

Family Violence and Commonwealth Laws Issues Paper: Employment and superannuation



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4 April 2011

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Introduction

Women's Health Victoria is a statewide women's health promotion, information and advocacy service. We are a non government organisation with most of our funding coming from various parts of the Victorian Department of Health. We work with health professionals and policy makers to influence and inform health policy and service delivery for women.

Our work at Women's Health Victoria is underpinned by a social model of health. We are committed to reducing inequities in health which arise from the social, economic and environmental determinants of health. These determinants are experienced differently by women and men. By incorporating a gendered approach to health promotion work that focuses on women, interventions to reduce inequality and improve health outcomes will be more effective and equitable.

Women's Health Victoria's vision is for a society that takes a proactive approach to health and wellbeing, is empowering and respectful of women and girls and takes into account the diversity of their life circumstances.

Women's Health Victoria's ways of working are guided by four principles:

- We work from a feminist framework that incorporates a rights based approach.
- We acknowledge the critical importance of an understanding of all of the determinants of health and of illness to achieving better health outcomes.
- We understand that the complexities involved in achieving better health outcomes for women require well-considered, forward thinking, multi-faceted and sustainable solutions.
- We commit to 'doing our work well'; we understand that trust and credibility result from transparent and accountable behaviours.

General comments

Family violence is a serious and pervasive issue that affects individuals, families and communities. In Australia, one in three women over the age of 15 years have experienced physical assault¹ and over half of all women have experienced at least one incident of physical and/or sexual violence in their lifetime.² Family violence has significant and often devastating consequences for victims, including homicide, homelessness and poor social, mental and physical health outcomes.³ Its victims are overwhelmingly women, and it is the leading contributor to death, disability and illness in Victorian women under the age of 44.⁴ Apart from injuries resulting from physical violence, long term physical consequences of violence include pain and fatigue, respiratory disorders, insomnia, bowel problems, and eyesight and hearing difficulties.⁵ ⁶ Women who have experienced family violence are also more likely to suffer from poor mental health, such as depression or anxiety.⁵

This has an inevitable impact on the workplace and the economy. In 2009, the economic cost of violence against women and their children in Australia was estimated to be \$13.6 billion.⁷ Family violence in Australia costs employers approximately \$175 million annually.⁸ This figure represents instances where employees reported their absence from work as resulting from a family violence incident. It is likely that the real cost to employers is much higher due to under-reporting.

Family violence affects individual workplaces in a number of ways. Whether victim or perpetrator, the workplace is impacted through absenteeism, staff turnover and lost productivity.⁹ Employee absence from work can include victims taking time off work because of injury, emotional distress, attendance at court, and perpetrator absenteeism due to stalking or criminal justice processes.¹⁰⁻¹¹ Victims may also report an inability to concentrate or perform tasks, leading to lower organisational output.^{9, 11-12} Friends, family and colleagues may also take leave from work to support victims.^{9, 12}

The financial implications of family violence of individual women are also significant and financial abuse is one way perpetrators exert control over their partner. For many women, the decision to leave or remain in a violent relationship is made based on financial factors, including the fear of being unable to cope financially. Financial insecurity as a result of family violence can often be felt long after the relationship has ended.¹³ This is why economic independence through employment is so important, and why measures to help victims stay in the workforce are needed.

For these reasons, Women's Health Victoria welcomes the opportunity to contribute to this consultation. The questions most relevant to Women's Health Victoria's expertise and experience have been responded to.

Question 1:

What barriers, if any, do employees who are experiencing family violence currently face in disclosing family violence in employment-related contexts?

Employees who are experiencing family violence face considerable barriers in making a disclosure to their workplace. The stigma associated with family violence is pervasive and has a 'silencing effect' in which women (as the majority of victims of family violence are women) decide not to disclose and remain isolated from support networks.^{11, 14} Other reasons why victims remain silent at work are listed below. Victims:

- Fear losing their job
- Are embarrassed or ashamed about their situation
- Feel it is a personal issue not to be discussed at work
- Are aware that colleagues know their partner
- Fear that if their partner found out, the violence would escalate
- Fear their employer would not care
- Fear breaches of privacy¹⁴

These are valid reasons that form a strong barrier to disclosure for victims of family violence. They must be addressed if any measures to provide formal support for victims of family violence are instigated, such as those set out in the Issues Paper. Strategies to overcome these barriers are necessary.¹⁴

