

Employees who use domestic & family violence: A workplace response

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The sheer human impact of domestic and family violence in our community compels us to take action on all fronts. Workplaces are proving to be essential partners in this effort.

Employers are now stepping up with action on the **confronting issue of employees who may use domestic and family violence. This groundbreaking work helps organisations balance accountability and support for these employees, while ensuring the safety of those impacted is always paramount.**

Elizabeth Broderick
Founder, Male Champions of Change

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Foreword

A workplace response to employees who use domestic and family violence

Domestic and family violence is an endemic issue in our community. Its prevalence and consequences are well-documented. Characterised by a pattern of power and control, it is a manifestation of gender inequality where victims are overwhelmingly women. It harms individuals, families and our social fabric. It also impacts our workplaces.

There is growing recognition that every single one of us can and must act to change this situation.

Inspired by courageous advocates, including Rosie Batty AO and Kristy McKellar OAM, Male Champions of Change (MCC) believe that workplaces have an important role to play in addressing this issue.

Leaders on gender equality work must play their part in community-wide action to prevent further harm and create a society where violence against women and their children has no place.

Over the past five years, Male Champions of Change has worked with a range of experts to learn how to support people in our workplaces who have experienced domestic and family violence or who are supporting friends or family members experiencing domestic and family violence. Over 70% of our organisations now have clear approaches in place to do this with many others in the process of doing so.

However, comprehensive workplace responses to domestic and family violence should also include responses to employees who use domestic and family violence.

This is a challenging and sensitive area for employers – to balance accountability and support for employees who use domestic and family violence – while ensuring that the safety of the person experiencing domestic and family violence is always paramount.

Employers can play their part by encouraging employees who use domestic and family violence to seek help, and supporting people to feel able to change their behaviour and own the action required to do this, along with ensuring there are appropriate consequences when their behaviour impacts on workplaces.

This Toolkit is a resource which offers guidance on managing situations where an employee has (or is alleged to have) used domestic and family violence. It is not designed to be prescriptive, nor to provide a comprehensive response to every situation. Instead, it draws upon evidence, an informed understanding of people who use domestic and family violence, and experiences within some Male Champions of Change member organisations. The common themes and principles can be used by organisations as a guide in developing their own approaches.

We are particularly grateful for the expertise of Our Watch, No to Violence, Rape & Domestic Violence Services Australia, the UNSW Gendered Violence Research Network and Australia's CEO Challenge, with whom we collaborated to develop this Toolkit. We also thank MCC member organisations who shared case studies and lessons learned to inform this work.

Responding to employees who use violence and abuse will contribute to whole-of-community action to prevent harm and to create a society in which violence against women and children has no place. This work is underpinned by our long-term focus on advancing gender equality within our organisations and society, which we know is one of the most effective strategies in addressing the attitudes, behaviours and cultures that contribute to domestic and family violence.

We are sharing this Toolkit so that it can be used as part of collective efforts to end domestic and family violence in our communities.



SECTION 01

Introduction

Our starting point

Domestic and family violence is preventable

Domestic and family violence is the product of complex yet changeable social and environmental factors. It is often driven by beliefs and behaviours that reflect disrespect for women, low support for gender equality, and adherence to rigid or stereotypical gender roles. This document refers to the use of domestic and family violence as a choice. It supports the understanding that people who use domestic and family violence are responsible for their behaviour and most can choose to change their behaviour. There are no excuses for violent and abusive behaviour.

Domestic and family violence mostly affects women

While men and women can both experience domestic and family violence, the majority of domestic and family violence, including intimate partner violence, is perpetrated by men and the majority of victims are women and their children. Three in four victims of domestic violence reported the perpetrator as male.¹ It is critical to acknowledge the gendered nature of domestic and family violence to ensure that prevention efforts are appropriately designed and targeted. Domestic and family violence is also experienced by people who do not identify exclusively as either male or female, where the behaviour is defined by similar patterns of coercion, power and control.

The workplace has a role in responding to and preventing domestic and family violence

Workplaces are a key part of our community and can play a critical role in responding to domestic and family violence through supporting those affected by domestic and family violence and supporting employees who use domestic and family violence to take responsibility for their behaviour and seek help to stop using violence and abuse. Workplaces are also a critical setting for contributing to the prevention of domestic and family violence by promoting and reinforcing cultures and values of respect and gender equality, and by building understanding and awareness of domestic and family violence and respectful relationships.

The safety of the person experiencing domestic and family violence is of paramount importance

The safety of the person experiencing the violence and abuse needs to be central to any workplace response to the employee who uses domestic and family violence. Some organisational responses may risk escalating the violence and abuse. For example, any risk to household income can be used by employees who use domestic and family violence to threaten their (ex-)partner and/or family member against taking action. Avoiding any further harm to a person experiencing the violence and abuse, their family and friends, should be paramount to developing your workplace response and any action taken. Taking a victim/survivor-centred approach ensures the needs and wishes of the person experiencing domestic and family violence drives the response.

Further information on domestic and family violence is found on page 48.

More information is also available on the Our Watch website <https://www.ourwatch.org.au/Understanding-Violence>

Domestic and family violence is endemic

- **1 in 6 women (1.6 million women) and 1 in 16 men (548,000)** in Australia have experienced physical or sexual violence from a current or previous cohabiting partner.²

- **1 in 4 women (2.2 million) and 1 in 6 men (1.4 million)** in Australia have experienced emotional abuse by a current or former partner.³

- **15.7% of women and 7.1% of men have experienced economic abuse** at the hands of a current or former partner.⁴

- **1 woman was killed every 9 days and 1 man every 29 days** by a partner between 2014–15 and 2015–16.⁵ In 2018, 79 women and 22 children were killed by violence, most at the hands of someone they knew and loved.⁶

- **Fewer than one in five female victims who experience violence from their current partner ever contact police.** Despite this, police respond to more than 260,000 domestic violence incidents annually, equivalent to more than 700 incidents per day.⁷

- **More than two-thirds (68%)** of mothers who had children in their care when they experienced violence from their previous partner said their children had seen or heard the violence.⁸

- **Almost 10 women a day are hospitalised for assault injuries perpetrated by a spouse or domestic partner,** and women are more than twice as likely as men to have experienced fear or anxiety due to violence from a former partner.⁹

- **Some groups experience a higher prevalence of domestic and family violence and may experience domestic and family violence differently, including from a wider range of perpetrators.** These groups include Aboriginal and Torres Strait Islander women, young women, pregnant women, women separating from their partners, women and men with disability, and women experiencing financial hardship.¹⁰ These groups, as well as migrant and refugee women and women from the LGBTIQ+ community*, also experience additional barriers to accessing help and support.

- **Over 60% of women experiencing violence from a current partner are working.**¹¹

* Lesbian, gay, bisexual, transgender/gender diverse, intersex and queer.

A note on terminology

This resource draws on the expertise of many individuals and organisations across the domestic and family violence sector and terminology can vary by State and Territory. The following glossary defines the terminology used in this document.

Domestic violence (also known as intimate partner violence)

Domestic violence refers to violence, abuse, coercion and intimidation between people who are currently or have previously been in an intimate relationship. Those who use domestic violence seek to control and dominate the other person by using behaviour such as physical, sexual, emotional, social, verbal, spiritual and economic abuse. This causes fear, psychological harm and/or physical harm.

Family violence

Family violence refers to violence, abuse, coercion and intimidation between family members (for example children, siblings and parents) as well as intimate partners. Those who use family violence do so to control and dominate the other person. This causes fear, psychological harm and/or physical harm.

Person who uses domestic and family violence

A person who uses domestic and family violence describes someone who is, or may be, using violence and abuse in their relationship with their (ex-)partner or members of their family (domestic and/or family violence). The person who uses domestic and family violence is often referred to as the 'perpetrator' in other documents and so this terminology is used occasionally in this Toolkit.

Person who has experienced domestic and family violence

A person who has experienced domestic and family violence refers to someone that experiences domestic and family violence (i.e. victim/survivor of domestic and family violence). At times in this document, the term (ex-)partner is used to refer to the person who has experienced domestic and family violence; however, there are many other relationships that can experience domestic and family violence including parent/child, siblings and carers of people with disability.

Person affected by domestic and family violence

A person affected by domestic and family violence refers to someone that experiences the negative impacts of domestic and family violence and will include the person directly experiencing the domestic and family violence (i.e. victim/survivor) and may also include their family and friends who are providing support to them.

Employee

Employee is used to refer to people working in a traditional employment relationship. Much of the content of this Toolkit may be applicable to people working outside the traditional employment relationship such as contractors. Seek legal advice on the application of the Toolkit to other workers.

A domestic violence intervention order

A domestic violence intervention order (known by different names in each state and territory) is an order to protect victims of domestic violence when they are fearful of future violence or threats to their safety. The orders are granted by a court upon application from a victim or the police. The terms of the order will depend on the circumstances but will usually include a workplace condition, for example, prohibiting the perpetrator from approaching within a certain distance of the place of work of the victim/survivor.

