

**WE ARE
UNION
WOMEN**

UNDERSTANDING FAMILY VIOLENCE AS A **WORKPLACE ISSUE**

YOUR GUIDE



THE VICTORIAN TRADES HALL COUNCIL PROVIDES FAMILY VIOLENCE TRAINING FOR UNIONS AND WORKPLACES

TRAINING INCLUDES

Addressing FV as a workplace issue;

Implementing a paid FV Leave Clause in a workplace enterprise agreement;

The role of union delegates, contact points and management;

Understanding how to treat cases of disclosure and leave access requests;

Dealing with perpetrators at work;

The legal and industrial issues associated with FV in the workplace.

Training can be customised to your workplace needs.

Contact the Women's Team at Trades Hall

unionwomen.org.au

women@vthc.org.au

(03) 9659 3535

This resource is available online at:

unionwomen.org.au/genderedviolenceatwork



@unionwomen



@VicUnions_women



@wauwomen

We acknowledge the traditional owners of the land on which Trades Hall stands, the Wurundjeri people of the Kulin Nation.

We pay our respects to their Elders, past, present and emerging.

This land was stolen and sovereignty was never seced.

Always was, always will be Aboriginal land.

**WE ARE
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WOMEN**

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Our Commitment

Family violence is a significant workplace issue facing many people, most of whom are working women. Family violence does not stay at home but comes to work, whether with victim survivors or perpetrators of violence. Workplaces can support victim survivors of family violence to be safe and also ensure they continue to be linked to their work and the economic security that can provide.

The union movement is committed to ensuring that family violence is treated as a serious workplace issue. We will work in partnership with workplaces to ensure they have the tools to act responsibly and provide adequate supports to those subjected to family violence. Unions also have an important role in providing education around the need to eradicate gender inequality that is at the heart of family violence.

Victorian Trades Hall Council (VTHC) is the peak organisation of Victorian Unions. We have an important place in history, leading the way on progressive change for working Victorians. The introduction of a paid family violence leave clause into enterprise agreements was achieved by the Australian Services Union Victorian Tasmanian Branch in 2010.

Since that time the Victorian union movement have advocated for family violence to be recognised as a workplace issue and for paid family violence leave clauses to be included in enterprise agreements, Awards and the National Employment Standards.

In 2015 VTHC established We Are Union Women (WAUW), a specialist unit designed to campaign and provide expert advice to address gender inequality at work. This unit has particular expertise in family violence as a workplace issue. WAUW can assist and support workplaces and unions to develop rights, policies and practices that ensure an effective and responsible approach to dealing with family violence at work. This support includes an extensive training program that can be tailored to the needs of unions and workplaces.

Using This Guide

This guide is intended to provide an understanding of family violence, why it is a workplace issue and what can be done to eradicate or manage it. It can be used by unions, employers, union delegates and Health and Safety Representatives to advocate for and protect the rights of working people subjected to family violence. This guide also provides information on how to deal with perpetrators of family violence in the workplace.

Included in this resource:

- An annotated version of the VTHC model family violence leave clause;
- A template for a workplace family violence safety plan;
- An example of a model family violence policy;
- An implementation guide;
- Example position description for a family violence contact person role.

It is impossible to plan for every workplace scenario so this guide looks at overarching issues and principles. To seek further advice about specific workplace situations, please contact the Family Violence Project Organiser at Victorian Trades Hall Council.

We welcome feedback on this guide as we consider it a document which will evolve as we acquire increased knowledge about this area.

PAID FAMILY VIOLENCE LEAVE IS IMPORTANT FOR VICTIM SURVIVORS OF FAMILY VIOLENCE BECAUSE:

- It allows victim survivors stay to connected to work and maintain economic security. This is crucial, especially if the person has to leave their relationship and home;
- It provides victim survivors with continued links to their work which can provide them with a sense of purpose and pride at a time when they are likely to have low self esteem;
- It creates the opportunity for victim survivors to maintain work relationships that offer them support.



WHAT IS FAMILY VIOLENCE?

- 8 Overview of family violence
- 10 Facts you need to know
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WHAT IS FAMILY VIOLENCE?

NEED TO KNOW

Family violence is also known as domestic violence and is used to refer to violence between family members.¹ A family member can be both blood related, and also a person regarded as being like a family member. For example a teenager using violence against a parent or elder, as well as between unrelated persons who have a family-like relationship.

The abuse can take many forms: physical; sexual; emotional; psychological; and financial.

Family violence can be subtle or overt. This includes threats, coercion and use of power and control to create fear or unease.

Children are considered affected by family violence without necessarily being directly targeted by a perpetrator. For example if a child lives with the tension of family violence in their home, witnesses a family member being abused or tries to comfort the victim survivor after an attack, they are being subjected to family violence. Even if acts of violence are not directed towards children, if they live with or witness abuse, it causes them harm.²

Some examples of abusive behaviour are, but are not limited to:

- Physical violence;
- Put downs and denigration in private or public;
- Withdrawing emotionally, sulking, threatening suicide or harm to others including towards pets, or to property;
- Tracking a person via their mobile phone and restricting where a person can go or who they can be associated with;
- Following or stalking a person;
- Constant disrespect;
- Sexual violence;
- Gaslighting—undermining a person’s self confidence, tricking them into thinking they are imagining the abuse or “going crazy,” leading the person to no longer trust their own thoughts or intuition;
- Acting differently in public such as by acting in a way that does not appear controlling or violent;
- Denying abuse and/or promising it will never happen again;
- Isolating a person from family, friends and work;
- Controlling bank accounts, controlling how and when money can be spent, scrutinising bank statements;
- Building trust and then using this to control a person.

Family violence arises from the perpetrator's desire to exert power and control over family members. Family violence distorts the trust we have in the belief that everyone should be safe at home and in their relationships. It is insidious because the perpetrator usually has unfettered access to the victim survivor and knows the most effective ways to inflict harm. The perpetrator may act out this behaviour more than once, with the ability to increase severity at any time.

The evidence shows that family violence is a major problem in our community. The impact does damage to us all.

The majority of victim survivors of family violence are women, with current or former male partners as the perpetrators. Violence against women in our community is a serious concern:

- **One in three women have experienced violence in their lifetime;**
- **Nearly one in five have been subjected to sexual violence;**
- **Nearly one in five had been subjected to violence within their relationship perpetrated by a current or former partner, 98% of whom were men.³**

Family violence is underpinned by gendered violence and gender inequity. It is more present in societies in which women have less power than men.

Current research indicates that societies in which men and women have unequal power or value or where rigid stereotypes apply, have higher rates of family and gendered violence.⁴

In this environment, cultural understandings, beliefs and behaviours that accept unequal power between men and women can promote violence.

Violence of this type occurs along a spectrum. Sometimes it appears to be innocuous, such as sexist jokes, the belief that 'boys will be boys' and victim blaming for example, "why was she wearing that outfit, walking in that area, drinking so much?" However, accepting these behaviors and attitudes which denigrate, in this case women, sets the culture that perpetuates violence.

NEED TO KNOW

Women from any socio-economic background, age, sexual identity or ethnicity can be a victim of family violence. However women who experience multiple forms of discrimination and inequality such as Aboriginal and Torres Strait Islander women, women with disabilities and trans women are at

FACTS YOU NEED TO KNOW

Two in three women experiencing family violence are in paid employment⁶



64% of Victorian women have experienced bullying, harassment or violence at work¹³

Intimate partner violence is the leading preventable cause of death, disability and illness in women aged 15–44¹¹



Women are at least three times more likely than men to experience violence from an intimate partner⁸

Over 400,000 women in Australia have experienced family violence during pregnancy⁵

Children are harmed by family violence, even if the abuse is not directed at them⁶



One woman every week is killed by family violence⁷



One in three Australian women has experienced physical violence, from the age of 15⁹



19% of Victorian Women have resigned from a workplace because they didn't feel safe¹³

44% of Victorian women have experienced discrimination at work¹³

800,000 working women in Australia are currently experiencing family violence⁶



Health, administrative & social welfare costs of family violence are approx \$21.7 billion/year¹¹



Indigenous women are 45 times more likely to experience domestic and family violence than other women¹⁶



Experts agree that the rate of violence perpetrated against culturally and linguistically diverse (CaLD) women is very high¹⁷



COMMON MISUNDERSTANDINGS

There are many misunderstandings about family violence. Many of these are harmful to victim survivors as they suggest the victim survivor must take responsibility for the perpetrator's violence towards them.