It may also be useful to consider why some employees who are victims of family violence do choose to tell their workplace. Social support networks within workplaces can influence whether an employee who is a victim feels comfortable disclosing. Social supports 'can provide coping resources that can mitigate the effects of threatening effects and experiences'.¹⁴ Victims with high levels of social support are more likely to disclose to non family members, such as workplaces. For some victims, workplaces represent an important support network, and a way of escaping the abuse at home.¹⁰ Other reasons a victim may choose to disclose include:

- Safety concerns
- Needing time off
- Wanting to explain workplace absences or poor work performance
- Wanting to explain physical evidence of abuse¹⁴

Disclosure may also be affected by the prevailing organisational culture within a workplace. The causes, or underlying determinants, of family violence can provide insight into what constitutes supportive or obstructive organisational cultures in this respect. Those causes include:

- unequal power relations between women and men;
- adherence to rigid gender stereotypes; and
- broader cultures of violence.¹⁵

Therefore, an organisational culture in which there exists a traditional gender divide, where women are not respected, and where there is widespread sexism, may not be one in which a victim of family violence would feel comfortable disclosing. The reasons listed above as to why victims stay silent at work would dominate. In contrast, a workplace that is respectful and supportive of women, that also sends a clear message that family violence is not tolerated, will foster employee disclosure.¹²

In discussing why victims disclose in 'employment-related contexts', it should be noted that victims do not always disclose to their managers. One study showed that most victims disclosed to co-workers (64%), followed by immediate supervisors (29%), non-immediate supervisors (21%) and others within the workplace (14%).¹⁴ This demonstrates the need for a whole-of-organisation approach to family violence in which all levels of staff are provided with information about what family violence is, why it happens, and how victims can be supported.

Question 2:

What impact might disclosure of family violence by employees have on the responsibility or liability of employers, union delegates or others?

The stigma surrounding family violence can influence the response of employers to disclosure. The employer may make assumptions about whether the employee should have disclosed in the first place, whether the employer believes them, and how the employer believes that family violence will affect the employee's performance. The barriers that an employee has to disclosing, listed in question 1, could be realised. However this is not always the case:

Although the stigma associated with intimate partner violence might drive the decisions of some employers, research suggests that others recognize intimate partner violence as a workplace problem comparable to other forms of violence that emerge within work settings, and thus actions need to be taken to keep employees and customers safe.¹⁴

Many employees may be uncertain about how to respond to a disclosure. Disclosure raises issues such as whether to report the issue, and how to safeguard privacy and confidentiality. For many victims who disclose, privacy and confidentiality is likely to be a primary concern because of the often hidden nature of family violence, the fear that the perpetrator could find out, and the fear that colleagues and managers could make assumptions about their job performance. Without policies or procedures about the organisational response to family violence, employers may provide inconsistent support at best, or an inadequate response at worst. Women's Health Victoria, for example, has a policy in place which covers:

- Education and support for employees who experience intimate partner violence
- Flexible leave options for employees who experience intimate partner violence

- Performance issues related to an employee experiencing intimate partner violence
- Employees who commit acts or threats of intimate partner violence
- Workplace safety plan guidelines for employer and employee

Policies and procedures such as this can help guide an employer's response. Employers should know that they are not expected to be a counsellor. It is more important that they have a list of support services available that they are able to provide to a victim. Employers (and colleagues) should refer on to appropriate services, rather than attempt to offer advice themselves. A system of 'recognise, respond and refer' is an important directive for employers.⁹

Employers should also know that other staff can be affected. One study showed that most victims disclosed to co-workers (64%) rather than their immediate manager.¹⁴ Information or training about how an employee can respond to colleagues who are victims of family violence could be considered. In addition to this, the safety of all employees could be at risk if the perpetrator comes to the workplace, and staff morale may also be unsettled.

If the employee is a perpetrator of family violence, rather than a victim, there may be different legal obligations on employers. Essentially, any sanctions against an alleged perpetrator are a matter for the criminal justice system and not the employer, unless a conviction directly impacts the exercise of their duties. An employer can clarify that any employee who threatens, harasses or abuses a current or ex-partner at, or from, the workplace will not be tolerated and will be subject to disciplinary action according to existing organisational policies and procedures.

Question 8:

Should the Australian Government amend s 65 of the Fair Work Act 2009 (Cth) to include experiencing family violence as a basis upon which an employee may request flexible working arrangements?