Violence against women

Violence against women is any act of gender-based violence that causes or could cause physical, sexual or psychological harm or suffering to women. This includes threats of harm or coercion and can occur in public or in private life. While violence against women often occurs in a family or relationship context, violence against women is broader than what is covered by the term, family violence, as it includes, for example, harassment at work or sexual assault by a stranger, neighbour, colleague or acquaintance.

Workplace

The workplace includes any place where work is carried out (e.g. office, site, factory or shop) including the home, should the employee work from home.

See Domestic Violence Resource Centre Victoria's [Key Terms in the Prevention of Violence Against Women](#) resource for a comprehensive glossary of terms relevant to the prevention of domestic and family violence.



Workplaces have a vital role to play in creating an Australia where women are safe, equal and valued. Appropriate workplace responses to perpetrators of violence against women not only support individuals, but also help to address the drivers of violence against women and contribute to broader community efforts to prevent this violence from happening in the first place.

– Patty Kinnersly, CEO, Our Watch

Why is an employer response needed?

The prevalence of domestic and family violence means that people who use domestic and family violence are employed by customers of and/or are connected in some way to workplaces in every sector of the economy.

The use of domestic and family violence has an impact on the workplace and can also take place within the workplace. The findings from a study on the effects of domestic violence on the working life of identified 'perpetrators' showed that:¹²

Domestic and family violence occurs during work time or using work resources, such as:

- Contacting their (ex-)partners during work hours to continue an ongoing conflict, emotional abuse, and monitoring (34%)
- Emotionally abusing their (ex-)partners during work hours through messages (69%). Of these, most used phone calls, emails and/or texts (92%), or went to their (ex-)partners' workplace (14%) or their home (23%)
- Monitoring their (ex-)partners during work hours (71%). Of these, most did this through messages (91%), or went to their (ex-)partners' workplace (27%) or their home (29%)

Colleagues are aware:

- 21% reported that someone at work knew about the perpetrator's abusive behaviour, and of these, 19% reported someone at work 'covered' for them while they engaged in this behaviour

The use of domestic and family violence has the potential to impact on work performance and safety:

- Job performance was affected by their use of domestic violence – 45% reported that it 'sometimes, often, or very often' negatively affected their job performance and 38% reported a 'medium, large, or very large impact'
- Some caused or almost caused a work accident because of being distracted or preoccupied with domestic violence issues (9%)
- Some took paid and unpaid leave due to domestic violence issues (around 25%)
- Some lost their jobs as a direct or indirect result of their use of domestic violence (e.g. absence from work, distracted or poor productivity at work) (26%).

Domestic and family violence is estimated to cost the Australian economy \$22 billion per year. Of this amount, \$1.9 billion is attributed directly to businesses and productivity and \$443 million is due to perpetrator absenteeism.¹³

Workplaces are a critical setting for promoting and reinforcing cultures and values of respect and gender equality. By developing clear responses to employees who use domestic and family violence, employers can:

- Support people experiencing domestic and family violence by ensuring that their need for safety and support are prioritised
- Support other employees who may be affected by domestic and family violence such as friends and family supporting someone experiencing domestic and family violence
- Encourage employees who use domestic and family violence to seek help to change their behaviour and stop using violence and abuse
- Hold people who use domestic and family violence accountable and responsible for their use of violence and abuse
- Increase the safety of employees working alongside people who use domestic and family violence
- Increase the safety of employees responding to the allegations within the workplace setting
- Take part in whole-of-community action to end domestic and family violence in our community.



We recognise that an organisation as large as the Commonwealth Bank is likely to include people impacted by domestic violence – as victim survivors, colleagues, and those who have used violence in their relationships.

Our workplace response has now been extended to ensure our support encourages those who are using or have used violence to seek help and rehabilitation pathways, and to choose different behaviours.

By assisting those willing to change, we hope to support the prevention of domestic and family violence and be part of a community-wide response to the issue.

– Matt Comyn, CEO, Commonwealth Bank of Australia

Key elements of a workplace response to domestic and family violence



For further information on other elements see:

- Our Watch, [Workplace Equality and Respect Standards](#)
- Male Champions of Change, [Playing Our Part](#) report
- Fairwork Ombudsman, [Employer Guide to Family and Domestic Violence](#).
- [No to Violence](#) website

Who uses domestic and family violence?

Just as there is no 'typical' profile of people who might experience domestic and family violence, there is no singular profile of those who use domestic and family violence. The use of violence is not confined by socio-economic status, ethnicity, sexuality, gender identity, residential postcode, occupation, education or another aspect of a person's background. However, while there might not be a singular profile for someone who uses domestic and family violence, we do know men who use domestic and family violence are more likely to have sexist beliefs about women and strong beliefs about gender including gender roles.¹⁴

As outlined in earlier pages, three in four victims of domestic violence report that the perpetrator is male. This does not mean that men don't also experience domestic and family violence and that women are not perpetrators of domestic and family violence.¹⁵

Some people who use violence and abuse don't recognise their behaviour is harmful – or aren't willing to accept that they are using violence and abuse – until they have help to reflect on and recognise that their behaviour is hurting people. Some people who use violence and abuse want very much to change their behaviour, while others may not wish to change.

Wherever a person stands on this spectrum, the choice to stop the use of violence is within the control of that person. There are many experts and professional services available to support those who wish to change their behaviour, so getting the right support as early as possible is always in the best interests of the person using domestic and family violence and all those affected.



We know that people who use family and domestic violence rarely seek support; we also know that most of these people are employed. This toolkit provides workplaces with a practical guide and resources to safely engage with people using violence to assist them to stop their use, seek help and change their behaviour.

– Jacqui Watt, CEO, No to Violence

Recognising the signs of domestic and family violence¹⁶

The use of domestic and family violence is grounded in gender inequality and is characterised by an abuse of power, coercion and control over their (ex-)partner and/or family members, and a pattern of behaviour.

Employees who use domestic and family violence may not necessarily demonstrate similar behaviour and attitudes in the workplace (e.g. sexual harassment or bullying). However, as noted earlier, while there is not a singular profile for someone who uses domestic and family violence, we do know that men who do use domestic and family violence are more likely to have sexist beliefs about women and therefore this may be an indicator of domestic and family violence at home.

However, in some situations, it may be possible to identify, or you may suspect that an employee is using domestic and family violence through observing a pattern in how they treat or talk about their (ex-)partner and/or family member, or how they behave in the workplace. For example, where an employee:

Displays a pattern of workplace behaviour

- Including absenteeism, distraction or accidents

Minimises, denies or blames

- Tries to get you to agree with negative views about their (ex-)partner
- Dehumanises or demonises their (ex-)partner
- Presents or talks about themselves as being the real victim
- Attempts to justify their behaviour for social or cultural reasons

Engages in emotional abuse

- Engages in emotional abuse
- Talks about their (ex-)partner in emotionally abusive or degrading ways
- Acts or talks in a way that makes their (ex-)partner out to be inferior to them
- Comments negatively on their (ex-)partner's decisions and actions
- Criticises their (ex-)partner's parenting
- Humiliates their (ex-)partner in front of other people
- Is blind to, or does not appear to care about, their (ex-)partner's viewpoints and needs
- Plays mind games with their (ex-)partner and tries to make the (ex-)partner feel they are crazy

Engages in economic abuse

- Controls their (ex-)partner's access to financial or other resources
- Controls how their (ex-)partner spends money or gives their (ex-)partner an allowance
- Prevents their (ex-)partner from getting or keeping their job

Intimidates

- Monitors what their (ex-)partner is doing, including reading emails and text messages
- Restricts or controls their (ex-)partner's access to services
- Always accompanies their (ex-)partner to appointments
- Speaks for their (ex-)partner rather than their (ex-)partner answering questions they are asked
- Is clearly intent on getting their own way
- Unfairly and regularly accuses their (ex-)partner of flirting or being unfaithful

Uses or jokes about using physical and sexual abuse

- Jokes or makes comments about wanting to harm or kill their (ex-)partner
- Jokes or makes comments about having sex whenever they want.

Isolates

- Discourages or prevents their (ex-)partner and/or family members from seeing friends and family
- Expresses jealousy about time the (ex-)partner spends with co-workers or friends
- Restricts their (ex-)partner's ability to get to work or engage in other activities outside the home
- Restricts what their (ex-)partner can read or do inside and outside the home

Uses coercion and threats

- Threatens to hurt their (ex-)partner, children or pets
- Threatens to tell lies about their (ex-)partner to work colleagues, friends or family
- Threatens to come over and harm their (ex-)partner or their (ex-)partner's friends or family
- Destroys their (ex-)partner's property

Uses children

- Deliberately fails to show up for childcare or school pick-up
- Makes their (ex-)partner feel guilty about their children
- Uses their children to relay messages to their (ex-)partner
- Threatens to take the children away from their (ex-)partner

Uses masculine privilege

- Treats their (ex-)partner or family members like servants
- Blames their (ex-)partner for showing 'no respect' or for being 'disloyal'
- Talks about a strict division of roles and duties with their (ex-)partner responsible for home, children and family responsibilities.