"She should just leave"

The most dangerous time for a victim survivor is when they try to leave the abusive relationship. The risk of violence, even murder, is greatest at this time.

Many victim survivors do leave but there are significant reasons why some do not. There can be social, economic, cultural, religious, or legal reasons which may keep a person in an abusive relationship. Many want the violence, not the relationship, to end. Sometimes victim survivors feel trapped because their partner threatens to harm their children or pets if they leave. In many instances, women do not have the economic security needed to leave and support themselves.

"She provoked him"

We are all responsible for our behaviour and no matter how irritated, offended or hurt we feel it is never acceptable to use violence against another person. Preventing and eradicating family violence requires all people to take responsibility for their conduct. The myth of "being provoked" is an attempt to hold victim survivors responsible for perpetrator's violence against them.

"Sexist jokes are harmless fun"

Jokes that demean others are never harmless. Jokes that demean women are used to promote harmful sexist beliefs that can insult and hurt individuals but also support the idea that women are valid targets for violence.

Family violence is understandable if a person is stressed or under pressure

Most of us feel stress and pressure at different times of our lives, but we don't resort to using violence against others in response. This myth seeks to justify family violence, by implying that dealing with a partner's aggression is a normal part of a relationship. This becomes obvious when we consider how violence between strangers is never justified in this same way.

Family violence is caused by alcohol or other drug consumption

Whilst the use of alcohol and other drugs may exacerbate some behaviours these substances do not cause the behaviour. Underlying beliefs and assumptions about power, gender inequality and control are at the core causes of family violence. A person who chooses to use violence, may become increasingly violent when under the influence of drugs or alcohol, but it is never the cause.



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HOW FAMILY VIOLENCE ENTERS THE WORKPLACE

NEED TO KNOW

Working people experience family violence and it does come to work with them and so it affects their work and the workplace. It can enter the workplace through texts, emails, abusive phone calls and in some instances the perpetrator may physically enter the workplace or be employed there. Both perpetrators and victim survivors are often in paid work whilst the violence is occurring and this makes it a workplace issue.

In many instances, those experiencing family violence may need paid days away from work to attend medical appointments, file police reports, attend court and make arrangements for their children. Although workplaces are not solely responsible for ending family violence, they must not stand in the way of those trying to manage family violence and they can provide support.

The possible effect of family violence on an employee:

- Tiredness;
- Being distracted;
- Appearing evasive or disengaged;
- Being unable to attend work;
- Having to lie about whereabouts;
- Having to hide injuries;
- Having to use up leave allocated for other purposes;
- Being unproductive or making mistakes at work;
- Loss of employment;
- Appearing scared, jumpy or nervous.

Family violence not only affects the victim survivor, but can also extend to the overall health and safety of the workplace.

Some examples are:

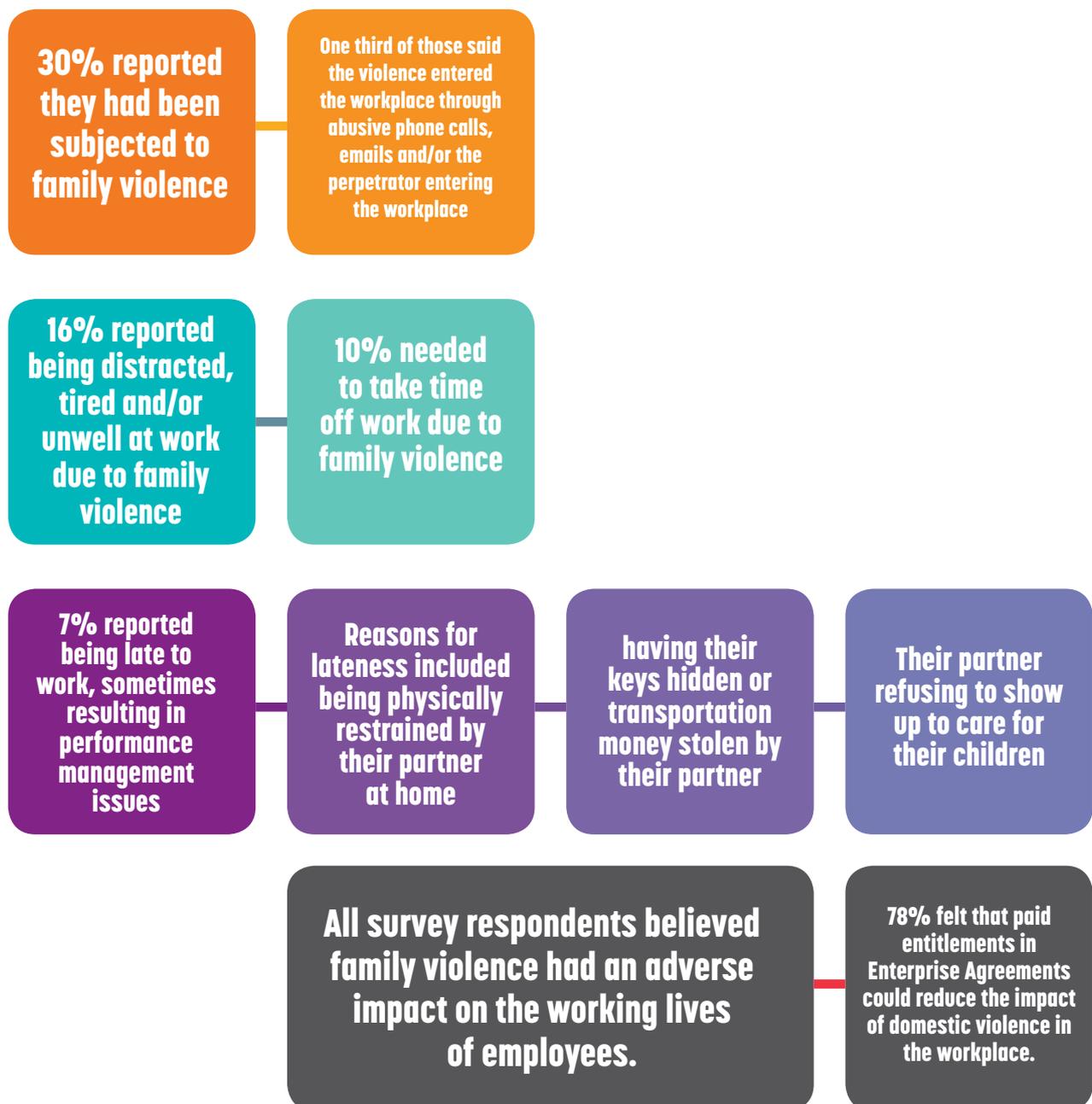
- Others in the workplace can be put in danger unwittingly by the perpetrator entering the workplace;
- A disengaged staff member may lower morale for the whole team;
- The affected staff member may resign unexpectedly creating turnover;
- Absenteeism of the victim survivor may cause others in a team to experience an increase in workload resulting in resentment within a team;
- Colleagues may try to protect the victim survivor from unwanted phone calls or visits thus take on stress and risk around this if not adequately supported;
- If a staff member is perpetrating family violence from work they might be inappropriately using work resources, be distracted at work and be under-performing. This leads to increased risk and possible accidents.

The union movement recognised family violence as a workplace issue and collectively argued for this to be addressed through the negotiation of family violence clauses into Enterprise Agreements. VTHC has supported the Australian Council of Trade Unions (ACTU) in its 2016 case before the Fair Work Commission arguing for paid family violence leave to be included in the modern award system.

THE REALITY OF FAMILY VIOLENCE IN THE WORKPLACE

In 2011, the Australian Domestic and Family Violence Clearing House conducted a national online survey of the impact of family violence at work.

-Of the 3,600 respondents more than 80% were women.



WHY IS FAMILY VIOLENCE A UNION ISSUE?

The union movement has a long history of championing progressive issues including women's equality. Eradicating violence against women is core union business. Family Violence is an occupational health and safety risk for workplaces and unions have a role in ensuring that it is addressed as a key safety and industrial issue.

Just as workplaces and the community at large have a role to play in ending family violence, so do unions. Family violence does not stay at home. It follows both victim survivors and perpetrators to work thus potentially affecting the workplace and job performance of both. It may also put other workers at risk of injury or trauma in the workplace.

