



# When domestic & family violence comes to work

## Guide for union officers & workplace delegates



# A Union response to DFV

Domestic and family violence (DFV) is a workplace issue; and union business. **As a union representative you can play an important role.**

In 2017 more than 2 million workers in Australia have access to paid DFV leave at work: mainly through enterprise bargaining by Unions.

## QLD

The first state to legislate to provide paid DFV leave & support for all public sector & local government workers.

### In the workplace, DFV can be:

- a Workplace Health & safety issue
- an industrial issue
- a discrimination issue; as well as
- a human rights and community matter.

DFV can come into the workplace in a number of ways and cause distress to workers, affecting their employment through:

- lost productivity
- absenteeism
- ability to get to work on time; and
- in some cases their ability to stay safe at work.

Union members can be adversely affected by direct experience of DFV or as a co-worker with risks of vicarious trauma or attempting to cover for their colleague experiencing violence.

Union delegates and officers may be an important point of contact for members in the workplace who experience DFV.

With training by your union in partnership with DV Work Aware, the union's specialist provider of DV Workplace training, you can assist with:

- Information about and access to workplace entitlements
- Requesting and negotiating flexible work arrangements
- Speaking with management about the impact of DFV at work
- Advice, representation & support if a member faces disciplinary action or dismissal due to impact of DFV on their work performance
- Involvement in development of safety plans or WHS procedures
- Assisting with referral information
- Negotiating DV Workplace rights & entitlements as part of an Enterprise Agreement (for union officers responsible for negotiating & drafting Agreements, e.g. Lead Organisers/Industrial Officers).

Unions have a strong tradition of fighting for social and economic justice and stand for civil and human rights, self-determination and freedom from violence. As part of a community response, unions are committed to ending DFV. Industrial or enterprise provisions that provide access to paid leave & other supports through the workplace can bring about cultural change and raise awareness of the prevalence & impact of DFV.

# What is domestic & family violence?

Domestic and Family Violence (DFV) is a pattern of abusive behaviour in an intimate or family relationship where the person who uses the violence is motivated by a desire to dominate, control or oppress the other person in a way that causes fear.

## DFV can take different forms including:

Intimidation, coercion or isolation, emotional, physical, sexual, financial and spiritual abuse.

## DFV can happen to anyone.

DFV occurs in all socio-economic and cultural settings regardless of class, age, ethnicity, race, sexuality, religion or disability.

If someone at work is fearful or feels scared of a partner, ex-partner or a family member they may be experiencing DFV.

DFV usually increases over time, becoming more serious and more frequent, harming those who it directly targets and others including children who witness the abuse. **More than half the women abused have children in their care.**

## People experiencing DFV may suffer from:

Long-term health problems, including physical injuries, fatigue, sleep disturbances, depression and anxiety and post traumatic stress disorder as well as problems relating to alcohol and substance abuse. Many are isolated due to shame and fear and may be reluctant to ask for help.

The silence that surrounds DFV can put co-workers and the workplace at risk. Creating opportunities for workers to be more comfortable discussing DFV can help prevent it from entering a workplace and in dealing with it if it does.

There continues to be an unacceptably high prevalence of DFV in Australia: with on average one woman each week killed by her male partner. Men can also experience DFV but women are more likely to be seriously injured or endure ongoing assaults.

**More facts & information:** <https://www.ourwatch.org.au/Understanding-Violence/Facts-and-figures>

**1/4**

Australian women will experience DV in their lifetime.

**More than**

**1/2**

Have children in their care

**2/3**

women experiencing DV are working in paid employment at the time.

**UNION INFORMATION RESOURCES & SUPPORT:** [www.dvworkaware.org](http://www.dvworkaware.org)  
1800 621 458 [contact@dvworkaware.org](mailto:contact@dvworkaware.org) facebook: [dvworkaware](https://www.facebook.com/dvworkaware)

**EMERGENCY: 000 DFV CRISIS: 1800 RESPECT** <http://www.1800respect.org.au>  
**Local services locator App on ipad/iphone: DAISY**

# Why domestic violence is a workplace issue

DFV can directly impact on all workplaces from small business to large corporations, posing Workplace Health & Safety risks, affecting productivity and costing workplaces in rehiring and retraining.



Individuals who experience DFV are not responsible for the violence and often not equipped to stop it on their own. Attempting to leave the violent relationship can be the most dangerous time. Safety can be increased with awareness, access to specialist support resources and safety planning that may include the workplace.