Key messages

1. Ensure the safety of those experiencing violence is prioritised.
2. No person who experiences domestic and family violence is responsible for the abuse they experience.
3. Domestic and family violence is the responsibility of the individual using domestic and family violence.
4. For a person to change their violent behaviour, in the first instance they need to recognise that what they are doing is unacceptable or even criminal and it is they who need to change.
5. Putting systems in place for people who use violence and abuse to seek help to change their behaviour places responsibility on them to do so.
6. Offering support to a person using domestic and family violence has the potential to reduce risk and increase safety for those experiencing the violence and abuse.
7. Ending domestic and family violence is everyone's responsibility – we all have a role to play in ending domestic and family violence. Don't ignore it.

Note: People who use domestic and family violence are most violent or at risk of their behaviour escalating when their victim tries to leave, during pregnancy or the violence is disclosed by the victim to others.¹⁷

How might you know someone in your workplace is using violence?

People who use violence and abuse rarely self-disclose or seek help. It may come to the attention of the workplace in a number of different ways.

Disclosure by the person using domestic and family violence may arise in the following situations:

- An employee is most likely to disclose if and when they are seeking leave to attend court, or an appointment directly related to their use of violence and abuse (e.g. lawyer, police, behaviour change program)
- In the context of a performance discussion, or in a situation in which they are obligated to disclose, due to the nature of their role
- An employee may acknowledge their violent and abusive behaviour and identify their employer as a channel to receive support.

Disclosure by the person experiencing domestic and family violence who may, or may not, be an employee of the workplace.

Manager or colleagues become aware, for example:

- Through the misuse of company assets or work time to use domestic and family violence outside the workplace
- By witnessing an act of violence or abusive behaviour in the workplace or at a work-related event

Third-party disclosure, such as:

- Victim/survivor, police or a legal representative may reach out to the workplace seeking adherence to a Domestic Violence Intervention Order or alerting the workplace of misuse of company resources

Anonymous reports may also be received, such as:

- Anonymous phone calls to the workplace, news and social media posts. This may be more prevalent in regional and rural areas due to lack of anonymity, and greater proximity to co-workers and the community, e.g. a manager or boss may be informed through their social networks, clubs or local gossip. It is critical to use caution in these situations due to the risk of misinformation or vexatious allegations.



The statistics are clear: domestic and family violence is prevalent in our society and there will be both victims and perpetrators among the employees of large organisations in Australia today. Workplaces can and therefore should take action, and in doing so we can contribute to both saving and changing lives for the better. At Telstra, we have made it clear that there is no place for domestic violence and we encourage all of our employees to seek help, speak out and speak up and we are engaging in different ways with our employees, customers and the community to help end domestic violence.

– Andy Penn, CEO, Telstra



SECTION 02

Workplace approach

Key steps in developing your workplace approach

Where there is an intersection between domestic and family violence and the workplace, employers have a role in managing any workplace impacts and referring employees to support services they need to stop their use of violence and abuse and change their behaviour.

Each organisation and its workforce is different. The steps outlined below provide guidance on designing your organisation's approach.

Understand the role of the workplace

The role of the workplace is to **recognise, respond, refer** and **record**.

Recognise the signs of domestic and family violence and any workplace impacts (e.g. impact on employee's work performance, use of time and work resources to perpetrate domestic and family violence)

Respond by managing the workplace impacts of the domestic and family violence

Refer to experts, ensuring processes are in place to support effective referrals. Examples of appropriate referrals and expert support services are provided on page 46 of this report

Record incidents ensuring privacy, access is limited to 'need to know' and the record is kept separate from employment files.

Determine your organisation's position

There is no 'one size fits all' approach to managing people who use domestic and family violence. Employers need to tailor their response according to variables such as the employee's role, the nature of the organisation and the impact of the violence on the workplace (e.g. safety, performance, reputation and where both the employee using domestic and family violence and the employee experiencing domestic and family violence are in the same workplace).¹⁸ The employer's position should be clearly communicated to employees including during induction and in relevant policies.

Most organisations have adopted **graduated approaches** to managing people who use violence and abuse and take action within certain parameters. Other organisations have adopted **a zero tolerance approach**, particularly where the employee using domestic and family violence is in a particular role such that it is deemed to be incompatible with this behaviour. These approaches, when they may be appropriate, and considerations in implementing them are outlined on pages 20–21.

→ When can workplaces respond

Workplaces can respond to domestic and family violence where there is an intersection between domestic and family violence and the workplace. An intersection may occur in the following situations:

Sometimes, domestic and family violence may come directly into the workplace.

For example:

- The employee using violence and abuse against their (ex-)partner in the workplace
- The employee making use of workplace resources (e.g. email, phone, car) or time to perpetrate domestic and family violence
- The employee using their position or work resources to find out details about the whereabouts or other details of their (ex-)partner
- The employee involving others in their use of domestic and family violence (e.g. monitoring their (ex-)partner)

Sometimes there may be a link between the domestic and family violence occurring at home and the employment of the individual, for example where the employee's conduct:

- Involves others in the workplace
- Is incompatible with the employee's duties such as where the employee's position includes leadership, direct contact with vulnerable clients or access to personal information, or in cases in which criminal proceedings have resulted in the loss of a required approval or registration (e.g. the ability to work with children)
- Damages the relationship between the employer and the employee or the employer's interests or reputation

A Domestic Violence Intervention Order

- That requires the workplace to take certain measures to ensure the safety of people (e.g. the person experiencing the domestic and family violence, work colleagues)

It's been heartening to see so many workplaces step up their support for employees experiencing domestic and family violence over the past few years. As hard as it is to contemplate, the next challenge is recognising we may also have people in our organisations who use this violence on their families. Workplaces can play a critical role in helping these people to change their behaviour, while also protecting those who are impacted by it. This resource offers a comprehensive guide on how to appropriately do this and is an essential element of our whole-of-community response to this devastating issue.

– Karen Willis, Executive Director, Rape & Domestic Violence Services Australia

Guide for determining your organisation's position

Approaches

May be appropriate when

Graduated approach

Focuses on managing employees who use domestic and family violence within the broader context of protecting those affected, providing a safe working environment and preventing domestic and family violence.

Includes:

- Taking action to hold employees who use domestic and family violence responsible for workplace impacts of their violence with actions varying according to circumstances
- Offering the employee an opportunity to change their behaviour through referral to expert services
- Outlines the use of penalties, including employment termination, if their use of violence and abuse continues

All situations, except in the few situations where a zero tolerance approach may be appropriate.

Zero tolerance approach

Immediate disciplinary action, including potential dismissal, for employees using domestic and family violence where there is an impact on the workplace or reputation risk

The employee's role makes it untenable or unsafe for a person to remain employed (e.g. a role that involves access to firearms; working with vulnerable people; or where the role represents the 'face' of the organisation).



An organisation's action could include



Considerations

Graduated approach

Change of employment conditions to support terms of a Domestic Violence Intervention Order.

Preconditions of ongoing support, for example, moved from a frontline role, attending behaviour change programs, and limitations on attending work-related events, if alcohol is identified as a contributing factor.

Information provided that use of work resources (such as email, phone and work time) will be closely monitored to ensure resources are not being used to continue the violence.

Clearly articulated consequences including employment termination, if their violent behaviour continues and impacts on the workplace.

Access to leave to attend behaviour change programs or court.

Consideration of whether the action will increase safety, stop the domestic and family violence, and support behaviour change should underpin all decisions on appropriate action.

In considering whether to provide paid or unpaid leave to an employee using domestic and family violence, consider whether it will increase safety and stop the domestic and family violence. For example, some workplaces provide access to specific domestic and family violence leave where the leave is to be used to support behaviour change (i.e. within a safety framing) or to attend court appointments where the employee has accepted their behaviour is wrong. Some employers provide access to the employee's existing leave entitlements such as annual leave accrual, miscellaneous leave and/or unpaid leave.

Zero tolerance approach

Immediate disciplinary action, including potential dismissal.

Whilst these actions may be available, you should seek legal advice before implementing any disciplinary action.

Loss of employment can escalate the risk of further violence and harm and may not contribute to the prevention of domestic and family violence.

Where specific roles warrant a zero tolerance approach, consider including this and the consequences for employment of using domestic and family violence on commencement of the employee's employment. Seek legal advice before implementing this.