HISTORY OF THE FAMILY VIOLENCE CLAUSE

The Australian Family and Domestic Violence Clearinghouse first approached the Victorian Trades Hall Council Women's Committee for union support to pursue a paid family violence clause or agreement. In 2010 The VTHC Women's Committee discussed the idea.

In 2011 the Australian Services Union (ASU Vic – Tas Branch) negotiated what is believed to be the world's first paid family violence agreement provision, Surfcoast Shire Council.

Since then, family violence clauses have been negotiated by unions in enterprise agreements across Australia, with Australia still leading the world in this space.

Unions continue to work with the Victorian Trades Hall Council and Australian Council of Trade Unions to ensure this issue remains high on the agenda within the industrial setting, including by arguing that it must become a workplace right for all workers.

STEPS YOUR ORGANISATION CAN TAKE TO EFFECTIVELY MANAGE FAMILY VIOLENCE IN THE WORKPLACE

- 1** Create a workplace gender equity plan that includes the eradication of sexist language and behavior in the workplace and challenges gender stereotypes.
- 2** Provide education and raise awareness amongst the whole of staff to increase their understanding of family violence and its potential impacts in the workplace.
- 3** Provide appropriate work based entitlements such as paid family violence leave and flexible work hours and flexibility around work locations to all employees in order to help manage the impact of family violence on the employee at work.
- 4** Designate family violence contact people within the workplace and promote their role. Additionally, ensure line managers are aware of how to respond to disclosures of family violence from workers.
- 5** Ensure appropriate training regarding family violence has been delivered to relevant workplace representatives such as health and safety representatives, union delegates, managers and contact people (trainer must have awareness of both family violence and industrial entitlements).
- 6** Deal responsibly with perpetrators of family violence and other forms of gendered violence.
- 7** Regularly review and evaluate incidents of family violence disclosure and use of any family violence leave within the organisation.

Appointing Contact People

Workplaces should appoint appropriately skilled and trained family violence contact people. Contact people can be drawn from anywhere within the workplace. They could be union delegates, human resources staff or Health and Safety Representatives. Ideally they will show interest in the role by applying for it via application, interview and training should they be successful. An example position description for this internal workplace role is attached to this guide. Contact people should act in accordance with the principles set out below:

I'm a contact person— What do I do when dealing with a worker about family violence?

It is important that you do:

- Believe them;
- Find somewhere private to speak with them;
- Be sensitive;
- Reassure them that the information will be kept confidential unless someone is at immediate risk of harm or the victim survivor has given consent for someone else to be told;
- Make clear to them that they are not to blame, the only person who is to blame is the person who chose to use violence;
- Ask them about the impact that family violence is having on their work life and what might help them, for example, check if they know about family violence leave if it is available;
- Ask them what they would like to do and check if they have a workplace safety plan;
- Encourage them to keep a diary of events and incidents to help them recall details at a later stage if need be;
- Offer to accompany them to speak with a manager or HR if they choose to speak with them about it;
- Check if they know where to get help and if they don't provide them with the list of resources found in this guide;
- If you are unsure of how to handle the situation or are unsure about what to do please call your union or the Family Violence Project Organiser at VTHC.

It is important that you don't:

- Become personally involved;
- Put yourself in any danger;
- Discuss this with anyone else except the person who has come to you and other designated people within the workplace unless you believe someone is at risk of harm;
- Ask questions about the relationship such as why they think the violence is occurring or how it started;
- Express an opinion about the situation such as by asking why the person does not leave the relationship or call the police and so on;
- Give them advice or tell them what to do.

Supporting someone who has been subjected to family violence can be scary and upsetting. Make sure that you can access support such as the Employee Assistance Program at your workplace so that you don't have to deal with this alone.

Developing a Workplace Safety Plan

Safety planning is an important way to try and keep a victim survivor of family violence safer whether at home or work and whether still in the relationship with the perpetrator or not. Many victim survivors will have good ideas about ways they can be kept safer at work so it is important to start by asking them if they want to develop a plan and what it should contain. Remember that your focus needs to be on keeping the person safer at the workplace. If they don't have a safety plan for their home and community life it is advisable that they speak with a family violence specialist service to develop one. There is a workplace safety planning template included in this guide.

When developing a workplace safety plan there are common points to be considered. However individual, workplace and industry situations vary so widely that it is impossible to cover every potential scenario. The following list provides some prompts to assist with thinking about what may need to be considered when developing the plan:

Assess the physical workplace:

- Is the building open to the public, isolated, secure?
- Do workers work together or alone?
- Are the carpark areas or walkways to the workplace safe and visible?
- If there are public zones in the workplace is there a safe room that can be locked from inside that is available and easily accessible? Is there a way of opening this door from the outside in an emergency if it was locked from inside?
- Do workers work outside of the workplace building or in public spaces (ie community outreach, outdoor spaces, building sites in public areas, bus drivers)

Changes to schedule:

- Can the worker be moved to another worksite temporarily or permanently?
- Can the worker have phone calls and emails screened or have their contact details changed?
- Is it possible to alter and vary start and finish times for the worker or arrange for different ways for them to work such as from home if that is the safer option?

Security

- Do relevant staff know the details of the perpetrator? (eg reception staff, security)
- Can the staff identify the perpetrator – are they already known to them or do they have a photo of the person? Do staff know what action to take if the perpetrator attends the workplace or calls. Is there a safety management plan in place for them as well?
- Do these staff members know what to do if the perpetrator does attend the workplace?
- Is there a court order and has a copy been provided to the workplace?

When the perpetrator and victim survivor work in the same workplace

The victim survivor's safety is paramount in this situation and it may be that the perpetrator needs to be relocated to another work site. There is a specific section of this resource devoted to perpetrators at work.

Implementing a paid Family Violence Leave Clause

Please refer to the attached implementation guide which provides steps to ensuring an effective family violence leave clause is in use. It also provides information about developing effective policy to support the leave.





FAMILY VIOLENCE LEAVE IN PRACTICE

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EMPLOYER

NEED TO KNOW

Employers who provided feedback were very clear that the clause alone is not sufficient to create cultural change within the workplace and must be accompanied by supportive structures and systems.

Employers who have the paid family violence leave clause have told us that this right has:

- Led to increased support for workers experiencing family violence;
- Resulted in minimal disruption;
- Allowed workers to be open with their line managers and HR departments;
- Resulted in a modest increase in staff approaching HR regarding support at work.

In many instances, workplaces we spoke with were also providing leave to perpetrators. These organisations reasoned that the workplace was invested in supporting perpetrators to change their behaviour and believed that providing leave might provide opportunity for change. The management of perpetrators in the workplace is addressed in a later section of this guide (p27).

Employers have identified the following important practices in addition to the family violence leave entitlement:

- Having a Family Violence Leave Policy;
- Identified family violence contact people (including union delegates) within the organisation who are trained to respond to disclosure;
- Visible support for the clause as expressed through information available in the workplace, such as via posters, reference to the leave in staff inductions, leadership backing through words and actions;
- Where the organisation delivers family violence programs, ensuring that there is both a community and workplace family violence strategy for responding to family violence in both settings;
- Special code for payroll for processing leave so that worker privacy is maintained.

Employer identified benefits include:

- Transparency has led to workers being very honest about their situations and acting with great integrity;
- Goodwill shown by the organisation towards employees in these situations had often led to surprisingly positive outcomes in terms of the employees' commitment to and investment in their workplace;
- Openness within the workplace for those being subjected to family violence was leading to cultural shifts in which gendered violence against women was increasingly seen as unacceptable;
- No concerns about the system being rorted.

DELEGATE

Union delegates identified strategies to support effectiveness of the paid leave clause:

- Promotion within the organisation;
- Clear identification of contact people within the organisation;
- Union delegates being active about discussing the clause with members;
- Training about the use of the clause.

In the words of one delegate: *“I think having it available is so important and we can’t afford not to have it. It is such a valid and important clause. Seeing a member I assisted not have to carry so much stress and anxiety was the difference between seeing her retain her job rather than ending up quitting. It also gives us a context to not judge our colleagues as we may not always know why someone is not fully participating at work.”*

CASE STUDIES

The following case studies have been included to demonstrate ways paid family violence leave and support can work best in workplaces.

Anne

Anne has primary custody of her 6 year old daughter named Leyla, with her former partner named Max from whom she is separated due to family violence he subjected her to. Anne is now 15 weeks pregnant to her new partner. Anne informed Max she was pregnant with her second child to her current partner and Max assaulted her. Anne successfully sought an Intervention Order from the Magistrates Court.