**A national survey on DV and Work, The Safe at Home Safe at Work survey (2011)<sup>2</sup> found that:**

- 30% of female workers reported experiencing DFV
- often co-workers were aware of colleagues experiencing DFV and many reported increased stress and threats to their own safety.

**Perpetrators of DFV can target the victim at work; through emails, texts, social media, by phone or by turning up at the workplace to create problems.**

Undermining the employment and financial security of the victim can be part of control tactics designed to increase economic dependency, damage self-confidence - or punish them for challenging the abuse or attempting to leave the relationship.

There can be productivity and absentee issues for perpetrators of DFV as well as misuse of workplace resources to perpetrate abuse. Many of those who perpetrate DFV also experience emotional distress / distraction due to their behaviours.

**Most workplaces will have people experiencing or who have experienced DFV; and perpetrators of the violence or abuse.**

**Safety risks are apparent when both the victim and the person who perpetrates the violence are employed in the same organisation.**

DFV along with other forms of workplace violence should be viewed as a serious, recognisable and preventable problem consistent with the way other Workplace Health & Safety issues are identified and responded to.

Economic costs to the business sector are estimated at \$1.5 billion per year; with direct costs to employers including through staff absenteeism, lost productivity and at the top end of the scale the high cost of rehiring and retraining staff when employees are lost to DFV costing \$465 million.

Stopping DFV calls for a community response, with the workplace playing a key role. This is now widely recognised in Australia and identified in the Taskforce report, **Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland<sup>1</sup>**

# Why do unions support effective workplace responses to DFV?

All workplaces should be aware of their legislative requirements, employee entitlements & Workplace Health & Safety obligations as part of corporate responsibility. **Unions perform a proactive role in supporting this.**

## A workplace response to DFV should work to:

- Reduce the risk of violence at work
- Improve staff wellbeing and safety
- Reduce liability
- Take a stand against DFV as part of a community response
- Reduce costs of turnover and lost productivity

## Best policy practice ensures all employees are:

- informed that there is a workplace DFV policy
- informed of the details of a **trained** contact officer in the workplace (including a union delegate or Health & Safety Representative)
- provided with information on workplace entitlements & supports (see section below), an outline of how the workplace will respond to DFV & phone numbers for emergency & crisis support
- provided with information on how DFV can impact on the workplace, on those who directly experience the abuse & on co-workers

## Union preferred training for all members:

- Responding to DV at Work
- Best practice DV policy for EBAs
- Contact officers
- Safety plans & more:

[www.dvworkaware.org](http://www.dvworkaware.org)

1800 621 458

## ACTU 7 Key principles for DV & Work

### Key principals for workplace entitlements & supports endorsed by ACTU Congress Work, Life, Family Policy:

1. Dedicated additional paid leave for employees experiencing DFV
2. Measures to protect the confidentiality of employee details
3. Workplace safety planning strategies to ensure protection of employees should be developed and clearly understood by the parties concerned
4. Referral of employees to appropriate DFV support services
5. Provision of appropriate **training** and paid time off work for agreed roles for nominated contact persons (including union delegates/ Health & Safety Representatives)
6. Access to flexible work arrangements where appropriate
7. Protection against adverse action or discrimination on the basis of, experience of, or perceived experience of DFV.

Remaining in paid work & taking time off without losing income is crucial in leaving & addressing DV: to get a new home or a refuge, secure children's schools, seek legal advice, attend court, get medical & other support. Minimum DV Leave provision proposed by ACTU is 10 days paid +2 days unpaid leave per year.

### ACTU Model Policy template for Union Enterprise Agreements:

<https://www.actu.org.au/media/886613/actu-model-family-and-domestic-violence-leave-clause-revised-18-march-2.pdf>

# Current workplace legislation in relation to DFV

The following information is based on current legislative entitlements and may be useful in the context of assisting members to access support from their workplaces to address DFV issues.

Research on workplaces that already offer some form of Domestic Violence Leave shows it has wide-ranging benefits for the employees affected by domestic violence, their employers and workplaces.

## Leave for DFV circumstances

The type and amount of leave an employee can take depends on the workplace and the industrial instrument that covers it.

## DFV Leave through an Enterprise Agreement

Almost 2 million employees have access to paid leave entitlements through their enterprise agreement (EA): an agreement made between employees, their unions & their employer about conditions of employment, with Unions playing a key role in negotiating better working conditions including DFV leave through the EA. An employer should provide a copy of this agreement to staff, or this may be accessed through the Fair Work Commission website or your union. Members may be unaware of provisions that cover them and may seek assistance to determine these.