Develop internal capability to respond

- Provide employees with awareness training, including gender equality training, to understand the drivers of domestic and family violence.
- Domestic and Family Violence Contact Officers:
 - Staff members with training in responding to domestic and family violence (e.g. Human Resources or Domestic Violence Contact Officers) should be the contact persons on all matters. Where possible, ensure there are multiple avenues for employees who are using domestic and family violence to access support.
 - Where the person who is experiencing the violence is also an employee, the contact person should be different for both parties. There should be clear information provided to the person experiencing the violence about the confidentiality of their workplace support.
 - Consider partnering with a domestic and family violence service who can provide support to these staff.
 - Care for and support the people in your organisation who are working directly with employees who use, are victims of or are affected by domestic and family violence, recognising that they may find this extremely difficult.
- Other staff who may play a role in managing workplace impacts (e.g. people leaders, Human Resources, IT, property and security, employee assistance providers, reception): Identify and engage with internal stakeholders who may play a role in managing the workplace impacts of domestic and family violence. Be clear on the roles and responsibilities of each of these responders.
- People leaders: Train and build capability of all people leaders to 'recognise, respond, refer and record' domestic and family violence. Provide information to leaders on the nature of collusion and the tactics that are sometimes used by those that use domestic and family violence to minimise their responsibility and how to appropriately respond (see page 27 for further information on collusion).

Build a culture that encourages disclosure, help and referrals

- Communicate with your staff about the importance of respectful relationships, gender equality, the drivers of domestic and family violence, and the use of power and control in the workplace and at home (e.g. through training, all-staff communications and meetings).
- Clearly communicate the organisation's position on the use of violence generally which includes but is not limited to domestic and family violence, and the support available for employees to change their behaviour. Ensure that the safety of the victim as the first priority is clearly communicated.
- Make information resources and referral contacts available to all employees (see page 46).
- Make training available to all employees to build awareness, understanding and knowledge of domestic and family violence and enable them to contribute to prevention and response efforts.
- Engage with key stakeholders such as employee associations (e.g. unions) to support and embed a positive culture.
- Workplaces should consider the specific needs of diverse groups who experience a higher prevalence of domestic and family violence and may experience domestic and family violence differently, including from a wider range of perpetrators.

This may involve:

- Including contact numbers for services in their local area that would meet the needs of populations that face different forms of disadvantage (e.g. LGBTIQ+ services and multicultural services)
- Ensuring the definition of domestic and family violence in your policy is kept broad to recognise that different cultures and communities have different understandings and different meanings of family
- If you have a large workforce with large population groups whose first language is not English, translate your policies into relevant languages and/or provide short videos in other languages where there may be literacy barriers
- Use an interpreter when required to ensure individuals understand your policies and approach – partnering with local specialist services can assist in this.

Establish policies and procedures to set standards and guide your actions when a situation arises

- Develop and implement a policy addressing employees who use domestic and family violence (see page 42 for a template).
- Ensure policies and procedures in relation to domestic and family violence are understood through training and education for all staff. Relevant policies and procedures may include:
 - Domestic and family violence policy
 - Bystander policies and procedures
 - Code of conduct
 - Work health and safety framework
 - Risk management
 - Performance management.
- Ensure executive and Board alignment:
 - Formal endorsement of the organisation's position, management approaches and principles to be employed in workplace responses, before announcing the organisation's approach.
 - Regular review of the organisation's approach and practice through formal governance processes, such as the Board of Directors.
 - Regular reporting to and guidance from the organisation's executive as cases arise.
- Set clear behavioural expectations for the workplace and the use of work resources. Communicate what is, and is not, acceptable use of work resources and time for personal reasons.



We all have a role to play in changing the attitudes and beliefs that can lead to violence. Companies have the capacity to help drive that change, by offering safe and respectful workplaces and providing the right support for employees. Talking about domestic and family violence may not be an easy conversation in the office, but it's one we all need to have if we are to make a difference.

Not only do we employ people who are experiencing or are at risk of sexual assault, domestic and family violence, we may employ those who use violence. It is important we are also able to help those employees to stop the cycle of violence, so we also offer them support, with referrals to counselling and other appropriate services.

– Craig Drummond, CEO, Medibank

Principles to guide your workplace response

The following principles will help guide how you respond to the workplace impacts of an employee who is using domestic and family violence. The role of the workplace is to recognise, respond, refer and record, not to manage the situation of domestic and family violence and/or provide a therapeutic response.

Safety is the first priority

- Consider whether an employee who is using domestic and family violence is at risk of causing harm immediately to the person experiencing the violence/abuse, to themselves, or to other employees – including the staff who might need to discuss the matter with them. It is important to note that people who use domestic and family violence are most violent or at risk of their behaviour escalating when their victim tries to leave, during pregnancy or when the violence is disclosed by the victim to others.
- Where there is a Domestic Violence Intervention Order against the employee who is using domestic and family violence, implement the workplace conditions and leverage them as a framework for shaping your workplace response.
- If you suspect that an employee is using domestic and family violence, do not attempt to ask the employee questions to 'screen' for use of violence or start an 'investigation' involving questioning of the person or their colleagues. This carries the risk that the employee may think that the person they have been violent/abusive towards has disclosed their behaviour/s to their colleagues, which could lead to retaliation and an increase in their use of violence and abuse. Where appropriate and an enabling policy exists, an organisation may commence a confidential 'desktop' investigation involving IT security to review their IT activity.
- If possible (for example they are also an employee or they have made contact with the employer), ensure the (ex-)partner and/or family member participates in determining the employer actions to ensure their safety and give them notice before taking any action.

Ask the experts

Staff members with training in responding to domestic and family violence (i.e. Domestic and Family Violence Contact Officers) should consider whether it is appropriate to:

- If possible, seek advice from the person experiencing domestic and family violence to understand their level of risk (including regarding any proposed action) and their safety needs – people experiencing domestic and family violence are the best experts on their own safety. If this is not possible (i.e. they are not an employee and have not made contact with the organisation), then seek advice from domestic and family violence specialists to understand the risks the person experiencing the violence/abuse may face and the appropriate action to take.
- Seek advice from domestic and family violence specialist services who work with people who use domestic and family violence before meeting with the person who is alleged to have used domestic and family violence. It is important to be prepared for the range of reactions – from remorse to denial, victim blaming, aggression, positioning themselves as the victim and other manipulative and grooming actions – that they may express when their behaviour is raised
- Access specialist services to assist in tailoring individual responses to people who use domestic and family violence.

See page 46 under 'Referrals and Support' for further information. Organisations should consider partnering with a specialist family violence service who can provide support to staff who use domestic and family violence.

Use clear and impartial communication

- Prepare well to ensure that you can be confident in having a conversation with an employee who is using domestic and family violence about the workplace impacts. Ensure you can clearly articulate the connection between domestic and family violence and the workplace and its impact.
- Keep the focus on encouraging the employee to access specialist services to seek support to stop their use of domestic and family violence and encourage behaviour change.
- Some employees who use domestic and family violence may deny, justify or blame others for their behaviour. Avoid commenting on their perspective on the violence and abuse as there is a risk that it could be interpreted as agreement or support for their views and/or reinforce their belief that they haven't done anything wrong.
- Talk to the employee in a calm, respectful and impartial manner. Humiliating or offending an employee who uses domestic and family violence may lead them to not seek assistance and/or it may exacerbate the violence and increase the risk for their (ex-) partner and/or family members.

Maintain confidentiality

- Maintain the privacy and confidentiality of the person experiencing domestic and family violence and the employee who uses domestic and family violence. Note that maintaining strict confidentiality may not be possible where disclosure is required by an Australian law (for example, where mandatory reporting of a certain offence is required) or is necessary to protect the life, health or safety of an individual. In these situations, complying with obligations under applicable privacy legislation must also be a priority.
- Never disclose to an employee who uses domestic and family violence any information that may put the person experiencing the violence/abuse at risk, e.g. information that would suggest the person experiencing the violence/abuse has disclosed information about the situation.
- Maintaining confidentiality and sharing information on a strictly 'need to know' basis will ensure minimal impact on other people close to the person experiencing the violence/abuse and the employee who uses violence/abuse, including fellow employees.
- When communicating to team members and other key contacts, ensure that only the required information is shared and avoid discussing the allegations of violence and abuse.



Many employers are uncertain about how to respond appropriately to employees who use domestic and family violence. It is now clear that both a balance of procedural fairness for the employee using domestic and family violence and a focus on safety for the person who is experiencing the violence are key ingredients to competent management of this complex organisational issue. This MCC Toolkit provides evidence-informed practical guidance together with a wealth of resources to assist organisations to manage these important and challenging matters.

– Professor Jan Breckenridge, Head of the School of Social Sciences and Co-Convener of the Gendered Violence Research Network at UNSW

Avoid collusion

Employer collusion with employees who use domestic and family violence can result in excuses, minimisations and other ways of avoiding responsibility becoming strengthened, potentially worsening the situation for their (ex-)partner and/or family members and reducing the possibility of that person seeking support.

See [Tips for engaging men who use family violence](#)¹⁹ for a useful resource on what collusion looks like and how to avoid it. You can also contact specialist domestic and family violence services to seek assistance in identifying and avoiding collusion.

Responding to employees who present as victims and users of domestic and family violence

All employees who disclose that they are experiencing domestic and family violence should be treated in the same way, regardless of their gender, and offered referrals to specialist agencies for support.