Women's Health Victoria believes that section 65 may not be the best place to promote flexible leave arrangements for victims of family violence. At present, the singular focus of section 65 of the Fair Work Act is on childcare arrangements. The intention of this clause would need to shift to incorporate family violence. Furthermore, this clause has only been in existence since 2010. Before amending it, evaluation of its current effectiveness should take place, such as how often flexible leave arrangements are being granted, and what the reasons have been for refusal to grant.

However, if the clause were to be amended to include family violence, it would send a strong message to employers and employees that family violence is a serious and widespread issue that impacts on the workplace. This could begin conversations about family violence within workplaces and would go some way to challenging violence supportive attitudes and behaviours in our community. Women's Health Victoria would

recommend, however, that if it were to be included, accompanying materials be produced for both employers and employees explaining the reason for its inclusion, legal definitions of what constitutes family violence, situations in which the clause might be enlivened, and a list of family violence support services for victims.

Question 9:

Should the Australian Government amend the National Employment Standards under the Fair Work Act 2009 (Cth) to provide for a minimum statutory entitlement to family violence leave?

As noted in the Issues Paper, amending the National Employment Standards would provide employees with a minimum statutory entitlement to family violence leave, thereby removing the current discretionary element. Women's Health Victoria would support such an initiative as it would provide a universal approach to the issue, while also promoting the understanding that family violence is a workplace issue. Amending the National Employment Standards would mean that clauses or policies being implemented in individual workplaces would not be the only way of accessing such an entitlement. However Women's Health Victoria would urge that a comprehensive education campaign was carried out to accompany the measures. This education campaign should address issues such as:

- Legal definition of family violence
- Prevalence of family violence and its gendered nature (that is, women are the majority of victims, men are the majority of perpetrators)
- How to support victims of family violence in the workplace (for employers and colleagues)
- List of support services
- Dispelling the myths of family violence (for example, that it only happens to certain groups, that men cannot control their violence, that women deserve the violence, that it is connected to alcohol or drug use, that it is a private matter etc.)
- Why women stay in violent relationships.

Such a campaign would go some way to ensuring organisations are able to adequately support victims of family violence who choose to use such an entitlement. It would send the message that family violence should not be ignored or tolerated, and would provide support for disclosure by victims.

Question 10:

If the National Employment Standards under the Fair Work Act 2009 (Cth) should be amended to provide for a minimum statutory entitlement to family violence leave:

(a) under what circumstances should employees be entitled to take such leave;

Women's Health Victoria's Prevention of Intimate Partner Violence Policy sets out the following situations in which leave could be taken:

Time off for medical and legal assistance, court appearances, counselling, relocation, or to make other safety arrangements as a result of experiencing intimate partner violence.

Leave could also be available so the employee can seek protection, look for new housing, or arrange child care. The list should be non-exhaustive.

Proof may be required from the employee experiencing family violence. This could come in the form of documents issued by relevant professionals such as doctors, the police, nurses, lawyers or family violence support workers.

(b) how many days should employees be entitled to take; and

Women's Health Victoria supports the current provisions recommended by the Australian Services Union and the Public Service Association in which employees experiencing family violence can access up to 20 days per year.¹⁶⁻¹⁷

(c) should such leave be paid or unpaid?

Employees experiencing family violence should be entitled to paid leave initially, and unpaid leave once paid leave is no longer available.

Question 11:

What steps could be taken to ensure that employees who are experiencing family violence are better able to access individual flexibility arrangements made under s 202 of the Fair Work Act 2009 (Cth)?

An awareness raising campaign is vital. This should draw attention to the existence of the clause and how employees experiencing family violence can use it. Such a campaign would also need to be directed to employers, so that they also know that individual flexibility arrangements can be used in this way. This education campaign should also address issues such as:

- Legal definition of family violence
- Prevalence of family violence and its gendered nature (that is, women are the majority of victims, men are the majority of perpetrators)
- How to support victims of family violence in the workplace (for employers and colleagues)
- List of support services
- Dispelling the myths of family violence (for example, that it only happens to certain groups, that men cannot control their violence, that women deserve the violence, that it is connected to alcohol or drug use, that it is a private matter etc.)
- Why women stay in violent relationships.