## Federal jurisdiction employees

Can request unpaid leave or to access other kinds of paid leave including personal/carer's leave, compassionate leave or annual leave.

## QLD Public Sector & Local Government Workers

Have legislated entitlements to paid DFV leave as well as access to flexible work arrangements and support. Information for State and Local government employees:

<https://www.forgov.qld.gov.au/domestic-and-family-violence>

## Right to Request Flexible Working Arrangements

Under the Fair Work Act Australian employees have the Right to Request Flexible Working Arrangements if they have 12 months continuous service with the employer, and, if they are a casual with an expectation of ongoing employment on a regular and systematic basis.

An employee can make the request if they are experiencing domestic or family violence (DFV) or are the carer of somebody experiencing DFV.

They may be able to ask for a change in work patterns or location as well as changes/reductions to their hours of work.

## More information on Flexible Working Arrangements & DFV including:

- Who is entitled to request flexible working arrangements & for what reason
- How to make a request
- Employer's obligations to consider them & reasons employer can give to refuse
- Types of flexible working arrangements you can request

Your Union & DV Work Aware: [www.dvworkaware.org/information-for-employees/](http://www.dvworkaware.org/information-for-employees/)

# Workplace Health & Safety

Addressing DFV with a proactive workplace policy and supporting employees experiencing DFV can help a workplace meet its obligations in regard to Workplace Health & Safety.

## Safety Plans

Members experiencing DFV may be asked by their employer to provide information for workplace safety planning. This can be an important part of a workplace response to DFV & can consist of:

**A workplace safety plan:** sets out specific actions that need to be taken to keep the workplace & all employees safe from threats of DFV. Content depends on factors such as the size, type, location and number of workers as well as exposure to public access.

**A personal safety plan:** is designed to keep the person experiencing DFV safer while at work and should meet their self identified needs or those recommended by a specialist DFV service provider, with overall safety of the workplace in mind. This plan should establish clear communication processes for the employee to report a threat at work.

## Confidentiality

While managing risk is a priority for workplaces – action should not be taken without informing the employee what is involved and without seeking their consent. Confidentiality is important for both the safety and dignity of the worker.

## Ask for help: Expert DFV services

Workplaces should consider working with specialist DFV organisations and the employee to develop safety plans. Members may ask for assistance from their union or workplace delegate in such circumstances if they require support or are concerned about confidentiality. Specialist DFV services are aware of issues that may not be apparent in workplace level disclosures of DFV & provide valuable insight into safety planning.

**Union contact officers:** Remember to refer your member through to DFV crisis services when they tell you about the DFV (**Services see p.2**).

## Perpetrators in the workplace

Situations where both the person using and the person experiencing the violence (the victim and the perpetrator) share the same workplace can be volatile. The possibility of contact should be minimised.

It is important that both are provided specialist referrals for assistance.

If perpetrators or alleged perpetrators are identified in the workplace it should be made clear that abuse occurring in the workplace or with organisational resources will not be tolerated. This is best dealt with in a clear and specific policy that takes a stand against DFV: **Visit [www.dvworkaware.org](http://www.dvworkaware.org) or call 1800 621 458 for more information.**

Safety planning is a specialist area.

## For Training & Resources on:

- Safety plans
- Perpetrators at work
- Best practice DFV workplace policy

[www.dvworkaware.org](http://www.dvworkaware.org)

**Unions:**  
Offer your member's workplaces the opportunity to be a



as part of Enterprise Agreement negotiations for DV entitlements & supports. **Phone 1800 621 458**

# Supporting a member experiencing DFV

Unions can be a driving force in helping members to stay safe at home and at work, working to reduce the risks of violence while maintaining crucial employment, which is the key to economic independence.

The workplace can be named on a DV Protection Order, however there are important factors to consider first: a specialist area covered in Union DV Work Aware Training.

**More information on Protection Orders:**  
[www.dvworkaware.org](http://www.dvworkaware.org)

Member may need documentation to access leave/support entitlements, e.g. documents from medical practitioner, police, legal service, DFV service or statutory declaration. This depends on the workplace policy/ Union Agreement.

The workplace is where members experiencing DFV spend significant time and work can be a haven for support, safety and help.

**Unions can be instrumental in assisting members that are victims to:**

- understand their workplace rights
- access specialist DFV services
- understand legal protections available such as Protection Orders, which can include the workplace.