It is important to be mindful that some employees who present as experiencing domestic and family violence may in fact be the person using domestic and family violence. This is likely to be more prevalent with male employees. Sometimes people using domestic and family violence may claim they have also experienced violence but fail to disclose that this was a consequence of acts of self-defence by the victim to protect themselves and their children.

For example, research conducted in 2013 found that while 25% of the self-identified victims/survivors of family violence (in a survey of 393 Australians) were male, a deeper examination revealed that 28% of these men also had Domestic Violence Intervention Orders issued against them (a rate 14 times higher than the women in their sample).²⁰

Family violence is driven by the need to have power and control over the other person and is not usually a one-off event. This complexity reinforces the need for specialist support.

Quick reference guide

A workplace response to employees who use domestic and family violence

1

Safety First

Ensure the safety of the person experiencing domestic and family violence, other parties and the employee perpetrating the violence

Ask

- Is anyone at risk of immediate harm?
- If you are in contact with the person experiencing the violence/abuse, have you asked them if they have any immediate safety concerns?

Consider whether to:

- Call police
- Call building security
- Where appropriate always ask the person experiencing the violence/abuse their preferences for action and/or ongoing communication

2

Recognise

Determine how the behaviour intersects with the workplace and/or interacts with the person's employment

Ask

- What is the evidence of this behaviour?
- Do you need to make any workplace adjustments to comply with a Domestic Violence Intervention Order?
- What employment law and policies might relate to the behaviour?
- Is there a clear case for disciplinary action?

Consider whether to:

- Seek expert advice
- Seek legal advice
- Appoint staff members to manage ongoing interactions with the person experiencing the violence/abuse (if possible), the employee who has perpetrated violence, and any employees impacted. Note that where the employee experiencing the violence is also in the workplace, ensure that a different staff member liaises with them

3

Respond

Develop a proposed response which can be adjusted in response to discussions with the person experiencing the violence/abuse and the perpetrator

Ask

Is the employee seeking assistance from the workplace to change their behaviour and/or is there a connection between the violence/abuse and the workplace?

If not: No action unless employee is in a specific role designated as incompatible with the use of domestic and family violence

If yes, consider whether to:

- Meet with the employee to discuss the matter, the proposed response and next steps
- Discuss the allegation in an impartial and respectful manner
- Explain the intersection of the behaviour with the workplace and/or role
- Explain the proposed response
- Direct the employee to cease particular elements of their job (such as removing them from interactions with vulnerable people)
- Explain the follow-up actions the organisation will take
- Offer support to engage with behavioural change and other specialist services
- Report a crime to the police
- Alert Child Safety Services
- Put in place a temporary workplace adjustment
- Commence disciplinary processes
- If possible, discuss the proposed approach with the person experiencing the violence/abuse

Remain in regular contact with all parties to the matter until it is resolved.

4

Refer and Record

Provide referrals to specialist services

Offer support to engage with behavioural change and other specialist services

Document all conversations and action taken

- Have you made a record of each conversation and action taken?
- Have you considered if you have any evidence that may be helpful to the person experiencing the violence/abuse in any court proceedings (e.g. CCTV footage, computer data or phone records)
- Have you stored the confidential record separate to the employment file and with limited access?

Store formal records in a secure location and limit access to a small group of employees who have the 'need to know'. Ensure that your records management system can track who has accessed and edited these records and a system is in place for appropriate disposal of the records .

Workplace legal obligations

Both employers and employees have a range of legal rights and obligations which must be considered when managing employees who use domestic and family violence.

The information below is an overview of these rights and obligations. This is intended to provide broad guidance on the types of matters organisations may wish to consider. **This information is not intended as legal advice.**

The sources of rights and obligations include – but may not be limited to:

- Legislation (e.g. workplace health and safety, workers' compensation, anti-discrimination, privacy, industrial relations)
- Common law rights and obligations
- Enterprise bargaining agreements and awards
- Codes of conduct
- Other workplace-specific policies and procedures (for example, IT policies and use of office equipment).

Like other matters related to employee conduct, a range of responses to employees who use violence may be appropriate, from monitoring the situation up to immediate police involvement.

Employees are entitled to a fair process which affords them the opportunity to respond to any concerns or allegations made against them.

Contacting the police

- Employers have a duty of care to provide a safe work environment. Employers should comply with any applicable laws as they relate to the mandatory reporting of certain acts or offences. In addition, employers should consider calling the police if they believe that someone is at immediate risk of harm.
- Employers should be aware that police intervention may escalate matters for the person experiencing the violence/abuse. In situations in which the person experiencing the violence/abuse is not an employee and/or you cannot find out their wishes, seek advice from a specialist service about the best course of action.
- 1800RESPECT provides advice about what action you should take if you are concerned about the safety of an employee or someone else outside your organisation. The Men's Referral Service can also provide advice.

Domestic Violence Intervention Orders (or similar)

- Employers have a legal duty of care to protect the safety of all employees.
- Employers need to support strict compliance with the terms of any Domestic Violence Intervention Order that affects employees at the workplace.
 - An employer can take into account the effect an order is likely to have on an employee's ability to perform the inherent requirements of their job and its impact on the operation of the business
 - It may be that the terms of the order are intended to permit both parties to continue working because it is deemed safe and practicable to do so.

Temporary workplace adjustments

Temporary adjustments to the workplace or operations may be required to ensure the safety of the person experiencing domestic and family violence.

Temporary adjustments could include:

- Steps to physically separate the employees, such as:
 - Moving or transferring one employee to a different working location, or implementing a work-from-home arrangement, where it is safe, being aware of locational limitations in some regional and rural areas.
 - Changing work times for one or both employees
 - Considering the availability of a suitable alternative position which limits contact
 - Discussing the possibility of an employee taking leave to remove them from the workplace
 - Suspending an employee (only if no other options are available and the matter is a potential disciplinary matter)
- Implementation of rules around communication (e.g. a direction that email is only to be used for work purposes and a manager is copied in to all correspondence).
- Providing additional safety measures such as security for the person experiencing domestic and family violence or a secure car space with escort.

Situations in which adjustments might be helpful include:

- Where two employees in the workplace are or were in a personal relationship and allegations of domestic and family violence have been raised by one or both of the employees
- Where it is necessary to protect vulnerable clients, or where the situation is occurring in a small or regional community
- Where a Domestic Violence Intervention Order is in place which may affect one or more employees in the workplace
- Even if no Domestic Violence Intervention Order has been made, temporary measures may still be needed to ensure the safety of the person experiencing domestic and family violence.

Before implementing any workplace adjustments, consider:

- Consulting with the person experiencing the domestic and family violence about any adjustments rather than unilaterally imposing changes (e.g. asking the person experiencing the violence/abuse for their preference before making any workplace adjustments)
- The specific terms of employment to confirm the legality of the changes you propose to make
- How such changes may impact on the employee/s, and whether making such changes could be perceived as (or be) discrimination and/or disproportionate/unfair
- The duration of any such changes.

When implementing any workplace adjustments, advise employees that:

- Maintaining health and safety in the workplace is the first priority
- Parties will be afforded procedural fairness while also ensuring a focus on the safety of the person experiencing the domestic and family violence
- Make it clear to the person experiencing the violence/abuse that the employer believes that they are a victim of family and domestic violence and that you support them
- Adjustments are temporary until the employer/organisation can obtain more information and further assess the situation
- Employees can contact a nominated support person (or Employee Assistance Provider (EAP)). You should provide different support contacts for each individual involved.

Incorporate a workplace safety plan or risk assessment into your plan for temporary workplace adjustments.

Disciplinary action

The employee who uses domestic and family violence should be made aware that there may be workplace consequences for their behaviour, even if the behaviour is occurring outside of the workplace. Disciplinary action may be appropriate in the following situations:

Intersection of conduct with the workplace:

- Sometimes, domestic and family violence may come directly into the workplace and there may be very clear grounds for an employer to take action, including dismissal. Examples of such intersections of conduct with the workplace include:
 - The employee using domestic and family violence against their (ex-)partner in the workplace
 - The employee making use of workplace resources (e.g. email, phone, car) or time to perpetrate domestic and family violence
 - The employee using their position or work resources to find out details about the whereabouts or other details of their (ex-)partner.

Links between the conduct and the employment of the individuals involved:

- When the conduct occurs in an employee's personal relationship outside of the workplace, there may be circumstances in which it may be appropriate for an employer to take disciplinary action. Taking disciplinary action may be appropriate where the employee's conduct:
 - Is likely to damage the relationship between the employer and the employee
 - Damages the employer's interests
 - Is incompatible with the employee's duties as an employee.
- Factors which may demonstrate a link between the conduct and the individual's employment include:
 - The employee's conduct involves others in the workplace
 - The nature of the employee's position includes leadership, direct contact with vulnerable clients or access to personal information, or in cases in which criminal proceedings have resulted in the loss of a required approval or registration (e.g. the ability to work with children).
- Consider if there are particular roles that fall within this category and make these role-holders aware that there may be particular consequences if they are found to be perpetrators of violence.