The day after she was assaulted Anne saw a doctor and took a sick day off from work to recover from her injuries. She had to return to court on a work day the following week and took sick leave to do so. Although court was finalised by midday, Anne felt so emotionally drained by the experience of attending court that she felt she would not be productive at work. Court was adjourned for two weeks, requiring Anne to take another day off work to attend court again.

Anne has since taken two more afternoons off work to attend the police station.

So far, Anne has had a total of 23 hours (approximately three day) away from work and has used sick and annual leave for this.

Eventually Anne told her employer about her situation, and at their discretion she was allowed to use other leave entitlements. If this wasn't the case, she could have been required to leave her employment as there was no Award or Enterprise Agreement paid Family Violence Leave.

Issue: Family violence inflicted by an ex partner resulting in a worker needing time away from work to attend court, police station and medical appointment.

Problem: In order to attend these crucial appointments, Anne had to use sick leave and personal leave, depleting these leave balances significantly. Anne was unable to access family violence leave in her workplace under an Enterprise Agreement or a formal workplace policy. Anne's ability to take time away from work was at her manager's discretion. If her manager didn't agree, she would face the risk of losing her job. The situation required Anne to disclose her family violence circumstance to her manager.

Result: Anne was able to access leave and support from her work to address family violence that was affecting her capacity to work and stay safe.

Improved Outcome: If Anne had access to paid family violence leave through her workplace enterprise agreement, she would have known she could access paid days away from work when she first experienced family violence. Anne would not have used her sick and personal leave, and would not have needed to disclose details of her situation to management. By removing these barriers, family violence leave ensures all employees can access the leave if they need it, regardless of their personal relationship with management.

Jane

Jane works for a health organisation and has two adolescent sons. Jane has been married to John for 30 years. During this time John has frequently subjected Jane to physical and psychological violence, sometimes she has to leave the house at night to stay safe and she is frequently distracted and tired at work.

Jane was unaware that her workplace had a family violence leave clause in its Enterprise Agreement and only became aware of it when the union delegate mentioned it to her. No longer worried she would have to resign, Jane made arrangements to leave her abusive relationship. Jane arranged to move house to an undisclosed address so she could leave John and be safe. Jane too paid Family Violence Leave in order to make the necessary arrangements to safely leave her situation. Jane now lives in a safe home with her children and has returned to work.

Issue: Family violence perpetrated by worker's partner within her home.

Problem: The worker's performance at work was suffering as a result of the stress, fear and injuries she was enduring in her intimate relationship.

Result: Jane accessed the paid family violence leave she was entitled to, making it easier for her to leave her abusive relationship. Jane was able to secure stable housing for herself and children, whilst retaining her employment and economic stability. Further, the employer did not have to pay the costs of recruiting and training a new employee.

Improved Outcome: This case study provides a clear example of how family violence leave can function as an effective industrial tool. To be even more effective, the leave provisions should be promoted in the workplace, so all employees are aware of their entitlements. In this case, it was fortunate that Jane's union delegate informed her of the leave. However if this were not the case Jane may have been disciplined for her dropping standard of work or may have even resigned because of the effect family violence was having on her at work.



DEALING WITH PERPETRATORS IN THE WORKPLACE

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NEED TO KNOW

Perpetrators of family violence can be workers. This reality means that their behavior both inside and outside of the workplace may be an issue. A person who perpetuates violent or abusive behaviours outside of the workplace may bring these attitudes and behaviours into work, therefore potentially affecting the workplace and work colleagues.

Whilst there has been a focus on addressing the needs of victim survivors of family violence in the workplace, the issues surrounding how to respond to perpetrators of family violence at the workplace level has received little attention. This guide attempts to address this issue.

IMPACT OF PERPETRATORS IN THE WORKPLACE

Little has been documented about the workplace health and safety and other costs or impacts of perpetrator behaviour in Australia workplaces. The following summary sets out some areas of potential risk:

Safety

Perpetrators may be distracted at work or may be using work time and resources to commit acts of violence.¹⁵

Attitude

Negative or hostile views towards women that underpin family violence may be brought into the workplace affecting other staff. A perpetrator may hold a position of power or specialisation in the workplace which makes it harder for people to complain about them or avoid being subjected to their sexist and violent attitudes.

Redirection of violence

A perpetrator may attend a workplace (other than their own) looking for the target of their violence and enact their violence against employees and clients or customers particularly if the person they are looking for is not there or has been moved to a safer area.

Shared employer

The perpetrator and victim survivor may both work for the same employer. This poses potential health and safety risks for the direct parties and also for others in the work vicinity.

Legal issues

Perpetrators of family violence may be charged with a criminal offence which may impact on employment, including being arrested and jailed.

Time off from work

Perpetrators may require time away from work to attend legal appointments, police station or court appointments.

Overarching principles for handling perpetrators of family violence at work

The following principles are designed to assist organisations and union representatives to responsibly deal with perpetrators of family violence in the workplace

- 1** Any perpetrator is responsible for their behaviour and the choices they make. Ultimately, if choices are made that negatively impact a perpetrator's capacity to retain employment they must deal with the consequences of their conduct.
- 2** In general no person (victim or perpetrator) should be forcibly required to disclose details regarding any family violence circumstance. The exception to this may be if there is imminent risk to health and safety at work. In these circumstances any worker should make their employer aware of that risk and organisations should ensure that any risk of harm to their workers is eliminated or avoided.
- 3** Should an organisation become aware that an employee is a perpetrator of family violence and have cause, due to work related concerns, to investigate the employee's conduct, the normal processes of natural justice and procedural fairness should be applied. This includes the right of that employee to representation by their union.
- 4** When dealing with perpetrators of family violence both the employer and the union should carry out their roles responsibly. This means ensuring that whilst the process is fair, excuses are not made for a perpetrator's violent behavior and the significance and seriousness of the perpetrator's inappropriate actions are not down played.

Workplace issues surrounding perpetrators of family violence

There are a number of circumstances in which the behavior of an employee perpetrator of family violence may raise employment related concerns. How an organisation responds is important. Workplaces can be proactive and set the tone and standard in relation to gender equity and family violence that sends a clear message to all employees that violence, including family violence is unacceptable. In doing this the organisation is helping to prevent violence and address underlying attitudes and values that perpetuate violence.

When addressing the employment related circumstances of employee perpetrators, employers have important choices to make. When dealing with perpetrators of family violence, employers should consider:

1. The perpetrator of the violence and the victim survivor work in the same workplace

The employer has a duty to ensure that the workplace is safe for all those entering it. In these circumstances if the employer becomes aware of the family violence circumstance the employer has a duty to ensure that the victim survivor's and any others person's safety is not put at risk by the behavior of the perpetrator. This should include discussing, and possibly developing, a safety plan with the victim survivor.

There may be family violence orders in place that restrain the behaviour of the perpetrator, including whether the perpetrator can be in the same location as the victim survivor. The employer should be aware of these orders. The existence of these orders does not automatically mean that either the victim survivor or the perpetrator have to leave the workplace. Orders can be adjusted to allow for these circumstances. For example there are some instances where orders are made

where the parties are in fact still living in the same house.

Consultation with each party is likely to be required in order to ensure the safety of the victim, perpetrator and other workers at the workplace. Both the victim and the perpetrator should be entitled to union representation throughout any consultation process.

Employers should not take unilateral action to move (without their consent), or discontinue the employment of a victim survivor, "for their own good" or to "ensure their safety". An agreed safety plan is vital here. It is important that action the employer takes, to ensure safety, does not adversely impact on the employment circumstances of the victim survivor.

2. Perpetrator uses work resources to perpetuate family violence

A perpetrator of family violence may be using work equipment, such as the phone, email or laptop, or may be using work time, to perpetuate the violence. In these circumstances where an employer reasonably believes this is the case, they should investigate the matter and deal with the employee in accordance with their usual policy/procedure for addressing inappropriate behavior and misconduct. The overarching principles outlined in this section need to be applied here.

3. Perpetrator's violence conflicts with their role in the workplace

If it is established that an employee is perpetuating family violence (outside the workplace and without using any workplace resources) the employer needs to consider whether the fact they are a perpetrator impacts on the employee's capacity to perform their function. Any action taken by the employer in this circumstance must be proportionate to

the risk the perpetrators actions pose to the organisation.