Sample individual flexibility arrangements should be available on a trusted government website. These can show both employers and employees what an individual flexibility arrangement looks like, and could act as a template. Information should also be provided for employees on how they might raise the issue with their employer. The reasons why employees find it difficult to disclose that they are victims of family violence have been highlighted in question 1, and they are also relevant here. Individual flexibility arrangements are dependent on the ability of employees to negotiate the arrangement with their employer. This may be difficult for someone who has experienced family violence and whose confidence and self-esteem is low.¹⁰ Therefore, as much practical support as possible must be given to employees who want to take this option. Unions should also be in a position to support employees who are applying for such an arrangement.

Question 12:

Should the inclusion of family violence clauses in enterprise agreements be encouraged? If so, what provisions should such clauses contain?

The inclusion of family violence clauses in enterprise agreements should be encouraged, provided they are part of a whole-of-organisation approach to addressing family violence. Family violence clauses can serve a dual purpose of acting as a support mechanism for employees experiencing violence, and an educative tool for the organisation as a whole. Education should include training and awareness raising about the reasons for including a family violence clause, how a workplace can support employees who might be experiencing family violence, and how employees can support their colleagues that are experiencing family violence. Measures could also be included that dispel common myths and misconceptions about family violence.¹¹

Without a wider training and awareness raising program, the inclusion of family violence clauses in enterprise agreements has the potential to do harm, particularly in workplaces that are not safe, respectful or supportive of gender equity. Without addressing key myths, for example, or robust system of policies and, such clauses will be inadequate. Employees who are victims of family violence may receive inappropriate responses, not receive referrals to services that can help, or have their privacy breached (with the potential for the violence to escalate if the perpetrator finds out). The victim may be 'stigmatised or even victimised within the organisation through being identified as someone experiencing family violence.'⁹

Question 13:

What other measures could be introduced to ensure employers are responsive to the needs of employees who are experiencing family violence?

There are a range of measures that could be introduced to ensure employers are responsive to the needs of employees who are experiencing family violence. These do

not have to be linked to an employer's legal obligations. Workplaces can show leadership and foster an organisational culture that does not tolerate family violence or violence supportive attitudes and behaviours. This can be achieved by implementing whole-of-organisation programs that incorporate flexible leave policies, training, and awareness raising. Workplaces can also support local family violence services through corporate social responsibility programs.⁹

Women's Health Victoria has particular expertise in this area. Women's Health Victoria has developed and implemented the VicHealth-funded project, *Working Together Against Violence*, since 2007. The goal of this project is to prevent violence against women by strengthening the organisational capacity of workplaces to promote a culture of gender equality and non-violent norms. It is a primary prevention project that aims to prevent violence before it occurs by addressing the causes of violence against women. Those causes include:

- unequal power relations between women and men;
- adherence to rigid gender stereotypes; and
- broader cultures of violence.¹⁵

Women's Health Victoria has developed a workplace program that does this –*Stand Up: Domestic Violence is Everyone's Business*. The program incorporates workplace policy and leadership commitment; provides staff with the skills to stand up against family violence; and contains awareness raising activities and resources.

Programs such as this can encourage more people to stand up against violence against women by providing employees with the skills to challenge violence supportive attitudes and behaviours. Not only that, it provides employers with the structures and supports to appropriately respond to family violence.

An organisation should also consider their values and principles, and how they want to support staff. Implementing a family violence policy is an excellent first step and should be accompanied by an education and awareness raising campaign for all staff, together with more targeted training for managers, human resources staff, and occupational health and safety officers, about how to respond to either situations of family violence at the workplace, or to employees who may be either victims or perpetrators of family violence.

One study reported that the two most frequently reported types of informal support include a supervisor or colleague listening to them, or a colleague spending time with them during breaks. The two most common forms of formal support that women victims reported included schedule flexibility and workload flexibility.¹¹ Others might include screening calls, referrals to support services, and devising a safety plan for the workplace.¹¹ 72% of those women reported that the supports they received helped them stay employed.¹¹

Addressing family violence through a whole-of-organisation approach that includes information resources and training is vital. This must be supported by a strong leadership stance and policy statement to challenge and ultimately prevent family violence. Recognising that family violence is everyone's business and that it is a workplace issue is the first step towards making a difference.

Question 15:

Should s 139(1) of the Fair Work Act 2009 (Cth) be amended to allow the inclusion of a matter related to family violence in the allowable matters in modern awards?