It is important to consider the information and/or evidence available before taking action

Consider whether there is a sufficient factual basis to take disciplinary action.

- The information and evidence base is likely to be clear in cases in which the employee has been convicted of a domestic and family violence offence, and/or where there is a relevant connection to the workplace (as described above).

You may be told of a situation by a concerned colleague or a third party. In these situations, there may be little concrete, factual evidence. Employers should note that:

- Launching an investigation (in the same way you would investigate a bullying or sexual harassment complaint) may put the person experiencing the violence/abuse at risk of further harm and may not be appropriate. Conducting an investigation can escalate the risk of domestic and family violence being perpetrated
- Employers should not ask probing questions to 'screen' for domestic and family violence as the risk of the violence and abuse escalating is too great
- In these situations, seek expert advice from domestic and family violence specialists and/or your human resources department.

Seek expert advice before taking any disciplinary action. This can mitigate against any adverse consequences and ensure you are complying with your legal obligations.

→ Considering domestic and family violence in recruitment decisions

Employers need to take care in making recruitment decisions based on prior history of domestic and family violence because of the interaction with anti-discrimination legislation. Seek advice in these situations.

→ Duty to provide a safe work environment

Employers have a duty of care to provide a safe working environment and duties under work health and safety laws to ensure, so far as is reasonably practicable, the health and safety of their employees while they are at work in the employer's business or undertaking. Employers should consider the risks to which an employee may be exposed at work and implement controls to eliminate or, where that is not reasonably practicable, to minimise those risks.

Employers should be mindful that these duties apply when employees are at the physical workplace and when an employee works from home. An employer should consider whether working from home is appropriate in a particular employee's circumstances, including by undertaking a work health and safety risk assessment. If an employee is exposed to risk while at work for the employer's business, including in their home environment, the employer may be found responsible.

What is a Domestic Violence Intervention Order

A Domestic Violence Intervention Order (known by different names in each state and territory) is an order to protect victims of domestic violence when they are fearful of future violence or threats to their safety.


The orders are granted by a court upon application from a victim or the police.

The terms of the order will depend on the circumstances but will usually include a workplace provision, for example, prohibiting the perpetrator from approaching within a certain distance of the place of work of the victim/survivor.

In most jurisdictions, magistrates can grant interim orders if they believe a person is not safe and needs immediate protection. This usually lasts until a magistrate decides whether to make a final order. An interim order can be made without the respondent being at court or knowing about the order. It has the same effect as a final intervention order.

Final orders are made after the magistrate has heard the evidence and is satisfied that the respondent has used family violence and is likely to do so again.

If the respondent does not comply with the conditions of the Domestic Violence Intervention Order, the police can arrest the respondent and charge them with a criminal offence.

 Workplaces have a responsibility to address the scourge of domestic and family violence, which has a severe impact across all levels of society. It is important as leaders that we play our part in keeping people safe and demonstrating that we will not tolerate domestic violence.

All employers should have policies in place to not only help victims but also to encourage employees who use domestic and family violence to change their behaviour. In this way, we can help to eliminate all forms of violence, harassment and bullying. At Ashurst, we are fully committed to the safety of our staff and their families.

– Paul Jenkins, Global Managing Partner, Ashurst



SECTION 03

Practical resources and examples

Practical examples

Below are some examples of how these matters have arisen in workplaces. Every situation is different. As such, these scenarios are provided as examples only. It will be important for organisations to obtain their own legal advice before they take any action, particularly if a decision will be made about a person's ongoing work. Note that the language and terminology used can vary by State and Territory.

Providing support and referral

Example A

An employee's relationship broke down after 13 years and he did not cope well. He started drinking and became depressed, withdrawn and sometimes appeared quite emotional. His manager took him aside and asked about what was happening, concerned for his welfare. He talked about the end of his relationship, his inability to cope, his threats to commit suicide and his calling his ex-partner at all times of the day and night.

His manager, having had domestic violence and employment training, recognised that the employee was a risk to himself and his ex-partner and that he needed counselling and support. The manager, in discussion with the employee, made a referral to the appropriate support service.

The manager also realised that his ex-partner might need support and spoke to the Domestic Violence Contact Officer about the situation.

The manager's careful intervention was a response to the employee's presenting symptom: his distress at the end of his relationship. He was not offered time off as this might have left him more isolated. The manager recognised the employee's need for support, but he also recognised the need to address the escalating risk he posed.

Example B

A manager became aware that an employee was using domestic and family violence against her partner. The manager witnessed the employee being verbally abusive towards her girlfriend at a social event outside of work. A week later, the manager also overheard her at work speaking abusively to her girlfriend on the phone.

The manager sought advice from the organisation's Domestic Violence Contact Officer as to what she should do.

The manager spoke to the employee about her breach of the organisation's policy on the use of work time and resources. She was issued with a warning. The manager also spoke to the employee about support services available to her to understand and change her behaviour.

The manager's intervention supported the employee to access support to change her behaviour while also sending a clear message that such behaviour was not welcome in the workplace.

Example C

A team member was having lunch with colleagues and was discussing how the previous evening she had had little to no sleep – her son had ‘flipped out’, punched a hole in the wall and left the home. She told her colleagues that this wasn’t the first time this had happened.

The colleagues listened, demonstrated empathy and asked if she felt safe to go home.

The colleague replied that at times she was scared by her son’s behaviour but believed that he would have calmed down by the time she returned home from work.

Her colleagues carefully alerted her to the signs of domestic and family violence, with one suggesting his behaviour was characteristic of power and control, and that there are things she can do for herself and her son. They gave her the contact details for the workplace contact officer.

The mother took some time to process this information and the next day thanked her colleagues for helping her connect with support.

The colleagues supported the employees by offering support, sensitive discussion of family violence and referral to workplace support.

Practical examples

Employees in the same place of work

Example A

In a regional area, an employee informed her employer that she was experiencing domestic and family violence from her ex-partner who was also an employee of the same organisation. They were employed in a small regional area so confidentiality was critical. The employer's Domestic Violence Contact Officer was appointed to support the employee.

The employee requested a transfer to a different workplace location, even though it would mean a long commute. She was very concerned to ensure that her ex-partner did not know she had spoken to the workplace about the situation or that she had requested the transfer.

The employer granted the transfer and has not taken any action in relation to the employee using domestic and family violence.

The Domestic Violence Contact Officer remains in close touch with the employee who experienced the violence/abuse to ensure her needs are being met.

The employer ensured that the needs and wishes of the employee experiencing the violence were respected.

Example B

The employer was alerted to a Domestic Violence Intervention Order involving two employees. The Domestic Violence Intervention Order stipulated that one party was unable to be in certain proximity to the other. As both employees were shift workers on a 24/7 shift cycle, the employer arranged the shifts of the employee using domestic and family violence to ensure that both employees would not be working at the same time. This was done in consultation with the employee experiencing domestic and family violence and the employee using domestic and family violence with the needs of the employees experiencing the violence prioritised. An ongoing workplace safety plan is in place.

The employer took action to comply with the terms of the Domestic Violence Intervention Order in consultation with the employee experiencing the domestic and family violence, and ensured that the workplace adjustments were applied to the employee perpetrating the domestic and family violence rather than the employee experiencing the violence.

Example C

An employee approached Human Resources to inform the employer that she had obtained a Domestic Violence Order against her ex-partner who was also an employee of the organisation. The Domestic Violence Order included conditions around proximity within the workplace. Given they worked in the same office, she thought she had to inform the workplace.

She informed her employer that her ex-partner had deliberately breached the Domestic Violence Order by approaching her in the workplace. She was concerned for her safety if her ex-partner found out she had informed the workplace.

The employee perpetrating the violence/abuse was on a temporary redeployment to an interstate office. During this time, the employer considered the best response to the issue.

The employer was aware the victim was terrified of her ex-partner returning to the workplace and felt seeing him would have an adverse effect on her mental health.

The employee perpetrating the violence was in a role in the organisation in which he had access to confidential employee information and to all areas of the building.

Prior to the employee perpetrating the violence returning to the workplace, the employer met with the victim/survivor and sought to understand her needs and how she felt she could continue to work in the same workplace. She told the employer she couldn't see how it would be possible. The employer informed her they would be meeting her ex-partner and informed her of the date and time so she could consider her safety.

When the employee perpetrating the violence returned to the workplace, HR met with him. He showed no remorse for the domestic and family violence.

The employer considered the risks and different courses of action available. Ultimately, the employer decided to terminate his employment due to the risk to the health and safety of the victim/survivor, taking into consideration his position, his previous non-compliance with the Domestic Violence Order and the impact his continuing employment would have on the victim's health and well-being.

