Employer Guide to Family and Domestic Violence

An employer’s guide to supporting employees experiencing family and domestic violence
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Why use this guide?

This guide is designed to help employers understand their workplace obligations and support employees experiencing family and domestic violence.

Family and domestic violence is not only a private or personal issue. It affects a person’s ability to lead a productive life and affects children, families and the community.

When an employee is living with family and domestic violence, they often experience heightened financial stress, homelessness, isolation, vulnerability and even a sense of shame. Without appropriate support, there can be many implications for workplaces. Knowledge, awareness and planning can help employers support their employees, meet their workplace obligations and protect their workplaces.

There are many benefits for a workplace when the health, safety and wellbeing of employees is prioritised. The benefits to employers responding to family and domestic violence that impacts the workplace can include:

- improved outcomes for employees affected by family or domestic violence
- improved productivity, staff engagement and work satisfaction
- reduced illness and absenteeism
- reduced staff turnover, resulting in lower recruitment and training costs
- reduced legal liabilities.

When employers don’t meet their workplace obligations there can be serious consequences. These can include fines and penalties, risks to the health and safety of anyone in the workplace (including employees, customers and contractors), reduced staff productivity and reputational damage.

This guide outlines:

- the role of the Fair Work Ombudsman and how we can help
- a checklist for managing family and domestic violence issues in the workplace
- what family and domestic violence is and how it affects workplaces
- employers’ legal obligations
- a suggested approach to supporting employees experiencing family and domestic violence
- a suggested approach to developing a workplace response to family and domestic violence
- support and referral services.
The role of the Fair Work Ombudsman

The Fair Work Ombudsman (FWO) is an independent agency created by the *Fair Work Act 2009* (Fair Work Act). We help employers and employees understand and follow Australian workplace laws, including laws about family and domestic violence leave, and related entitlements. We do this by:

- providing information and education
- providing tools, templates and guides
- helping to resolve workplace issues

Visit [fairwork.gov.au](http://fairwork.gov.au) to learn more about our role and the services we provide.¹

A workplace family and domestic violence checklist

Prepare

Consider taking these steps to ensure you are prepared to manage workplace situations that involve family and domestic violence.

☐ Understand your legal obligations as an employer (see What are your legal responsibilities as an employer?)

☐ Develop a workplace policy that supports employees experiencing family and domestic violence (see Creating a workplace response to family and domestic violence)

☐ Provide ongoing education and awareness about family and domestic violence in your workplace – for example, posters with contact information for support services in your community. These can be found in Need more help?

☐ Regularly review your workplace policies, safety plans and procedures.

☐ Create an open workplace culture that encourages communication and support to make it easier for employees to raise concerns.

Respond

If you suspect an employee may be affected by family or domestic violence you can:

☐ Start a conversation (see How to start a conversation).

☐ Talk to them about their workplace entitlements and the options available to them, such as taking leave or accessing flexible work arrangements.

☐ Discuss possible safety measures you could implement if the employee feels unsafe in the workplace, such as screening the employee’s incoming calls, blocking emails, changing a phone number, or changing working hours or location.

☐ Provide the employee with information on where they can get help. These can be found in Need more help?

☐ Take steps to ensure all disclosures and activities are kept confidential.

Remember, call 000 if someone is seriously injured or in need of urgent medical attention, if someone’s life is being threatened, or you’ve witnessed an incident.
What is family and domestic violence?

Family and domestic violence takes many forms. Examples can include:

- **Physical violence**
  - physically hurting or restraining
  - sleep or food deprivation or forced feeding

- **Sexual assault or sexually abusive behaviour**
  - unwanted touching or rape
  - unwanted exposure to pornography
  - sexual jokes or using sexually degrading insults

- **Verbal abuse**
  - putting the person down and calling them names
  - shifting the responsibility for abusive behaviour onto the victim

- **Emotional or psychological abuse**
  - making the person feel afraid by using looks, actions and gestures
  - making light of the abuse or saying the abuse didn't happen

- **Stalking**
  - visiting at work in inappropriate ways
  - sending repeated upsetting phone calls/emails/texts

- **Financial abuse**
  - stopping the person from getting or keeping a job
  - making the person ask for money or restricting their access to money, for example by managing any allowance they get

- **Spiritual or cultural abuse**
  - preventing the person from practising their religion or ridiculing their religious beliefs or practices
  - misusing spiritual or religious beliefs and practices to justify other types of abuse and violence

- **Abuse or threatened abuse of pets**
  - threatening to harm or kill pets
  - injuring, killing or abducting pets

- **Damage to property or belongings**
  - threatening damage to property
  - breaking, hiding or damaging belongings

- **Technology assisted abuse**
  - using technology, such as smart phones, social media and apps to threaten, isolate, abuse, track or stalk victim
  - using technology to control what the victim does, who they see and talk to, what they read

- **Serious neglect where there is a relationship of dependence**
  - withholding access to the person’s money or belongings
  - not allowing services to help someone

- **Behaviour by a person using violence that causes a child to be exposed to the effects of family and domestic violence.**
  - using children to send messages
  - using visitation rights to harass the victim or threatening to take children away

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2. Domestic Abuse Intervention Programs, *The Duluth Model* Wheel at [https://www.theduluthmodel.org/](https://www.theduluthmodel.org/)
Who is affected by family and domestic violence?

