when I needed to have time off, as it was such a stressful and isolating time. Going to court was one of the worst days of my life... I think it is very important to have a supportive workplace environment.”

– Domestic Violence Survivor

It takes paid leave to leave.

Leaving a violent relationship takes more than courage. It takes planning, time, and money. The police, doctors, counsellors, teachers, lawyers, childcare educators, banks, Centrelink staff, real estate agents, removalists, and the courts, all have key roles to play in helping a woman escape a violent relationship. This can take an estimated 141 hours and \$18,280, according to research by the Australian Services Union.

“Leading employers support their employees when they need the support most. Since 2016 Goodstart Early Learning has been proud to provide 10 days paid leave for dealing with domestic violence which means a victim doesn’t have to choose between her personal safety and her job security.”

– Julia Davidson CEO, GoodStart Early Learning

Leading employers offer paid leave.

One in three employers now offer paid leave to their staff according to the Workplace Gender Equality Agency. This includes all State and Territory governments. They are playing a leading role in making women safe and building inclusive workplaces.

For employers it also makes economic sense. The cost of employee absences and workplace churn caused by family and domestic violence far outweigh the cost of providing paid leave. KPMG estimates \$1.3bn in lost productivity caused by family and domestic violence, whereas the cost of providing paid leave is only 0.02% of payroll costs, or about a tenth of that.^{iv}

Employers report that very few women take this leave – but when they do, it can save their life.

Why do we need it in the National Employment Standards?

While many workers are now entitled to paid leave, too many are still missing out.

That’s why we are calling for a minimum of 10 days paid FDV leave to be legislated for in the National Employment Standards (NES) so that it applies to nearly all employees and employers across the country.^v

While Australian Unions are also taking part in a Fair Work Commission review into paid leave, if successful, that would still only cover 2.2 million workers that directly rely on Awards. Other key types of leave such as annual and personal leave are in the NES. Paid family and domestic violence leave should be no different.

How can employers help win paid leave?

1. Provide paid leave to your own staff.

Get in touch with your workplace union. Unsure of the relevant union? Contact the Australian Unions Support Centre on 1300 486 466, by email: wewontwait@actu.org.au or visit: support.australianunions.org.au

2. Show your support publicly.

The more of the community on board, the stronger the message it sends to all politicians to act.

Show your support by signing up here: australianunions.org.au/wewontwait

Organisations support the campaign will be displayed online here: australianunions.org.au/wewontwait/supporters



PART 3: PREVENTING AND

RESPONDING TO FDV AT WORK

Workplaces have a unique and critical role in preventing and responding to domestic and family violence supporting someone through to changing attitudes that condone domestic violence and misogyny.

To do this effectively, workplaces should have:

- The right to paid family and domestic violence leave for all staff,
- Appropriate workplace policies and procedures, and
- Workplace education: staff need to understand and feel confident with picking up the signs of domestic violence and responding appropriately, as well as being able to challenge and help change attitudes that underpin domestic violence.

This section also lists the key support services to help someone affected by domestic violence and as further resources for workplace delegates and activists.

Winning the right

to paid leave in

your workplace



The ACTU's model clause on paid family and domestic leave, included at the back of this guide, represents best practice developed by unions across the country.

If you don't have this right in your Workplace Agreement, include it in bargaining. Contact your delegate, organiser or union for more assistance if necessary. Also consider adapting the model letter to your employer in this Guide on page 20.

If you do have this entitlement in your workplace, could it be strengthened? Best practice clauses offer 20 days of paid leave, and unlimited leave in some cases.

Finally, is the entitlement well understood in your workplace? Strong workplace policies and procedures as well as education and training are key here.

Developing workplace policies and procedures

Develop, implement and consult all staff on family and domestic violence policies and procedures for your organisation or business. FDV workplace policies should include:

- workplace and personal safety plans (See the ASU's *A Workplace Guide to Preventing & Responding to Domestic Violence* pg 11).
- appointing a 'contact person' for workers experiencing FDV to contact
- mechanisms to change email addresses, phone numbers, working hours or location for workers who discloses that they are living with violence
- flexible working arrangements in addition to paid domestic violence leave-mechanisms for co-workers to report concerns about FDV to a 'contact person'.
- ensuring confidentiality of workers disclosing or reporting FDV is protected

The Australian Human Rights Commission also provides a step-by-step guide to help you create a workplace policy is available at: humanrights.gov.au/sites/default/files/Annex%20A%20policies_and_procedures.pdf

- Provide training and ongoing support for an appropriate person or group of people in your organisation who is prepared to become the 'contact person'.
- Be aware of the impacts of vicarious trauma and support the employee who has been responding to the worker. Point them to the Rape & Domestic Violence Services Australia debriefing service (1800 943 539) where they can speak with a professional counsellor.