The employer confidentially informed the victim of its decision to terminate her ex-partner's employment so she was prepared and could consider her safety. The employee who perpetrated the domestic and family violence is no longer an employee of the company; however, the victim remains employed by the company and there is an ongoing workplace safety plan in place for her.

The careful approach of the employer to the decision and communication of the decision reflected the paramount importance they placed on the safety and well-being of the employee experiencing the domestic and family violence.

Practical examples

Specific roles incompatible with the use of domestic and family violence

Example A

An employee in the process of divorce often seemed angry or depressed at work. He would share that there were lots of disputes about money and the children and portrayed his ex-partner as mean and vengeful. He always complained that the court was 'against him' or his lawyers were 'no good'. He often needed time off to go to the solicitors or to court and the employer allowed him to use his annual and unpaid leave to do this.

His manager became uncomfortable about the level of hostility he displayed when talking about his ex-partner, the atmosphere this created in the workplace and the discomfort this was creating for other employees.

The manager decided to provide the employee with details of a number of referral services that he could access and also informed him that it was not appropriate to talk about his ex-partner in such a vitriolic manner in the workplace.

The manager's intervention supported the employee to access support to change his behaviour while also sending a clear message that such behaviour was not welcome in the workplace.

Example B

The employer was alerted that an interim Domestic Violence Intervention Order had been made against an employee. The employee's role prohibited him from having a Domestic Violence Intervention Order against him. This inherent requirement was embedded in his employment contract. He was suspended while the interim order was in place and upon it being confirmed by the court his employment was terminated. He was offered referrals to specialist support services.

The employer acted to ensure the inherent requirements of the role would be met.

Recruitment

Example A

An individual applied for a position that involved working with people who have experienced domestic and family violence. During a routine background check, it was revealed the individual had a criminal conviction related to domestic and family violence. The employer decided not to recruit the individual because having a history of domestic and family violence was incompatible with the role.

The employer acted to ensure the inherent requirements of the role would be met and vulnerable groups would not be put at risk.

Disciplinary action

Example A

An employee was in a team meeting sharing how he was fed up with having to put up with his elderly father. As his father's carer, the employee was very vocal about how inconvenient this situation was for him and that to make it fair, he kept money from his father's account for himself each week without his father's consent.

His manager later heard him on a work telephone calling his father names and speaking aggressively.

As this behaviour was an unacceptable use of work resources, the manager approached the employee and discussed the workplace commitment to zero harm. The employee was issued with a written warning, advised of support services to understand and change his behaviour, and notes were documented on his performance file.

The manager's intervention supported the employee to access support to change his behaviour while also sending a clear message that such behaviour was not welcome in the workplace.

Policy template

Here we describe the key elements of a model policy addressing employees who use domestic and family violence. The elements could be included in a more general, overall workplace policy if your organisation does not wish to have a standalone policy addressing employees who use domestic and family violence.

- <This organisation> is clear that violence is unacceptable and employees who use domestic and family violence are responsible for their behaviour.
- <This organisation> will manage any workplace impact of an employee who is using domestic and family violence such as poor attendance, performance and misuse of workplace time and resources. We will enforce any safety measures required to protect our staff and members of the public.
- <This organisation> recognises that by supporting employees to develop more respectful relationships, we are playing our part in whole-of-community action to prevent harm and to create a society in which violence has no place.
- To support our workplace to have respectful relationships at work and at home, we focus on three areas:
 - We play our part in the prevention of domestic and family violence: <insert details of organisation's prevention efforts>.
 - We support employees experiencing domestic and family violence: <insert details of organisation's support for employees experiencing domestic and family violence>.
 - We provide opportunities, where appropriate, to support our employees to stop their use of violence and abuse and change their behaviour including through referrals to family violence specialist services.
- This <policy/section/document> outlines <this organisation>'s efforts in managing any workplace impact of an employee who is using domestic and family violence.
- The provision of assistance for employees who face allegations of domestic and family violence is provided at the discretion of <this organisation>. <This organisation> reserves the right to refuse this assistance at any time.

Specialist services

- 1. <This organisation> encourages our team to engage with the Employee Assistance Program (EAP).**
 - <Insert details of organisation's EAP provider>. [NOTE: Only include if you are sure your EAP provider has the expertise to address domestic and family violence.]
- 2. <This organisation> also encourages you to use a range of expert external supports listed below**

Please refer to page 46 for a list of support services you can include in your policy.

The following principles guide our approach to supporting respectful relationships and responding to employees who use domestic and family violence

1. Safety is our first priority.

- We will take action to keep our workplace and the public safe.
- We will assist employees required to observe Domestic Violence Intervention Orders. This assistance may include modifying workplace arrangements to ensure the safety of the person experiencing the domestic and family violence and other employees in the workplace.

2. Our support for the development of respectful relationships and our response to allegations of domestic and family violence is embedded in the behavioural expectations <this organisation> has of our team.

- Include details here of relevant policies, strategies, codes of conduct (and other behavioural standards) and organisational values and beliefs.
- All employees have the right to a safe and respectful working environment.

3. <This organisation> will support all employees to meet these expectations by providing training and referrals to specialist services as required.

- <This organisation> will support employees to develop more respectful relationships through the provision of <insert relevant form of leave> to attend specialist services and to engage with law enforcement as required.
- Flexible working arrangements are available to all employees and can be tailored to support engagement with specialist services and law enforcement.

4. <This organisation> is clear that violence is unacceptable and employees who use domestic and family violence are responsible for their behaviour.

- We will respond to allegations that an employee has used domestic and family violence.
- Our responses will be tailored to the individual circumstances of each matter.

5. Employees at <this organisation> will be supported to:

- **Recognise:** Understand the many forms of disrespectful behaviour, and the signs of domestic and family violence.
- **Respond:** Challenge and address disrespectful behaviour, and take action on reports of the use of domestic and family violence.
- **Refer:** Refer employees who want to make changes to specialist support services who can help them to do so.
- **Record:** Keep confidential records of conversations and action taken.

6. <This organisation> respects our team and will assure your dignity:

- <This organisation> will maintain your confidentiality except in circumstances where the organisation is required to make disclosure under an Australian law or to protect the safety of another person including children.
- <This organisation> will use clear and unambiguous language in our communication with you.



As someone with a lived experience of domestic and family violence, I know just how critical it is for workplaces to support those impacted to be empowered to take steps to safety. However, I also know it is just as critical for workplaces to hold to account those using abusive behaviour and support them to change their behaviour, including by removing the shame and stigma that prevent men from seeking support.

– Jacque Lachmund, CEO, Australia's CEO Challenge



The prevalence of domestic and family violence demands that all of us play our part to end this scourge on our community. While a confronting thought, the numbers show that every workplace will include people who use domestic and family violence. Workplaces must be able to both hold employees who use domestic and family violence responsible for their behaviour and encourage them to seek the support they need to change their behaviour.

– David Atkins, CEO, CBUS



SECTION 04

Referrals and additional information

Referrals and external support

Global

MenEngage

MenEngage is a global alliance made up of dozens of country networks spread across many regions of the world, hundreds of non-governmental organizations, as well as UN partners. MenEngage members work collectively and individually toward advancing gender justice, human rights and social justice to achieve a world in which all can enjoy healthy, fulfilling and equitable relationships and their full potential.

<http://menengage.org>

Australia-wide

Referrals for employees who use domestic and family violence

Men's Referral Service

The Men's Referral Service takes calls from Australian men dealing with family and domestic violence matters. They can provide referrals if your behaviour has brought you into contact with the police or courts and you're facing issues such as an intervention order, behaviour change, anger management, access or custody.

<http://mrs.org.au>

1300 766 491

(NSW & TAS, open 24/7; ACT, NT, QLD, SA, VIC & WA: open weekdays 8am–9pm and weekends 9am–5pm)

1800 RESPECT

They provide a best practice, professional telephone and online crisis and trauma counselling service, 24 hours a day, 7 days per week, to assist people experiencing the effects of sexual assault, domestic or family violence.

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

1800 737 732

(Australia-wide, 24/7)

MensLine

MensLine Australia is a professional telephone and online support and information service for Australian men.

<https://www.mensline.org.au/>

1300 789 978

(Australia-wide, 24/7)

Organisations that can support the development of an organisational response and/or offer workplace training

Our Watch

Our Watch partners with organisations and government to drive nationwide change in the culture, behaviours and power imbalances that lead to violence against women and their children. Their website has a host of resources and information on family and domestic violence and related issues.

<https://workplace.ourwatch.org.au/>

<https://www.ourwatch.org.au>

No To Violence

No to Violence (NTV) is the peak body for organisations and individuals working with men to end family violence in Victoria and New South Wales. NTV also provides telephone counselling, information and referrals for men in Victoria, New South Wales and Tasmania.