If the employee perpetrator is in a position where perpetuation of violence, including family violence, undermines their credibility, or the credibility of the organisation then disciplinary action including termination may be appropriate. For example if the employee is in a management role where their violent behavior outside of work could impact on workplace culture or safety of staff, or if they work in an area dealing with children and/or families or if they are a key public spokesperson for the organisation and knowledge of them as a perpetrator could damage the reputation of the organisation.

Regardless of the assessment that the employer makes with respect to whether the employee perpetrator's behavior outside work warrants disciplinary action or not, as a minimum the employer should make the employee aware of the standards and conduct that the organisation expects and ensure that any behaviors or values underpinning the violence do not find expression in the workplace.

4. Perpetrator seeks to use family violence leave

VTHC advocates for workplaces to support and encourage perpetrators of family violence to access leave where needed to meet their responsibilities and overcome their violent behaviour. This may include attending court, counselling or men's behaviour change programs. The VTHC view is that in these cases, the perpetrator of family violence should access leave available to them such as annual leave or leave without pay rather than paid family violence leave.

Although supporting perpetrators to change their behaviour can have a positive effect on the community, family violence is harmful and can be criminal behaviour, the consequences for which must be met by the perpetrator. It is VTHC's view that family violence leave provisions, such as those contained in our model clause were never intended to apply in a way that would provide perpetrators with additional leave entitlements. We understand that some organisations have chosen to interpret the clause in a way that allows perpetrators to take the leave. Unions and employers should make their intention with respect to this matter clear when drafting family violence leave clauses.

There are arguments (of public good) that may support maintaining the employment of perpetrators including:

- If they are a significant contributor to the household budget and they rely on the income for family or child support;
- The link to work may contribute to the perpetrator feeling connected to community, and having a sense of self and hope for the future. Work may provide an environment in which they can actually feel supported to make positive change in terms of their violent behaviour;
- Working may reduce the time for rumination and planning of further family violence;

When considering the action that an organisation takes in relation to a perpetrator of family violence the organisation may wish to take account of these "public good" arguments. In doing so however, the organisation should not condone or excuse violent behavior and should take care not to collude with the perpetrator.

Considerations when managing a perpetrator of family violence

Some key questions to ask yourself

- Does this behavior raise employment related concerns? What are these concerns? What are the correct processes and policies here?
- How do we know the person is a perpetrator? Have they disclosed their behavior?
- Was it a colleague or the victim survivor that disclosed violent behaviour? What follow up is required here?
- Has the perpetrator been charged and convicted?
- Has an Intervention Order been issued? Is there content within the Intervention Order that is relevant to the workplace?
- What does the employer know about the perpetrator's behaviour? What risks arise from this behavior? Consider the safety at work of victim survivors if they work in the same workplace as a perpetrator. Consider the safety at work for other workers.
- How do we manage issues of confidentiality of involved parties, including the perpetrator?
- Who needs to be made aware of the perpetrator's behaviour? Why do they need to know?
- What types of leave should be made available to a perpetrator in relation to dealing with family violence circumstances? [Note VTHC does not endorse the use of family violence leave by the perpetrator].
- If a perpetrator talks about their perpetrating behaviour at work, including someone talking explicitly about violent behaviour they have chosen to use or using sexist or misogynistic language or behaviour:
 - *Does this situation need to be closed down immediately?*
 - *Does there need to be employment counseling in relation to the behaviour?*
- If the performance of a perpetrator is affected by family violence for example their use of violence distracts them at work, either by thinking about or using work resources to perpetuate violence
 - *What are the appropriate conduct/ performance processes to be followed?*
 - *What is the workplace prepared to / able to do to support a perpetrator to seek help to change their behavior?*
- How does the workplace view (from the position of culture, values and branding) the perpetration of family violence by one of its employees? What employment related consequences flow from this?
- Does the behaviour or the role the employee holds warrant the employer addressing behaviour that occurs outside of the workplace in the employee's private time or only that which occurs during work time? Consider for example, would the workplace want to continue the employment of the employee if they were:
 - Convicted of assault of a stranger on the weekend?
 - Convicted of rape but not imprisoned?
 - Seen in public in their own time espousing violent or misogynistic views?

Choosing your EAP provider

VTHC strongly recommends when choosing an Employee Assistance Program (EAP) provider or seeking other expert help, organisations specifically seek out programs or individuals that have experience addressing family violence. This is important because the risk of excusing violent behaviour or colluding with the perpetrator is a real one which can heighten danger for anyone having contact with that person. Those who have expertise in family violence will be aware of this and have measures in place to ensure this risk is mitigated.

Union representation of perpetrators

Union members should be given the opportunity to seek advice or representation around any disciplinary actions initiated by an employer, including behavior relating to the perpetration of family violence. The overarching principles set out in this section of this resource apply here.

It is important that union officials, when representing members, act in accordance with the views of the movement that family violence is unacceptable behaviour for which there should be consequences. When representing a member in these circumstances, the union's role is to ensure the member receives a fair process and that natural justice is afforded to that member. It is not to support, condone, excuse or downplay any violent behavior.

In instances where a union is representing both a perpetrator and victim survivor in relation to workplace issues, appropriate protocols need to be adopted to ensure that information obtained is not directly or inadvertently shared and separate representation is provided to each of the parties who are members.



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FAMILY VIOLENCE IS A WORKPLACE ISSUE

Summary of roles and responsibilities

Family violence as a workplace issue requires work based solutions.

Employer Role:

- Recognise and promote awareness of family violence as a workplace issue;
- Duty regarding occupational health and safety of all employees within a workplace;
- Creation of an open and trusting environment in which employees feel safe to disclose experiences of family violence;
- Appointment of contact people within the organisation to support employees being subjected to family violence;
- Training to be brought in for staff to attend regarding awareness raising about family violence and industrial rights in relation to this;
- Monitoring and evaluating organisation response.

Union Role:

- Recognise and promote awareness of family violence as a workplace issue;
- Train staff, officials and delegates on the issue and teach them how to respond appropriately;
- Negotiate industrial rights;
- Support development of an open and transparent culture;
- Represent workers who need assistance in relation to family violence;
- Advocate in the workspace and the broader community for gender equality and for greater awareness and responses to prevent violence and support victim survivors.

Union Delegates / Health and Safety Representatives:

- Raise awareness of the issue of family violence as a workplace issue;
- Seek out training to understand the issue and be able to respond accordingly;
- Assist workers to access their industrial rights and to be safe at work;
- Play a role in creating an open and supportive culture that promotes gender equity and prevents violence at work.

Workers:

- Be open to understanding the issue;
- Act in ways that create a culture that supports the prevention of violence at work and outside of work, particularly violence against women.

FAMILY VIOLENCE IS A WORKPLACE ISSUE

Services

For those being subjected to family violence:

1800 RESPECT

1800 737 732
www.1800respect.org.au
Nationwide - 24/7

Safe Steps

1800 015 188
www.safesteps.org.au
Victorian - 24/7

Aboriginal Family Violence Prevention & Legal Service (FVPLS)

1800 105 303
www.fvpls.org/index.php
Victoria

Sexual Assault Crisis Line

1800 806 292
www.sacl.com.au

In Touch - Multicultural Centre Against Family Violence

www.dvrcv.org.au/intouch-multicultural-centre-against-family-violence

For those seeking assistance in changing their violent behaviour:

Mensline Australia

1300 789 978
www.mensline.org.au

Men's Helpline, Centrecare

1800 000 599
www.centrecare.com.au

Resources

Victorian Trades Hall Council

For information, support and training around managing family violence within the workplace. Family Violence Project Organiser: (03) 9659 3511.

Your Union or Australian Unions

Contact relevant union for your occupation and industry. If unsure, contact Australian Unions on 1300 486 466.

Our Watch and Change the Story

www.ourwatch.org.au

No To Violence

www.ntv.org.au

Centre Against Sexual Assault (CASA)

www.casahouse.com.au

WIRE

Free and confidential information & referral service for Victorian women.
www.wire.org.au

Domestic Violence Resource Centre Victoria

www.dvrcv.org.au

Domestic Violence Victoria

www.dvvic.org.au

**In an emergency, the
police should be called on
000**

It is extremely important to refer people subjected to family violence to the suitable expert services rather than try and address the issues with them when unqualified to do so. This list of services can provide appropriate support.



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Victorian Trades Hall Council Model Clause

We recommend reading this annotated clause in consultation with the VTHC family violence leave implementation guide.

1. General Principle

(a) The employer recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Therefore, the VTHC is committed to providing support to staff that experience family violence.