Changing workplace attitudes

that underpin family and domestic violence

Changing workplace attitudes that underpin family and domestic violence.

Developing a workplace domestic violence education program is the most effective way of:

- giving staff the understanding, skills and confidence to appropriately respond to domestic violence in the workplace, and
- challenging attitudes that underlie domestic and family violence and creating a positive culture of safety and respect for all.

For information on identifying the signs of domestic violence in the workplace and how to respond appropriately, please refer to the *ASU Guides: A Workplace Guide to Preventing & Responding to Domestic Violence (2018)* and *Working from home isn't safe when home isn't safe: How to respond to family & domestic violence in home-based workplaces (2020)*.

A workplace domestic violence education program can be incorporated into staff meetings, new and ongoing staff training, and other aspects of your workplace.

Rape and Domestic Violence Services Australia can assist your workplace with education and training, and can be contacted here: <https://www.rape-dvservices.org.au/training-and-professional-services/for-the-ethical-workplace>

Model letter to employer to provide paid family and domestic violence leave to staff

EMPLOYER

TITLE

ADDRESS

Via email:

Dear [NAME],

Supporting employees with paid family and domestic violence leave.

Family and domestic violence is a national crisis. One woman dies every week on average at the hands of her partner, or former partner. Tragically, the levels of family and domestic violence have surged during the pandemic.

Employers and the workplace have a crucial role to play in preventing and responding to family and domestic violence. More than one in three employers in Australia now offer paid family and domestic violence leave, allowing employees the time, financial support and job security needed to escape and recover from a violent relationship. That can include paid time to attend court, attend appointments with police, lawyers, counsellors, housing support workers, banks, and change her children's school, among other tasks. On average it takes a woman 140 hours and \$20,000 to take the steps to leave. A lack of financial resources is a huge barrier to a woman leaving a violent relationship.

The annual cost to employers of replacing employees who have left the workforce due to family and domestic violence has been estimated at \$96 million per year. The absenteeism of victims and perpetrators costs a further \$860 million per year. Providing paid leave to employees helps to reduce these costs.

In practice, very few women take this leave, but when they do it can be lifesaving, allowing them to start a new life and hold onto their job. It also builds supportive and inclusive workplaces that retain staff and boost morale, as employers of all sizes are increasingly recognising.

For these reasons, we call on [COMPANY] to commit to provide up to [20] days of paid leave per annum for employees impacted by family and domestic violence. A model clause outlining the entitlement is attached.

We can assist with identifying training to help implement this entitlement and raise awareness among staff more generally on how to prevent and respond to family and domestic violence.

We would be pleased to meet to discuss further and look forward to your response.

Yours sincerely,

Support services

Police and Ambulance – 000

If anyone is in immediate danger they should call 000 immediately.

1800 RESPECT – 1800 737 732

This is a 24-hour national sexual assault, family and domestic violence counselling line for any Australian who has experienced, or is at risk of, family and domestic violence and/or sexual assault.

<https://www.1800respect.org.au/>

Rape and Domestic Violence Services Australia – 1800 943 539

Rape & Domestic Violence Services Australia offers counselling for sexual, domestic or family violence in NSW and Australia through a rape crisis hotline.

<https://www.rape-dvservices.org.au/>

Lifeline – 13 11 14

Anyone across Australia experiencing a personal crisis or thinking about suicide can call 13 11 14. Someone will help put you in contact with a crisis service in your state or territory.

Australian Unions Support Centre – 1300 486 466

support.australianunions.org.au

Not sure which union covers your workplace?
Or have a question about your rights at work?
Contact the Australian Unions Support Centre.

Key resources

We Won't Wait Campaign site: australianunions.org.au/wewontwait

Australian Services Union (NSW & ACT), *A Workplace Guide to Preventing & Responding to Domestic Violence (2018)*

Online: https://www.asumembers.org.au/domestic_violence_workplace_guide

Australian Services Union (NSW & ACT) *Working from home isn't safe when home isn't safe: How to respond to family & domestic violence in home-based workplaces (2020)*.

Online: https://www.asumembers.org.au/working_from_home_when_home_isnt_safe

Our Watch, Change the Story: <https://www.ourwatch.org.au/change-the-story/>

Australian Human Rights Commission: Developing a workplace policy:

humanrights.gov.au/sites/default/files/Annex%20A%20policies_and_procedures.pdf

ACTU Model Clause on Family and

Domestic Violence Leave

Family and Domestic Violence Leave

1.1 General Principles

1. The Employer recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work.
2. The Employer is committed to providing support to staff that experience family and domestic violence.
3. Understanding the traumatic nature of family and domestic violence [insert employer] will support their employee if they have difficulties performing tasks at work. No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family and domestic violence. An employee will not be discriminated against or have adverse action taken against them because of their disclosure of, experience of, or perceived experience of, family violence.