Including family violence in the allowable matters in modern awards sends an unequivocal statement that family violence is a serious issues, that it is common, and that it is not tolerated. It conveys the message that employees who are victims of family violence should be supported by their workplace – essentially, that they are not to blame for what they have experienced. Supporting victims in this way has the effect of helping victims stay in employment. This is vital as financial dependence on perpetrators, and social isolation instigated by perpetrators, are key reasons why victims stay in violent relationships.¹⁸

However, if family violence was included in the allowable matters in modern awards, more information would be needed, targeting both employers and employees. This could be included in the explanatory notes, or in accompanying materials. As noted in question 12, education should include training and awareness raising about the reasons for including family violence in the allowable matters, how a workplace can support employees who might be experiencing family violence, and how employees can support their colleagues. Measures could also be included that dispel common myths and misconceptions about family violence.¹¹ Women's Health Victoria's response to question 12 also highlighted the potential for harm to be done in workplaces that are not safe, respectful or supportive of gender equity. Ideally, the adoption of family violence into the allowable matters should form part of a wider workplace program addressing the determinants of family violence, and the measures that can be taken to support employees who might be experiencing it.

Question 19:

Should family violence be inserted into ss 351(1) and 772(1)(f) of the Fair Work Act 2009 (Cth) as a separate ground of discrimination?

Employees who are victims of family violence (or who are perceived to be victims of family violence) should not be discriminated against by their workplace. Including family violence as a separate ground of discrimination in the Fair Work Act would be an important step in ensuring that this did not happen. The Women's Health Victoria Preventing Intimate Partner Violence policy covers the issue of discrimination in this way:

Women's Health Victoria will not discriminate against a victim of domestic violence in hiring, staffing, or other terms, conditions, or privileges of employment.

Again, in recommending that discrimination be included as a separate ground of discrimination in the Fair Work Act, Women's Health Victoria suggests that this should be accompanied by an education campaign that covers a range of issues relating to family violence, as set out in questions 9 and 11, including:

- Legal definition of family violence
- Prevalence of family violence and its gendered nature (that is, women are the majority of victims, men are the majority of perpetrators)
- How to support victims of family violence in the workplace (for employers and colleagues)
- List of support services
- Dispelling the myths of family violence (for example, that it only happens to certain groups, that men cannot control their violence, that women deserve the violence, that it is connected to alcohol or drug use, that it is a private matter etc.)
- Why women stay in violent relationships.

Question 21:

What measures would improve employers' understanding of their obligations to protect the safety of workers threatened by family violence in the workplace?

Family violence is a social problem and employers need to consider what they can do for their community of employees to prevent it.

In the same way that employers have a social responsibility to conduct business in ways that protect the environment, they also have a social responsibility to create a workplace environment that gives the clear message that any form of violence against female (or male) employees is not to be tolerated.¹⁰

Helping victims stay in employment must be a priority. Financial dependence on perpetrators, and social isolation instigated by perpetrators, are key reasons why victims stay in violent relationships.¹⁸

Education, awareness raising and social marketing about family violence are required to ensure that employers understand their obligations to protect the safety of their workers. Making a link between employer concerns, and family violence, is needed for many employers to understand the importance of addressing family violence. For

example, family violence can be directly linked to workplace productivity or occupational health and safety.

Productivity

- Employee absence from work can include victims taking time off work because of injury, emotional distress, attendance at court, and perpetrator absenteeism due to stalking or criminal justice processes.¹⁰⁻¹¹ Victims may also report an inability to concentrate or perform tasks, leading to lower organisational output.^{9, 11-12}
- Costs incurred by employers due to employee absence include wages, onsite costs, hiring and training replacement workers, and the cost of overtime paid to other workers.⁸
- One study has shown 47 percent of families and friends of family violence victims reported taking time off work to accompany the victim to court, hospital, or to care for children.⁸
- Family violence can have an effect on colleagues in various ways: staff might try to protect victims from unwanted workplace phone calls and visits, experience uncertainty about how to intervene, experience distress, fear for their own safety, or play a role in workplace gossip or rumours - all of which contribute to decreased staff morale.^{11-12, 19}

Occupational health and safety

- The effects of family violence on an employee might include poor concentration leading to the inability to safely operate equipment or concentrate on tasks because of concealed injuries or psychological stress.^{10, 20}
- Victims of family violence can experience physical or verbal harassment during work hours.¹¹ One study found that 29 percent of victims who were stalked by their previous partner reported that the perpetrator loitered outside the workplace.²¹ The employer's premises and equipment can also be used to perpetrate violence.^{9, 11-12}
- Psychological impacts, such as workplace stress for both victims of domestic violence and their colleagues, are recognised as hazards under Occupational Health and Safety Acts.²²

Educational measures to ensure that employers understand their obligations should contain the following messages:

- Family violence is a workplace issue
- Proactive occupational health and safety measures, and safety risk management strategies, should be in place
- Other employees can be affected
- Family violence can affect productivity
- Addressing family violence has long term benefits to an organisation
- Workplaces can 'recognise, respond and refer'⁹

Practical measures about how employers can meet their obligations to protect the safety of their employees should be available in an easily accessible format.