2. Definition of Family Violence

(a) The employer accepts the definition of family violence as stipulated in the Family Violence Protection Act 2008 (Vic). And the definition of family violence includes physical, sexual, financial, verbal or emotional abuse by a family member.

3. General Measures

(a) Proof of family violence may be required *(Note: this is not a necessity and employers can choose to waive this)* and can be in the form an agreed document issued by the Police Service, a Court, a Doctor, District Nurse, Maternal Health Care Nurse, a Family Violence Support Service or Lawyer.

(b) All personal information concerning family violence will be kept confidential. Information will not be kept on an employee's personnel file without their express written permission. *(Note: Confidentiality must be applied in all cases of family violence disclosure by a staff member, both out of respect for the victim survivor and to ensure their safety is maintained. Times when that confidentiality may have to be breached would typically occur if there was direct knowledge that someone's health and safety was in imminent danger)*

(c) Understanding the traumatic nature of family violence, the employer will support their employee if they have difficulties performing their tasks at work. No adverse action will be taken against an employee if their attendance

or performance at work suffers as a result of experiencing family violence.

(d) The employer will identify a contact in human resources, union Shop Steward or go to person who will be trained in family violence and privacy issues, for example, training in family violence risk assessment and risk management. The employer will advertise the name of the contact.

(Note: ideally there will be a known and trained contact person at every worksite. Where this is not possible, at the very least the known and trained contact person must be publicised throughout relevant worksites and must be easily contactable to staff who do not work in the same physical location. Effective training of the contact people will ensure they are clear about understanding their role in terms of assisting and supporting workers within the workplace who have disclosed they have been subjected to family violence.

Training in managing family violence as a workplace issue must be delivered by a provider with expert knowledge in both family violence and industrial rights. Should a participant attend training and find themselves triggered by the content they can speak to the qualified trainer about resources and support and also can be encouraged to access the workplace Employee Assistance Program where there is one. Where there is not one available it is important that the workplace consider establishing a relationship with a counsellor before training takes place to offer ongoing support to affected staff if required)

(e) An employee experiencing family violence may raise the issue with their immediate supervisor, their union delegate/shop steward or Human Resources.

(f) Where requested by an employee, the

contact person will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of support to provide in accordance with sub clauses 4 and 5.

(g) The employer will develop guide (annotated note: please refer to the attached implementation plan) guidelines to supplement this clause and which details the appropriate action to be taken in the event that an employee reports family violence.

4. Leave

(a) An employee experiencing family violence will have access to 20 days per year (non-accumulative) of paid special leave for medical appointments, legal proceedings and other activities related to family violence. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.

(Note: the 20 days covers any need relating to being a victim survivor of family violence and is not be applied pro rata but in full, regardless of employee's EFT. Examples of its use may be as follows:

- two hours leave taken to attend a lawyer's appointment
- three days leave to recover from physical or psychological injury as damage caused by family violence does not fall under sick leave entitlements
- one hour a week to leave work early to see a counsellor or physiotherapist to assist with recovery from or management of psychological or physical injury
- one day leave to attend court
- two days leave to move house

Leave should be documented on timesheets, payslips and pay systems in a way that doesn't identify it as family violence leave to maintain

the victim survivor's dignity. Some workplaces may already have a 'special leave' name or code which could be applied, if not the workplace can consider ways to create one)

(b) An employee who supports a person experiencing family violence may take carers leave to accompany them to court, to hospital, or to mind children.

5. Individual Support

(a) In order to provide support to an employee experiencing family violence and to provide a safe work environment to all employees, the employer will approve any reasonable request from an employee experiencing family violence for *(Note: this must be an employee led process. Employers should not take unilateral action):*

- i) changes to their span of hours or pattern or hours and/or shift patterns;
- ii) job redesign or changes to duties;
- iii) relocation to suitable employment with the employer;
- iv) a change to their telephone number or email address to avoid harassing contact;
- v) any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.

(b) An employee experiencing family violence will be referred to the appropriate support services/agencies and/or other local resources *(Note: ensure that services have experience in identifying and managing family violence)*

(c) An employee that discloses to Human Resources or their supervisor that they are experiencing family violence will be given a resource pack of information of current support and referral services.

Family Violence Clause

IMPLEMENTATION PLAN

1. Introduction

1.1 Purpose

The purpose of this plan is to support the implementation of the Family Violence Clause in workplaces once negotiated in an Enterprise Agreement. The plan can be used by unions, employers and working groups who use and monitor the clause in workplaces.

1.2 Description

The Family Violence Leave clause has been developed to be used in Enterprise Agreements negotiated between workers, unions and employers. It forms the basis of the entitlement however this implementation plan is a reference that can be applied to the work setting in order to be sure that appropriate policies and procedures are in place to ensure the clause is effective. The clause sits within the Enterprise Agreement which is a legally binding industrial instrument that enhances the Award.

1.3 Assumptions and Constraints

Assumptions:

- Goodwill exists within the organisation to see the family violence clause used effectively;
- Organisation and union/s will work together to ensure staff have swift and effective access to the family violence clause and policy if needed;
- There is intention that the clause will be promoted within the organisation and supported for use.

Constraints:

- Relevant staff need adequate training to support the clause beyond simply having it endorsed in the EBA;
- Changeover of staff may require ongoing regular training or training as needed to be provided to ensure that if anyone leaves the organisation who has been nominated and trained to provide family violence support they can be replaced;
- The clause must be effectively promoted within the organisation to all staff so that employees are aware that the clause exists;
- Employer contacts are appointed and trained;
- Line management understand and can effectively implement the clause.

2. Management Overview

2.1 Description of Implementation

For effective implementation, the Enterprise Agreement consultative committee (where one exists) or other kind of internal consultative group will be required to oversee the clause and its impact, including the accessibility, effectiveness and take up of the clause. Regular meetings are recommended to ensure effective monitoring and reflection occurs with scope for planning. In larger workplaces, the consultative group needs to be represented by HR, management, union (delegates) and contact people whilst smaller workplaces will need to develop an approach that ensures monitoring will occur with a less diverse range of employees.

2.2 Consultative Group

Role	Name	Position	Contact Number
Management			
Management			
Union Delegate			
Union Delegate			
HR			
HR			
Contact Person			
Contact Person			
Staff Representative			
Staff Representative			

2.3 Major Tasks

- Introduction of clause in Enterprise Agreement
- Development of related policy
- Identification of specific contact people (including Human Resource Management team, union delegates, nominated contact staff members)
- Establishment of consultative group
- Development of training strategy
- Training of specific contact people
- Promotion of clause and policy within the organisation
- Develop an overarching plan with respect to causing cultural change within organisation in relation to gender equity and gendered violence through education and awareness raising
- Demonstration of leadership, commitment to and championing of the issue
- Support for contact people
- Selection of Employee Assistance Program with specific knowledge of family violence

2.4 Implementation Schedule

What	Who	How	When	Achievement
Introduction of clause in EBA.	Organisation, union, union members and other staff.	Negotiation during Enterprise Bargaining period		Model Family Violence Leave clause introduced to the Enterprise Agreement, supported with policy and training.
Development of related Policy.	Organisation, and union.	Consultative process to ensure that the policy and procedures support the Enterprise Agreement clause and are accessible to staff.		Model Family Violence Leave Policy and Procedures developed and made available to all employees in the workplace.
Promotion of clause and policy within workplace.	Union delegates and organisational Human Resources Department and management.	Promotional material in the form of posters, flyers and 'zone' on the intranet. Inclusion in induction process and team meeting agendas. All material should acknowledge union and organisation involved.		Family Violence Leave a 'visible' entitlement within the workplace that is regularly discussed and known about by all staff.
Identification of specific contact people (can include HR, union delegates, nominated contact staff members).	Union delegates and Family Violence contact people.	Union delegates elected by workplace union members. Family Violence contact people identified by management of organisation.		All staff are aware of who to approach regarding Family Violence Leave matters. Union delegates and Family Violence Leave contact people are identifiable via intranet, posters, induction process and also make themselves known to colleagues.