1.2 Definition of Family and Domestic Violence

4. For the purpose of this clause, family and domestic violence is defined as any violent, threatening or other abusive behaviour by a person against a member of the person's family or household (current or former). To avoid doubt, this definition includes behaviour that:
 - a. is physically or sexually abusive; or
 - b. is emotionally or psychologically abusive; or
 - c. is economically abusive; or
 - d. is threatening; or
 - e. is coercive; or
 - f. in any other way controls or dominates the family or household member and causes that person to feel fear for their safety or wellbeing or that of another person; or
 - g. causes a child to hear or witness, or otherwise be exposed to the effects of, such behaviour.

1.3 Family and Domestic Violence Leave

5. An employee, including a casual employee, experiencing family and domestic violence is entitled to [20] days per year of paid family and domestic violence leave for the purpose of:
 - a. attending legal proceedings, counselling, appointments with a medical or legal practitioner;
 - b. relocation or making other safety arrangements; or
 - c. other activities associated with the experience of family and domestic violence.

6. In addition, an employee, including a casual employee, who provides support to a person experiencing family and domestic violence is entitled to access family and domestic leave for the purpose of:
 - a. accompanying that person to legal proceedings, counselling, appointments with a medical or legal practitioner;
 - b. assisting with relocation or other safety arrangements; or
 - c. other activities associated with the family and domestic violence including caring for children.
7. This leave will be in addition to existing leave entitlements, may be taken as consecutive or single days or as a fraction of a day, and can be taken without prior approval.
8. Upon exhaustion of the leave entitlement in clause 5, employees will be entitled to up to [2] days unpaid family and domestic violence leave on each occasion.

1.4 Notice and Evidentiary Requirements

9. The employee shall give his or her employer notice as soon as reasonably practicable of their request to take leave under this clause.
10. If required by the employer, the employee must provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in clause 5. Such evidence may include a document issued by the police service, a court, a health professional, a family violence support service, a lawyer, a financial institution, an accountant or a statutory declaration.
11. The employer must ensure that any personal information provided by the employee to the employer concerning an employee's experience of family and domestic violence is kept confidential. Information will not be kept on an employee's personnel file.

1.5 Contact person

12. The Employer will nominate a contact person to provide support for employees experiencing family and domestic violence and notify employees of the name of the nominated contact person. The nominated contact person must be trained in relation to family and domestic violence and privacy issues relevant to the workplace and receive paid time off work to attend such training.
13. An employee experiencing family and domestic violence may raise the issue with the nominated contact person, their immediate supervisor, Health and Safety Representatives or their union delegate/shop steward.
14. Where requested by an employee, the contact person will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of support.
15. Health and Safety Representatives and union delegates will be provided paid time off work for appropriate training in supporting employees at the workplace who are experiencing family violence.

1.6 Individual Support

16. In order to provide support to an employee experiencing family and domestic violence and to provide a safe work environment to all employees, [insert employer] will approve any reasonable request from an employee experiencing family and domestic violence for:
 - a. changes to their span of hours or pattern or hours and/or shift patterns;
 - b. job redesign or changes to duties;
 - c. relocation to suitable employment within [insert employer];
 - d. a change to their telephone number or email address to avoid harassing contact; or
 - e. any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.
17. An employee that discloses to the nominated contact person or their supervisor that they are experiencing family and domestic violence will be offered:
 - a. access to professionals trained specifically in family and domestic violence through the Employee Assistance Program (EAP); and
 - b. a resource pack containing information in relation to external support agencies, referral services and other local employee support resources.
 - c. The Employer will develop guidelines to supplement this clause which detail the appropriate action to be taken in the event that an employee reports family and domestic violence.

1.7 Workplace Safety

18. The Employer will implement a workplace safety plan with specific measures to minimise the risk that employees will be subject to violent or abusive behaviour at work and protocols for dealing with a crisis situation.

Endnotes

- i Australian Bureau of Statistics (ABS) 2017. Personal Safety, Australia, 2016, ABS cat. no. 4906.0. Canberra: ABS
- ii Victorian Health Promotion Foundation (VicHealth), The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence, 2004
- iii QUT Briefing paper series, The Impact of Covid-19 on Domestic and Family Violence Services and Clients, Australia (Issue 12, May 2021); ABS Recorded Crime – Victims (2020)
- iv Centre for Future Work (December 2016) https://d3n8a8pro7vhmx.cloudfront.net/theausinstitute/pages/1408/attachments/original/1482351910/Economic_Aspects_Domestic_Violence_Leave.pdf?1482351910
- v Except for some private sector workers in WA and some state sector and local government workers in other states.

Australian **Unions**
We're for workers

WE WON'T WAIT!