<https://www.ntv.org.au>

<p>Rape & Domestic Violence Services Australia</p> <p>Rape & Domestic Violence Services Australia has established a dedicated unit to deliver services for organisations and professionals who work with those who have experienced trauma. The organisation provides clinical and non-clinical services to a wide range of organisations including:</p> <ul style="list-style-type: none"> • Support with policy development and review • Domestic and Family Violence Training for workplace point-of-contact staff and HR managers • Organisational management of vicarious trauma <p>The organisation's work is evidence-based and best practice.</p> <p>All clinical staff employed by Rape & Domestic Violence Services Australia are tertiary qualified and experienced psychologists or social workers.</p> <p>All income from training and consultancy work directly supports the organisation's counselling service for those who have experienced sexual domestic and family violence.</p>	<p>https://www.rape-dvservices.org.au</p>
<p>UNSW Gendered Violence Research Network (GVRN)</p> <p>Leveraging research excellence and extensive practice experience, the UNSW GVRN provides evidence-based, tailored training and advisory services to multiple government, private and third sector organisations for employers wanting to address the significant effects of domestic, family and sexual violence on their employees and organisation.</p> <p>The GVRN also developed the first Draft Policy on Organisational Responses to Perpetrators and to date have provided tailored training for two private sector organisations on Responses to Perpetrators.</p>	<p>https://www.arts.unsw.edu.au/our-research/research-centres-institutes/gendered-violence-research-network</p>
<p>Australia's CEO Challenge</p> <p>Their Workplace Prevention Program empowers and educates businesses to recognise the signs of domestic violence, respond appropriately and refer employees affected to professionals who can help.</p>	<p>https://www.australiasceochallenge.org</p>
<p>DV Work Aware</p> <p>DV Work Aware is a program of the National Working Women's Centres that has been developed to raise awareness and promote best practice responses to issues of domestic and family violence in the workplace. They have a range of resources and information for workplaces available on their website.</p> <p>They also provide training services to support management and employees to take actions towards the prevention of domestic and family violence.</p>	<p>http://www.dvworkaware.org/</p>

Further information on domestic and family violence

Domestic and family violence can take many forms

At the heart of all domestic and family violence is one person exerting power and control over another that causes harm and disadvantage to that other person. Domestic and family violence includes intimate partner violence, elder abuse, violence and abuse against children, and domestic and family violence perpetrated by carers of people with disability. It takes many different forms, and is always underpinned by a context of abusive patterns and strategies, including:

- **Physical violence**
- **Sexual violence**
- **Using economic abuse** (e.g. preventing an (ex-) partner from getting or keeping a job; making an (ex-)partner ask for money; giving an (ex-) partner an allowance; not letting an (ex-)partner know or have access to the family income, and running up debts in the (ex-)partner's name)
- **Using coercion and threats** (e.g. making and/or carrying out threats to do something to hurt or kill the (ex-) partner, children or other family member; threatening to leave, commit suicide or report the (ex-)partner to welfare services; making the (ex-)partner drop charges; making the (ex-)partner do illegal things)
- **Using intimidation** (e.g. making an (ex-)partner afraid by using looks, actions or gestures; smashing things; destroying an (ex-)partner's property; abusing pets; displaying weapons)
- **Using emotional and psychological abuse to erode confidence** (e.g. putting an (ex-)partner down; making an (ex-)partner feel bad about themselves; calling an (ex-)partner names; making an (ex-)partner think they are crazy (commonly referred to as 'gaslighting'); playing mind games; humiliating an (ex-)partner; making an (ex-) partner feel guilty; cheating on an (ex-)partner and telling them of the infidelity)
- **Using isolation** (e.g. controlling what an (ex-) partner does, who they see and talk to, what they read, and where they go; limiting their outside involvement; using jealousy to justify their actions)
- **Stalking** (e.g. monitoring an (ex-)partner's movements, either in person, through others or using technology)
- **Using spiritual or cultural abuse** (e.g. preventing someone from practising their religion or cultural practices, or misusing spiritual, religious or cultural beliefs and practices to justify other types of abuse and violence)
- **Minimising, denying and blaming** (e.g. making light of abuse and not taking concerns seriously; saying the abuse didn't happen; shifting responsibility for their abusive behaviour; blaming the victim for the abusive behaviour)
- **Using children** (e.g. committing violence and abuse in front of the children, making the (ex-) partner feel guilty about the children; using the children to relay messages; using visitation to harass the (ex-)partner; threatening to take the children away)
- **Using pets** (e.g. animal abuse, including actual or threats of violence; neglect; deprivation of veterinary care)
- **Using privilege** (e.g. treating the (ex-)partner like a servant; making all the major decisions; being the one to define men's and women's roles)

Increasingly, people who use violence are **using technology** to perpetrate violence including:

- Tracking and stalking an (ex-)partner (e.g. using mobile phones and tracking devices to track their location)
- Using technology to threaten, coerce and harass an (ex-)partner (e.g. abusive phone calls and text messages, accessing online banking).

Some facts about domestic and family violence²¹

There are many myths and inaccuracies surrounding domestic and family violence that can cloud an organisation's ability to respond effectively. Let's bust some of these common myths.

Why do people use domestic and family violence?

There is no single cause of domestic and family violence. International evidence tells us that it is more likely to happen where gender inequality is ingrained in social, cultural and organisational structures and practices.

According to this evidence, the particular expressions of gender inequality associated with higher levels of violence against women, including domestic and family violence, are:

- Social norms (attitudes and beliefs) and institutional practices that excuse, justify or tolerate violence against women
- Men's control of decision-making in relationships and public life, and limits to women's economic and social independence
- Rigid and stereotypical gender roles and identities
- Male peer relations that emphasise aggression and disrespect towards women

Gender inequality is always influential as a driver of violence against women, including domestic and family violence, but is not experienced in the same way by every woman. Other forms of social, political and economic inequalities can affect how gender inequality is expressed.

In some cases, the severity or frequency of violence can be increased by other factors that reinforce gender inequality, although none of these factors predict or drive violence against women on their own.

What role does childhood experience, alcohol, socio-economic status, mental health and drugs play?

All of these are contributing factors that don't predict or drive violence on their own. However, they may increase the likelihood of violence against women among people who already have low support for gender equality and have violence-supportive attitudes.

The harmful use of alcohol is one reinforcing factor for

violence against women, but it does not drive violence against women on its own. Not all people who drink are violent, and many people who do not drink are violent. However, in conjunction with social and cultural norms based on harmful gender stereotypes – such as male conquest and aggression – alcohol can contribute to the increased occurrence or severity of violence against women. Indeed, alcohol is involved in half of domestic violence homicides.

Research is limited on the impact of other drugs on violence against women; however, it is possible certain drugs could have a similar effect to alcohol.

Acceptance of violence and other individual and contextual factors may intersect with these drivers of violence against women to contribute to domestic and family violence.

Socio-economic factors in themselves do not drive violence against women. However, if these factors reinforce or worsen existing gender inequalities, they can increase the probability of violence against women. For example, women who have particularly limited access to wealth and resources may find themselves financially dependent on their partner and therefore restricted when making choices about if or when to leave an abusive partner.

Experience of or exposure to violence (such as in childhood or in communities with high levels of violence) can also contribute to or exacerbate domestic and family violence. However, not all people who experienced childhood abuse are abusive, nor were all perpetrators of domestic and family violence abused as children.

Domestic and family violence is the responsibility of the individual using the violence and abuse. It is a pattern of abuse characterised by coercive power and control.

Endnotes

- ¹ Three in four people aged 18 years and over who experienced intimate partner violence since the age of 15 reported the perpetrator was male (77%). Australian Bureau of Statistics, Personal Safety, Australia, 2016, ABS cat. no. 4906.0 (2017). Canberra. Available at: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>
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- ³ Australian Government, Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence in Australia: Continuing the National Story*, June 2019. Available at: <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-australia-2019/contents/table-of-contents>
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- ⁶ Impact For Women. Available at: <http://www.impactforwomen.org.au/australias-death-toll-2018.html>
- ⁷ Australian Institute of Criminology, *Policing Domestic Violence: A review of the evidence* (2018). Available at: <https://aic.gov.au/publications/rr/rr13>
- ⁸ Australian Bureau of Statistics, Personal Safety, Australia, 2016, ABS cat. no. 4906.0 (2017). Canberra. Available at: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>
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- ¹⁰ Australian Government, Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia*, 2018. Available at: <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/contents/summary>
- ¹¹ Australian Bureau of Statistics, Personal Safety, Australia, 2016, ABS cat. no. 4906.0 (2017). Canberra. Available at: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>
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- ²¹ This section draws on material produced by Our Watch. For more information see 'Change the Story' and the various resources on the Our Watch website: www.ourwatch.org.au

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MALE CHAMPIONS OF CHANGE

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About Male Champions of Change

Male Champions of Change is a coalition of CEOs, secretaries of government departments, non-executive directors and community leaders. Male Champions of Change believe gender equality is a major business, economic, societal and human rights issue. Established in 2010, by then Australian Sex Discrimination Commissioner Elizabeth Broderick, our mission is to step up beside women to help achieve gender equality and a significant and sustainable increase in the representation of women in leadership.