Many unions also have members in professions that deal directly with DFV such as police, health and community services, security and education. Unions can assist by offering training and encouraging public and workplace awareness.

It can be important for union contact officers, delegates and all members to have information about where to refer other members to obtain assistance. This can be part of a “Recognise, Respond & Refer” framework that can be adopted as part of **Union preferred DV Work Aware training**, to raise awareness of the signs of DFV and how to develop effective policy responses at work.

**More information:** <http://www.dvworkaware.org/a-workplace-response-to-domestic-violence/>

## Supporting a member to disclose DFV at work

Telling their workplace may seem embarrassing or confronting for a member. Union contacts, consider supporting them to do this because:

- It may help the workplace to understand if they are late, absent or their work performance suffers due to the DFV, which may make them less likely to face warnings, disciplinary or adverse action. If this does occur it is to the employee’s advantage that they informed the workplace of the DFV.
- The workplace can take steps to help keep the member safer & limit opportunities for the perpetrator to harass them at work.
- For the member to access any DFV rights and leave entitlements available through their workplace they must tell the workplace that the DFV is occurring.

**Important points:**

- The member does not have to tell the workplace any personal details about the DFV. Discussion should be kept to issues directly relating to the member’s employment & safety at work.
- The workplace should only discuss the DFV with the member.
- The member should not feel ashamed of DFV: it is the perpetrator, not them, who is responsible.

# When a member seeks your help: What to do

Union Delegates, Organisers & call centres are an important point of contact for employees experiencing DFV. If a member contacts you for assistance:

- Keep information you receive about DFV confidential
- Let employees experiencing DFV know that the union will be supportive if industrial issues arise
- Let them know you are not an expert & provide referral information for local DFV services + check they know emergency numbers (000)
- Believe what they tell you but focus on the facts relating to the impact the DFV is having on their work
- Ask the member what they would like you to do for them. Do not tell them what to do or be judgemental of their situation.
- Don't ask for any information other than what is necessary to support and protect them at work (Refer to DFV support services)
- Assist them with access to others in the workplace that have key roles such as HRM or Contact Officers and support them to undertake safety planning if risks are identified in the workplace.

Research shows it takes a person experiencing DFV up to 7 times to leave the abusive relationship. It is important not to be judgemental if they return or decide not to take any action. Attempting to leave an abusive relationship can be the most dangerous time.

For:

- Case studies
- DFV service referral contacts
- Union Training to Respond to DV in the Workplace

[www.dvworkaware.org](http://www.dvworkaware.org)

## Bargaining for DFV Workplace Entitlements through Union Enterprise Agreements

Union enterprise bargaining provides workers with paid leave entitlements and workplace supports. There can also be other agreements made with employers to prevent & reduce the risks of DFV for employees including policy implementation, awareness training & promotion and specialist contact officers at work.

Employers can be encouraged to adopt best practice policies in relation to DFV, Gender Equality & Diversity and to provide paid DFV leave.

**If you are negotiating with members for DFV workplace provisions:**

- Use data about the prevalence of DFV
- Put forward the duty of care employers have under Workplace Health & Safety laws for the identified risks of DFV
- Organisations with a DFV policy can be recognised for best practice & corporate social responsibility in their industry
- Convey the cost to workplaces if DFV is unaddressed: over \$1.6 billion nationally each year including cost of lost productivity, rehiring & training when workers are lost to DFV - far greater than providing DFV leave & supports.

**Information & Union preferred training on Best Practice Workplace DFV policy:**

[www.dvworkaware.org](http://www.dvworkaware.org)



DV Work Aware



Queensland  
Council of Unions

# A model clause for a DFV workplace policy

Visit [www.dvworkaware.org/policy/](http://www.dvworkaware.org/policy/) for a complete model clause for a DFV workplace policy which can be included in a Union Enterprise Agreement to gain DFV entitlements & supports for your members.

This information is adapted from The Services Union Model Clause & should be developed in consultation with employees.

DV Work Aware can provide specialist assistance to Unions, members & workplaces in this area through Workplace Training and policy development consultation.

## Contact



# DV Work Aware

Your Union's preferred provider  
of specialist DFV Workplace resources  
& training

**website:** [www.dvworkaware.org](http://www.dvworkaware.org)  
**email:** [contact@dvworkaware.org](mailto:contact@dvworkaware.org)  
**freecall:** 1800 621 458  
**sms:** 0424 699 708  
**f** : [dvworkaware](https://www.facebook.com/dvworkaware)