Question 22:

Should the definition of 'notifiable incident' in the Safe Work Australia model Bill be amended to include acts or threats of violence, including family violence, directed toward workers? If so, how?

Women's Health Victoria recommends that the definition of 'notifiable incident' include acts of threats of violence, including family violence, directed toward workers. There are a number of risks that arise at work as a result of family violence and these should be separately acknowledged by the Safe Work Australia model Bill. Acts of family violence can be carried out at work and colleagues are also affected.⁸ Not only can violent events occur at work, risks also exist in relation to the job interference tactics used by perpetrators. These include behaviours such as harassing the victim on the phone at work, harassing them at work, and stalking them.¹¹⁻¹² This can affect colleagues as well as the employee experiencing family violence. Addressing these threats and incidents has the potential to make the workplace a safer place for everyone.

As acknowledged in the Issues Paper, mandatory reporting would mean that employers would be required to report the incident, regardless of whether the victim asked for privacy. This is a clear directive for employers, however systems should be put in place that allow for the anonymity of the victim. Mandatory reporting would also provide information about how often workplaces are impacted by family violence by serious incidents.

Question 23:

Should family violence as an occupational health and safety risk be addressed in the regulations, a code of practice, or guidance material? How would its inclusion in any of these affect the likelihood that employers will be aware of, and responsive to, the occupational health and safety risks posed by family violence?

Family violence is a prevalent health risk that can translate into physical violence and psychological harassment in the workplace. An Occupational Health and Safety Act, regulations or guidance materials could articulate that physical violence and psychological harassment by an employee's current or ex-partner is a serious occupational health and safety risk that should be reported through official workplace channels.

Employers have a legal responsibility to comply with Commonwealth and state/territory occupational health and safety acts. Compliance is based on the notion that an

employer must take all reasonably practicable steps to protect the health and safety at work of their employees and others impacted by business operations. Managing workplace occupational health and safety involves identifying health and safety hazards, assessing risks and managing the problem. Information on how this can be done in relation to family violence could be included in accompanying materials. Psychological impacts such as workplace stress experienced by victims of family violence and their colleagues in response to harassment and stalking are recognized as hazards under occupational health and safety acts. A violent event at work can be traumatic and have serious, long-lasting effects on the victim, colleagues and staff morale more generally. Support structures must be in place.¹²

Women's Health Victoria supports the Ontario example, in which employers who are aware, or ought reasonably to be aware, that family violence may occur in the workplace must take every precaution reasonable in the circumstances to protect a worker at risk of physical injury. This should include education campaigns so that employees understand what family violence is and are aware of the policies and procedures in place. It could also incorporate training on how to support colleagues who might be experiencing it.

Question 24:

What steps should an employer be required to take in assessing and responding to risks associated with family violence entering the workplace? In what ways might workplace risks associated with family violence be minimised or eliminated?

Workplace risks associated with family violence related primarily to the safety of the victim and colleagues if the perpetrator attends the workplace with the intent to cause harm. Safety plans should therefore be drawn up with the victim. It is essential to take reasonable measures to provide protection for them, including:

- Maintain a list of family violence support services available to employees.
- Maintain the confidentiality of family violence disclosures to the extent permitted by law.
- Where possible arrange reasonable leave and adjust work schedules or locations for employees experiencing family violence.
- Ensure relevant employees are aware of the importance of not disclosing the personal details (such as address, telephone numbers or shift patterns) of other employees without the consent of that employee.
- Obtain legal advice and inform the committee of management when corrective or disciplinary actions are considered against employees who commit acts of family violence at the workplace.