What	Who	How	When	Achievement
Training of specific contact people.	Union delegates, Family Violence Leave contact people, managers to receive Family Violence awareness training.	To be arranged by the organisation as soon as the Family Violence Leave clause is endorsed in the workplace.		Union delegates, Family Violence Leave contact people, managers to have received Family Violence awareness training and be known to all staff.
Development of training strategy.	Human Resource Department and union to identify a training body able to deliver information about family violence and its specific relationship with the workplace enterprise agreement, Awards and policies.	Seek a training provider with appropriate credentials – must understand both family violence as a workplace issue.		Union delegates, Family Violence contact people and management will have received training in identifying family violence, responding to disclosure and its intersection with workplace entitlements.
Training of specific contact people within the organisation.	Human Resource Department to arrange workplace training, funded by the workplace.	Use a training provider with appropriate credentials must understand the both family violence as an issue and industrial setting.		Specific contact people, including union delegates and management will have received training.

2.4 Implementation Schedule–Continued

What	Who	How	When	Achievement
Cultural change within organisation in relation to gender equity and gendered violence.	Led by champions of change within the workplace which will include union delegates, Family Violence contact people and management to ultimately include all staff.	Visibility of zero tolerance towards workplace violence, sexism and discriminatory treatment of women. Education and awareness raising.		Increased gender equity through strategies to close the gender pay gap, distribution of use of flexible family policies between working parents, regardless of gender.
Demonstration of leadership, commitment to and championing of the issue, support for contact people.	Leadership team to publicly support Family Violence Leave and reduce stigma and fear about staff approaching contact people when needed. Contact people to be able to specifically access the EAP when needed to receive support for the support they have provided.			
Selection of Employee Assistance Program with specific knowledge of family violence.	HR Dept and Union to agree on suitable Employee Assistance Program which has appropriate skills and experience to deal with family violence.	Selection to be made from reputable pool of providers.		Staff are aware of the organisational EAP, where and how to access it and that it has specialist knowledge in dealing with family violence.

3. Implementation Support

3.1 Facilities

- Workplace venue and technology that can provide flexibility in responding to employees requiring support and safety planning in relation to family violence leave;
- Payroll systems to provide code on it that keeps leave type confidential.

3.2 Materials

- Posters or flyers promoting Family Violence Leave;
- Flyers available at the workplace which contain information about Family Violence and support services;
- Intranet dedicated zone for information about family violence and associated leave within the organisation.

3.3 Documentation

- Enterprise Agreement that contains paid Family Violence Leave clause;
- Family Violence Leave Policy and Procedure;
- Leave form with confidential code on it.

3.4 Support and Training

- Victorian Trades Hall Council – advice and training
- Relevant workplace union
- Employee Assistance Program (EAP) – experienced in family violence

4. Personnel

4.1 Staffing Requirements

The number of staff required to support the family violence leave clause and policy will vary according to the size of the organisation. At a minimum it is recommended that specific staff available to be contact people are represented by Human Resource Management, management, the relevant workplace union and contact people selected from the staff pool. It is also important that there is a representation of these individuals via a consultative group that monitors the use of the clause and any issues arising from it.

4.2 Training of Implementation Staff

Staff must be trained in the area of family violence by a recognized and reputable organisation able to deliver this information. It is important that the training body is capable of providing training that bridges the intricacies between family violence and industrial rights. Victorian Trades Hall Council is in a position to offer training that addresses both as the training team has expert knowledge of both fields.

5. Implementation Impact

The implementation of the paid family violence clause in the workplace is envisaged to create a safer work environment for individuals, more often to be women, throughout the organisation. In addition, it will specifically provide assistance for individuals requiring support to maintain their employment whilst also dealing with family violence in their lives.

6. Performance Monitoring

The effectiveness of the clause and ease of its use needs to be monitored in order to ensure that it is in fact a useful tool and that there is not any obstruction of its use. It is recommended that a consultative group that meets regularly is established and is comprised of nominated members. The purpose of the working group is to trouble shoot any barriers to staff accessing the clause, obtain feedback where possible or relevant from staff who have used the clause and feedback from contact people. Meeting regularly will provide the context for discussing any challenges and developing strategies to overcome those challenges. It will also allow time to plan for any advocacy for change required in the next EBA negotiations and policy reviews.

Project Implementation Plan Approval (to be signed by management and union/s involved in negotiating the Enterprise Agreement)

The undersigned acknowledge that they have reviewed the Family Violence clause implementation plan and agree with the information presented within this document. Changes to this Family Violence clause Implementation Plan will be coordinated with, and approved by, the undersigned, or their designated representatives.

Name: _____

Signature: _____

Role: _____

Date: _____

Date of Review: _____

MODEL FAMILY VIOLENCE LEAVE POLICY

This policy is to be used in conjunction with a family violence leave clause in an Enterprise Agreement.

Organisation:		
Policy Name:		
Policy Number:	Date adopted:	
Authorised by:		
Date last reviewed:	Reviewed by:	Date of next review:

Policy Context: This policy relates to:	
Other organisational policies	Enterprise agreement (date) clause (no.) Family violence leave
Other standards	Insert other accreditation systems that apply
Legislation or other requirements	Victorian Family Violence Protection Act 2008

1. Policy and procedures

Policy Overview

This policy is to be applied in conjunction with a paid Family Violence Leave clause in an Enterprise Agreement or Award.

Organisation _____ is committed to supporting those within the workplace who are being subjected to family violence and to create a workplace in which family violence has no place. Family violence is defined in the Family Violence Protection Act 2008 (Vic) and includes physical, sexual, financial, verbal or emotional abuse by a family member.

1.1 Purpose

- To create a safe work environment in which employees subjected to family violence are aware they will be supported should they seek assistance from the employer;
- To create a safe work environment in which all staff are aware of what family violence is, how it affects the workplace and that it is not behavior that will be tolerated by the workplace;
- To establish the workplace as a respectful environment in which gender equity is a priority and strategies are applied to improve gender equity where challenges are identified;
- To create a supportive work environment in which staff experience and model respectful interactions with colleagues.

1.2 Occupational Health and Safety

- Organisational management are responsible for providing a safe workplace and recognise family and gendered violence as a workplace issue;
- Workplace norms and attitudes that reinforce gender inequality and gendered violence against women must be identified and eradicated;
- Family violence can enter the workplace and is a community, rather than a private, issue and the organisation will take swift action if any staff are threatened or at risk within the workplace as a result of family violence;
- Employees will not be treated adversely as a result of disclosing they have been subjected to family violence at any stage of employment and regardless of employment status;
- Appropriate supports must be provided to employees who have identified they have been subjected to family violence, including access to union delegates, contact people and HR staff and managers who have been specifically trained to deal with family violence disclosures;
- Employee Assistance Program must be adequately skilled in the area of family violence;
- Action arising from a disclosure of family violence will be treated confidentially and will not heighten any danger to the victim survivor of family violence or any others in the workplace;
- When family violence has been identified as affecting an employee within the workplace the employer must apply an appropriate risk assessment and make decisions about measures to be taken to prevent and manage family violence in the workplace. A safety plan will be developed with the staff member who is a victim survivor to ensure that they and other staff within the workplace will be kept safe;
- All staff must be kept appropriately informed about family violence, the family violence leave EA or Award clause and policy and who to approach should it be an issue in their lives;
- Training around identifying and addressing family violence within the workplace will be offered to all staff on a regular schedule.

1.3 Scope

The family violence policy relates to all employees and contractors of **Organisation _____**. It will be communicated to all staff via internal communication systems and relevant staff within the organisation will be trained in its appropriate use.

1.4 Procedures

Support for employees subjected to family violence

An employee being subjected to family violence is entitled to immediate support from the organisation. As outlined in the Family Violence Leave clause, appropriate safety measures will be taken to ensure the employee and other staff are safe at work. This may include:

- Altering hours or shifts;
- Moving worksites or working remotely;
- Ensuring colleagues monitor phones or email;
- Ensuring the staff member's whereabouts during work hours are known;
- Escorting staff member to and from workplace to car or reviewing transport arrangements;
- Conditions of any Intervention Order are known about by the relevant people within the organisation.

An employee being subjected to family violence is entitled to access the Employee Assistance Program which must be provided by a service competent in its knowledge about family violence. If the employee nominates a colleague within the workplace from whom they want to receive support that person can attend any meetings or discussions the affected staff member has with the organisation about what they require.

1.5 Appointment of Family Violence Contact People

People being subjected to family violence will in most cases disclose to someone they trust. In the workplace this might be a colleague who has become a friend or is a member of their team. It is important that all staff members in the organisation are aware that there are specific people who have nominated as family violence 'contact people' and that they have knowledge about how to access the organisational family violence leave, where to refer individuals for further support and how to develop a workplace safety plan. Contact people will include union delegates. All will have received appropriate training regarding responding to disclosures of family violence and the management of that within a workplace. They will be available to advise and support those who have been subjected to family violence or to colleagues who have received disclosures and will understand how family violence is a workplace issue.