Every year, millions of Australians experience family or domestic violence.

People who experience family and domestic violence can be from any socio-economic background, religion, education level, age, gender or sexual orientation.

The impact of domestic violence is far-reaching, causing social isolation, unemployment, homelessness, financial destitution, injury and sometimes death.

How does family and domestic violence affect workplaces?

Most people who experience family and domestic violence in Australia are in paid employment. Family and domestic violence can affect workplaces in a number of ways.

- **It is a workplace health and safety issue.** If a perpetrator harasses or stalks a person at their workplace, it can put the employee and their co-workers in danger.

- **Workplaces can be a place of refuge for employees.** Employees experiencing family or domestic violence often rely on their workplaces to be a safe place to escape violence and a crucial source of social and economic support.

- **It is a workplace productivity issue.** Employees experiencing family or domestic violence might be more likely to take unplanned days off, arrive late or finish early. When they're at work, they might also be less effective carrying out their duties.

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4. ABS 2018 Labour Force Survey: Australian workforce participation rate is 65.7%.
out their work because they’re distracted, anxious or lack energy. Workplaces could also experience higher staff turnover rates.

The impact of family and domestic violence costs Australian employers $175 million annually in direct and indirect workplace costs due to:

- increased risks of workplace violence
- increased illness or absenteeism
- possible legal liabilities
- increased employee turnover
- reduced productivity.

The cost of losing, and then replacing, employees affected by domestic violence can outweigh the costs of providing the support that will help retain affected employees.

Best practice employers understand that family and domestic violence is a workplace and community concern and that they can make a difference in supporting employees who are experiencing family and domestic violence.

### Signs of family and domestic violence

Recognising the signs that an employee is experiencing family and domestic violence gives managers and co-workers the opportunity to provide the employee with support and help them explore their options. It’s critical that workplaces know the signs that someone may be experiencing family and domestic violence, so they can help employees access the support they need.

Behaviours that may signal a person is experiencing family and domestic violence include:

- excessive absence or lateness (especially on Mondays)
- a sudden or sustained drop in productivity
- frequent unexplained bruises or injuries
- wearing concealing clothing, even in warm weather
- frequent or unusual work breaks, or unusual start and finish times
- displaying anxiety
- appearing distracted, depressed or overly jumpy
- lack of concentration or difficulty making decisions
- inability to take work-related trips
- receiving excessive personal calls, texts or visits.

If managers suspect that an employee may be experiencing family and domestic violence, it is appropriate for them to raise their concerns with the employee. While managers are not counsellors or confidantes, it is important that they feel equipped to raise their concerns and support their employees.

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If co-workers suspect that one of their co-workers may be experiencing family and domestic violence, they may raise their concerns with their co-worker or their manager. As with managers, it’s important that co-workers feel equipped to raise their concerns and support their fellow co-workers.

**Case Study**

Last year Alice was experiencing domestic violence at home and had a difficult time coping with it while at work. She decided not to tell her manager or co-workers because she felt ashamed.

Her husband repeatedly called her workplace demanding that Alice be put on the phone. She was often late to work because her husband blocked her exit and started arguments with her. When she was at work she constantly thought about how to manage her husband when she got home. She was making mistakes because she was distracted and tired and started to worry that all these things would start to jeopardise her job.

Fortunately, Alice’s manager, Jill, had received training in dealing with family and domestic violence in the workplace and noticed that Alice wasn’t okay. She asked Alice if something at home was making things difficult for her at the moment. This provided Alice with a safe space to talk to Jill about what was happening and share her concerns about how it could impact her job.

Jill let Alice know what the company could do to protect her while at work. This included screening phone calls, making arrangements to ensure Alice’s workload was manageable and that these changes had minimal impact on her team. Jill also provided Alice with information about her rights at work and contact information for support services available to her in her community.

Jill’s information and support reassured Alice that her job was safe. It also empowered her to seek the help she needed outside work.

For more information see [What you can do if you suspect an employee may be experiencing family and domestic violence](#).
What are your legal responsibilities as an employer?

As an employer, you need to be aware that the Fair Work Act provides minimum entitlements for employees. Employers can provide more than the minimum entitlements under workplace policies, enterprise agreements and informally.