Other issues could also be considered when drafting a safety plan such as:

- Where possible, consider requesting a change of work schedule, work location, or work telephone numbers if practicable.
- If an absence is agreed to, ensure the employee is clear about the plan to return to work. While absent, the employee should maintain contact with the appropriate manager.
- Consider getting the employee to identify an emergency contact person should the employer be unable to contact the victim.
- If possible, obtain a restraining order that includes the workplace, and keep a copy on hand at all times. The employee may consider providing a copy to her or his supervisor and reception along with a photo of the perpetrator.
- Reviewing safety of parking arrangements and making changes as necessary²³

A workplace team could be set up to identify safety risks. The team may include manager, security, human resources representative or any other relevant employee service staff. The situation of safety plan should not be disclosed to anyone outside the necessary parties. There are other resources available to help employers assess and respond to risks relating to family violence. The Safe at Work Coalition in the United States publishes some useful resources for employers, such as a threat assessment checklist.²⁴

Risks also exist in relation to the job interference tactics used by perpetrators. These include behaviours such as harassing the victim on the phone at work, harassing the victim at work, stalking them, preventing victims from going to work (stealing car keys, refusing to look after children, physically restraining the victim from leaving, sleep deprivation).¹¹⁻¹² The consequences of this for a victim include an inability to concentrate or perform the job, absenteeism, and quitting or losing the job.¹¹

Employers can also positively respond to risk by creating an organisational culture that is supportive and respectful. Employers can send a strong message that family violence is not tolerated. This can contribute to a culture in which an employee feels safe enough to disclose to their employer, who can then put measures in place to protect all employees.

Some studies have noted that there are other impacts for women who are victims of family violence:

Their lowered self esteem, isolation and self-blame might make abused women particularly vulnerable to other forms of abuse and harassment, for example, workplace abuse and harassment from co-workers, supervisors, and customers.¹⁰

This highlights the need for a robust system of policies across a range of issues within the workplace. There is a vital need to create a supportive work environment that is free from gender inequity.¹⁰ Auditing existing policies, examining values and mission statements, and considering the effects of organisational culture is one way of doing this.

Policies and guidance for managers should also be in place about performance management for employees who are experiencing family violence. Women's Health Victoria's Prevention of Intimate Partner Violence policy states in this respect:

Performance Issues Related to an Employee Experiencing Domestic Violence

- 1. Women's Health Victoria is aware that employees experiencing intimate partner violence may have performance problems such as absenteeism, work interruptions or trouble concentrating as a result of domestic violence.*
- 2. Women's Health Victoria will make reasonable efforts to consider all aspects of the employee's situation and, to the extent possible, utilise all reasonable options to attempt to resolve the performance/conduct problem, including sourcing external employee support.*
- 3. If reasonable attempts to resolve the performance problems are unsuccessful, within a reasonable amount of time, Women's Health Victoria will discuss termination of employment options with the employee and/or the employees representative.*

Policies such as this acknowledge the complexity of employee/employer relations. Strategies must be in place that can guide employers in their management of issues that may arise from family violence.

Question 25:

What requirements, suggestions or information should be included in regulations, codes of practice or guidance materials addressing family violence as an occupational health and safety risk?

The steps set out in question 24 could be incorporated into regulations, codes of practice or guidance materials. Introductory information about what family violence is, prevalence, who is affected, and the impact it has on the community should also be included. It should also cover some of the common myths of family violence.

The guidance could also recommend the exploration by an organisation (not just at leadership level) of the principles of a 'family violence free' organisation. All employees have a right to feel safe at work and to be treated respectfully. Employees could explore what this means for them. Organisational leaders can set the tone for a workplace culture that is safe, respectful and supportive – one that sends an unambiguous message that family violence is not tolerated.

Question 32 Are there any other ways in which Commonwealth employment, occupational health and safety or superannuation law could be improved to protect the safety of those experiencing family violence?

- **Primary prevention**

Primary prevention aims to reduce or eliminate the cause of a health problem. Therefore, the primary prevention of violence against women is the prevention of violence before it happens. It is about intervening before any violence has occurred and addressing the causes of violence.²⁵ The causes of family violence include:

- unequal power relations between women and men;
- adherence to rigid gender stereotypes; and
- broader cultures of violence.¹⁵

Laws that address gender inequity must be strengthened, including equal opportunity laws, sexual harassment laws, and laws relating to equal representation and recognition of women. These laws should be considered part of wider progress on the prevention of violence against women. Workplaces that model non-violent, equitable and respectful gender relations should be encouraged.²⁵⁻²⁷ This is what makes workplaces powerful sites for the prevention of family violence.

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