1.6 Training and Education

Topics to be covered in training to include:

- What is family violence and how does it differ from violence generally?
- How to respond to a family violence disclosure;
- How to raise concerns about possible family violence with a colleague;
- Where to get further support and what resources might be available to support an affected staff member;
- Confidentiality;
- Why family violence is a workplace issue;
- Family violence and industrial entitlements.

1.7 Leave

As outlined in the family violence leave clause in the Enterprise Agreement or Award, paid family violence leave is available to staff members subjected to family violence. It can be taken without prior notice or approval and as consecutive, single or fractions of days. The leave is in addition to existing leave entitlements.

The leave may be taken because of the effects of family violence or to attend medical or legal appointments, attend court, move house or other reasons. Employees may provide evidence via a statutory declaration or letter or document provided by a service such as a doctor, maternal child health nurse, family violence support worker, psychologist, police, court or other relevant professional or support people or organisation.

Family Violence leave is not available to those who are identified as perpetrators of this behavior. The organisation will support a staff member who is a perpetrator to take leave where required to address behavior for change, or to attend court, as an example. However the leave will be accessed via other options available to that employee such as annual leave or leave without pay.

1.8 Staff Performance

When individuals are subjected to family violence it is likely that their productivity at work will suffer. Where a staff member has disclosed they are being subjected to family violence by the employer they must not be disciplined for work performance that occurs during the period in which the issue is critical. Support will be provided to the staff member to assist them to stay connected to employment, address the issues of family violence and eventually resume their regular duties at work.

1.9 Employees who perpetrate family violence

The family violence leave clause and policy is not designed for those who perpetrate family violence. Given the statistics pertaining to family violence in Victoria, it is inevitable that some employees will be perpetrators of family violence. Any employee who uses the workplace to harass, threaten or abuse a person will be disciplined for using organisational resources inappropriately in accordance with the Code of Conduct or performance management policies and procedures. Staff members who perpetrate family violence cannot use family violence leave for purposes such as attending court or Men's Behaviour Change Programs—alternative leave or leave without pay must be used in such circumstances.

1.10 Confidentiality

- Any contact person approached by a staff member with a family violence disclosure will keep that information confidential in line with legislation and the organisational enterprise agreement.
- A person being subjected to family violence who wishes to disclose that will be provided with a private environment in which to do so.
- Information about a staff member's experience of family violence will not be documented in the staff member's personnel file and any written information will only be kept with the staff member's consent.
- Timesheet and payroll systems will ensure that the way Family Violence Leave is documented ensures the details are unable to be identified and confidentiality of affected staff member will be maintained.

2. Section for Documenting Other Policies and Procedures

This section is for documenting related policies that have direct reference to the policy being drafted.

Documents related to this policy	
Related Policies	List related policies
Forms or other organisational documents	List other organisational documents - EA, specifically Family Violence Leave Clause

3. Section for Documenting the Review Processes for the Policy

This section validates the review processes of your policy.

Policy review frequency: Indicate how often this policy will be reviewed	Responsibility for review: Indicate who will review the policy
Review process: Describe how the policy will be reviewed	
Documentation and Communication: Describe how the policy decisions will be documented and communicated.	

Family Violence Policy Checklist

- ✓ Definition of family violence
- ✓ Definition of family
- ✓ Reference to Family Violence Leave clause in Enterprise Agreement
- ✓ Provision of 20 days leave
- ✓ Reference to industrial / legal obligations
- ✓ Purpose of policy
- ✓ Commitment to working with unions
- ✓ Training provision for Human Resource department, management team, Family Violence contact people and union delegates
- ✓ Training / education for all staff
- ✓ Confidentiality
- ✓ Support services
- ✓ Managing both parties in the workplace if both employed in same place
- ✓ Safety Planning in the workplace: capacity to relocate victim / survivor, vary hours/shifts, screen calls / visits
- ✓ Focus on safe working environment
- ✓ Link to existing organisational policies
- ✓ Identified policy review cycle and date of endorsement

Position Description

FAMILY VIOLENCE CONTACT OFFICER

Duties

- Assist workers in the workplace to access the family violence leave entitlement and manage family violence in the workplace.
- Support workers in the workplace who are being subjected to family violence including providing appropriate referrals.
- Maintain confidentiality of workers unless there is reason to believe someone is in imminent danger.
- Attend training on family violence as a workplace issue, including refresher training every two years.
- Raise awareness in the workplace about family violence as a workplace issue and any available family violence leave entitlements available.
- Promote gender equity and safety in the workplace.

Skills

- Able to listen without judgement.
- Possess excellent communication skills.
- An ability to problem solve when faced with challenging scenarios.
- Demonstrate a commitment to gender equity and addressing family violence as an issue in the workplace.

Boundaries

Must not:

- Provide the worker seeking assistance with advice or recommendations.
- Offer to deal with the perpetrator of family violence.
- Breach the confidentiality of the worker seeking assistance unless there is a belief someone is in danger or consent has been provided.
- 'Counsel' the worker seeking assistance.

Additional

- The role will be in addition to the staff member's usual role. A specific number of hours per week will be dedicated to the Family Violence Contact Officer position.
- Should the requirements of the role increase in hours, the Family Violence Contact Officer will speak with their supervisor, HR, union delegate or Health and Safety Representative about this.
- If required, the Family Violence Contact Officer shall access the workplace EAP during work hours for support.

Safety Plan

FAMILY VIOLENCE IN THE WORKPLACE

- This list is not exhaustive but provides some prompts to consider the safety of the workplace for the affected worker.
- The plan must be completed with the consent and participation of the victim survivor.

Physical Workspace

What	Yes/No	Changes	Notes
Carparks			
Walkways/entrances			
Secure site (ie office with security doors)			
Open site or works in public area			
Travel (to other sites, client homes, public places)			
Other scenario			

Schedule

What	Yes/No	Changes	Notes
Can start / finish times be altered?			
Can work site or duties be changed permanently or temporarily?			
Can phone or email details be changes or monitored and screened?			
Have other staff been instructed not to disclose whereabouts of victim survivor?			
Other scenario			

Other staff and customers/clients

What	Yes/No	Changes	Notes
Are there any staff such as reception staff in public areas of the workplace?			
Are they aware of situation?			
Has a photograph of the perpetrator been shared if needed?			
Is there a panic button and policy?			
Other			

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TERMS YOU MAY HEAR

Gender Equity: The provision of fairness and justice in the distribution of benefits and responsibilities on the basis of gender. The concept recognises that people may have different needs and power related to their gender and that these differences should be identified and addressed in a manner that rectifies gendered imbalances.

Gender Norms and Structures: Ideas about how people should be and act according to the gender they are assigned or identify with. We internalise and learn these 'rules' early in life. This sets up a life-cycle of gender socialisation and stereotyping.

Gender stereotypes: Gender stereotypes teach us about 'rules' about how boys, girls, women and men 'should' behave. Examples are teaching girls and women that they are soft and nurturing and teaching boys and men that they are strong and competitive.

Gender identity: This describes how a person thinks about them self, it is psychological and not physical because unlike biological sex, it cannot be seen or measured.

Intersectionality: The recognition and study of overlapping or intersecting social identities and related systems of oppression, domination, or discrimination.

Victim survivor: The term victim survivor is used to describe those who live with or have escaped family violence. Both words are used to show that whilst an individual may have been subjected to family violence by a family member, thus becoming a victim, the person has also drawn on their inner resources, community supports and other personal skills and knowledge to cope with the situation. It acknowledges the person is also a survivor of the abusive behaviour and treatment directed towards them by the perpetrator.

Perpetrators: As with victim survivors, perpetrators of family violence live, work and play amongst us. Many have not had any experience with the criminal justice system despite their violent behaviour towards a partner or family members. Many perpetrators will not stop their behaviour until an external force, such as the police and courts, intervene and try to create an opportunity for change by challenging the individual. Perpetrators of family violence may present as charming, responsible and likeable people, colleagues, friends or family members we enjoy being around which can make it even more difficult to understand.

Gendered Violence: Gendered violence is violence perpetrated against women because they are women. It is also violence perpetrated against those who do not conform to dominant gender stereotypes or socially prescribed gender roles.

**WE ARE
UNION
WOMEN**

