



11 December 2018

Dr Ron Ben-David
Family Violence Resources review 2018
Essential Services Commission
Level 37, 2 Lonsdale Street
Melbourne, VIC 300

By email: energy.enquiries@esc.vic.gov.au

Dear Dr Ben-David,

RE: Discussion Paper – Providing family violence support

Origin welcomes the opportunity to provide a response to the Essential Services Commission's (ESC) issues paper exploring ways energy retailers can provide family violence assistance that is safe and effective.

The Royal Commission into Family Violence recommended that the ESC:

- amend the Energy Retail Code to list minimum eligibility criteria for access to hardship programs and include family violence as an explicit eligibility criterion;
- develop industry guidelines to require comprehensive and ongoing training of customer service staff to help them identify customers experiencing family violence and financial hardship; and
- publicize the availability of dispute resolution mechanisms for people affected by family violence.

In response, the ESC has proposed a principles-based method to ensure that customers who experience family violence are provided with assistance and protection. Origin supports the intent of the ESC's framework-based approach. However, we are concerned that the ESC's approach goes beyond what the Royal Commission has recommended the ESC and, as a result, may overlap with the responsibilities and functions of key agencies and business driven policies and initiatives.

Specific comments in response to the ESC's proposed framework are provided below.

Sufficient, relevant and applicable Principles

Origin supports the intent of the ESC's principles-based approach. Origin has embraced the responsibility our organisation has to model the future we would like to see, and have developed a positive internal culture with supporting processes to demonstrate accountability to our staff and wider community.

We understand that by building awareness and addressing barriers faced by people experiencing family violence we create a safer and more respectful workplace. Origin has been raising awareness within our organisation of the prevalence and impact of family violence in Australia, and throughout this initial period we have also been developing mechanisms our staff can access to allow them the agency they need to be safe, and which support their ongoing recovery.



Facilitation of Principles

The ESC has taken a principles-based approach when discussing how energy retailers can respond, suggesting the need for retailers to develop and implement an internal Family and Domestic Violence (FDV) Policy as part of its People and Culture suite. The ESC has suggested that further amendments to the Energy Retail Code would also be made to accommodate family violence victim/survivor customer needs. We have a number of concerns that this could co-exist with the policies of other agencies; business' own internal initiatives and the Payment Difficulties Framework.

Overlap with other agencies

The principles developed by the ESC underscore the responsibility of businesses to be accountable to our customers and employees when they need support in Family Violence situations. The onus to develop appropriate mechanisms to achieve this lies with individual businesses. Origin is concerned that the ESC has gone beyond the work the Government asked of them in response to the Royal Commission.

While we acknowledge that the ESC has run a very informative and useful set of workshops that have raised the profile and effect of family violence within the industry, the ESC are not the regulatory body with expertise in managing workplace agreements. Therefore, we consider that the ESC should not create requirements that may overlap with rules which regulate workplace policies.

For example, on 18 March 2018, the Fair Work Commission handed down a decision that provides a minimum entitlement of leave to assist employees who are experiencing family and domestic violence¹. In making decisions that change the regulatory landscape, the Fair Work Commission has effectively placed the onus to respond on businesses, which will necessitate the development of policies which describe to employees their entitlements and how to access them. It is the role of the Fair Work Commission to make the development of such a Policy a regulatory requirement and to monitor for business' compliance.

People and Culture Policy

Origin has embraced the responsibility we have to model the future we would like to see. We feel the Royal Commission did not require the ESC to create policies which would impact business' cultural policies and initiatives around family violence.

As part of our Financial Inclusion Action Plan, Origin has developed a number of commitments to support vulnerable groups in our community, including people affected by domestic and family violence. As part of these commitments, the welfare of Origin's people is a priority, and their financial wellbeing is supported through initiatives such as our special leave policies. In 2015, Origin launched a domestic and family violence leave policy available for any of our people who are experiencing or caring for someone experiencing domestic or family violence. It provides immediate flexibility to enable our people to put safety or care plans in place, including enabling the time away from work to find alternative accommodation arrangements, seek medical, police or legal assistance, counselling, and more. This leave is in addition to existing leave entitlements.

Family Violence in the context of the Payment Difficulties Framework

The most recent changes to the Energy Retail Code which set out customer entitlements to hardship assistance under the Payment Difficulties Framework (PDF) do not become active until 1 January 2019. New obligation 89(f) ensures that the PDF applies to customers in family violence situations. Further, as

¹ <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/2018fwcfb1691-summary.pdf>



part of the process of re-submitting hardship policies to the ESC, we expect that this entitlement to assistance will emerge as an explicit eligibility criterion, given the Royal Commission's recommendations pre-date this work.

The ESC has not defined family violence in the ERC, however in a practical sense the most obvious type of family violence a retailer can reasonably identify and assist a customer through is financial abuse. ERC new rule *Minimum Assistance 79(g)* requires retailers to provide the customer with "any other assistance consistent with the objective of this Division." Considering the objective of the division is to make it easier for customers to repay their arrears, pay for ongoing use and reduce their energy costs, arguably this provision already enables retailers to refer the customer to support organisations in the event that the customer has indicated, or there is indication that a customer is experiencing, financial abuse. Should the ESC wish to make clearer that such customers should be referred to support agencies, then the addition of this specificity may sit under this clause.

Operationally, while the customer has an entitlement to assistance, Origin has concerns that the mechanisation required to ensure compliance with the PDF may in some instances jeopardize customer safety. The PDF removed a large amount of retailer discretion in creating a framework that requires particular types of contact for provision of information at particular times, and after particular interactions. Notwithstanding the clear need to provide assistance to customers who are identified as experiencing family violence in the context of the PDF, we would urge the ESC to carefully consider the flow-on effects of any changes.

Family Violence Awareness Training

Origin believes that in order to meet the requirements of the Payment Difficulties Framework and provide the relevant entitlements to family violence victim/survivors in a compassionate way, staff training is essential. The Royal Commission's recommendation that industry guidelines to require comprehensive and ongoing training of customer service staff to help them identify customers experiencing family violence and financial hardship is reasonable. Realistically, in order to support existing processes such training is already necessary and a requirement to provide it would serve a mainly administrative purpose. Origin would support a guideline or rule which supported this training need as it could lead to better customer outcomes if training approaches were consistent.

In addition, Origin is not opposed to posting information, links to further information and organizations which may be able to help customers on our website. We consider that the accessibility of information that could lead to the first steps a victim/survivor takes in extracting themselves from their family violence situation is worthwhile information to have provided.

Closing

Origin broadly supports the intent of providing information and assistance to customers and staff experiencing family violence. While the ESC has dedicated significant time and thought to tackling this important social issue, we believe it ought to balance the specific recommendations of the Royal Commission with the proactive measures taken by businesses to develop cultural awareness in developing its final position.

Should you have any questions or wish to discuss further, please contact Courtney Markham on (03) 9821 8086 in the first instance.

Yours sincerely



A handwritten signature in black ink, appearing to read "Sean Greenup".

Sean Greenup
Group Manager Regulatory Policy
(07) 3867 0620 sean.greenup@originenergy.com.au