Under the Fair Work Act, employees dealing with the impact of family and domestic violence can:

- take unpaid family and domestic violence leave
- request flexible working arrangements
- take paid or unpaid personal/carer’s leave, in certain circumstances.

Unpaid family and domestic violence leave
Employees (including casual and part-time employees) are entitled to 5 days of unpaid family and domestic violence leave each 12 month period. This leave:

- doesn't accumulate from year to year if it isn't used
- is available in full when an employee starts working at a new workplace
- renews in full at the start of each 12 month period of employment
- can be taken as a single continuous period or separate periods of one or more days.

Employers and employees can agree for an employee to take less than one day at a time, or for the employee to take more than 5 days of leave.

What is family and domestic violence?
The Fair Work Act defines family and domestic violence as violent, threatening or other abusive behaviour by an employee's close relative that seeks to coerce or control the employee and causes them harm or to be fearful.

Who is a close relative?
A close relative is:

- an employee’s:
  - spouse or former spouse
  - de facto partner or former de facto partner
  - child
  - parent
  - grandparent
  - grandchild
  - sibling
  - an employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or
  - a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.
When can employees take unpaid family and domestic violence leave?

Employees can take leave when they:

- are experiencing family and domestic violence
- need to do something to deal with the impact of that violence
- it’s impractical to do so outside their ordinary hours of work.

For example, this could include:

- making arrangements for their safety or the safety of a close relative, such as a dependent child (including relocation)
- attending urgent court hearings, or
- accessing police services.

**Practical Tip**

Two employees are in a relationship with each other and both of them separately request to take family and domestic violence leave.

Only employees who are experiencing family and domestic violence are entitled to take this leave. If you’re dealing with this situation in your workplace, it is important to get legal advice to help you understand your legal rights and obligations.

**Notice and evidence**

If an employee takes family and domestic violence leave, they have to let their employer know as soon as possible. This can happen after the leave has started. Employees also need to tell their employer how long they expect the leave to last. An employer can ask for evidence, which can include:

- documents issued by the police
- documents issued by a court
- family violence support service documents, or
- a statutory declaration.

**Confidentiality**

Employers have to take reasonably practical steps to keep any information about an employee’s situation confidential when they receive it as part of an application for leave. This includes information about the employee taking family and domestic violence leave, including leave records as well as any evidence provided by the employee.

Employers aren’t prevented from disclosing information if it’s:

- required by law, or
- necessary to protect the life, health or safety of the employee or another person.

Employers need to be aware that any information about an employee’s experience of family and domestic violence is sensitive. If information is mishandled, it could have adverse consequences for their employee including serious injury or harm. It is recommended that
employers work with their employee to discuss and agree on how this information will be handled.


### What are flexible working arrangements?

Flexibility in the workplace allows employers and employees to make arrangements about working conditions that suit them. This helps employees maintain a work-life balance and can help employers improve the productivity and efficiency of their business.

Under the Fair Work Act, employees experiencing violence from a family member or who are caring for a household member or immediate family member who is experiencing violence from the member’s family, have a right to request flexible working arrangements.

To be eligible, employees must have worked with the same employer continuously for at least 12 months. A casual employee can make a request if:

- they've been working for the same employer regularly and systematically for at least 12 months
- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

Examples of flexible working arrangements include changes to:

- hours of work, such as working staggered start, finish or lunch times
- patterns of work, such as split shifts or job sharing
- locations of work, such as working away from the office
- duties, such as moving into non-public facing roles or temporary work assignments off-site.

### How do employees request flexible working arrangements?

Requests need to:

- be in writing
- explain what changes the employee is asking for
- explain the reasons for the requested change.

All employers who receive a request must provide a written response within 21 days which outlines whether the request is approved or refused. Employers can only refuse a request on reasonable business grounds. If a request is refused the written response has to include the reasons for the refusal.

Employers and employees can informally agree on changes to working arrangements.

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Visit fairwork.gov.au to learn more about:

- **Flexible working arrangements**
- **Accommodating requests using our free Workplace flexibility online course.**

### Paid and unpaid sick and carer’s leave

An employee can access paid or unpaid sick or carer’s leave:

- to recover from personal illness or injury
- to provide care or support to an immediate family member or household member recovering from personal illness or injury, or
- for unexpected emergencies involving an immediate family member or household member.

Access to sick or carer’s leave doesn’t extend to taking leave to do something to deal with the impact of family or domestic violence. For example, it can’t be taken to attend legal appointments or access police services. Family and domestic violence leave can be used for these purposes.

An employee can access paid or unpaid sick or carer’s leave as a result of family and domestic violence when the employee has:

- a personal illness or personal injury affecting the employee caused by family or domestic violence
- an unexpected emergency affecting a member of the employee’s immediate family or household due to family or domestic violence.

Visit fairwork.gov.au to learn more about **Sick and carer’s leave.**

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Workplace health and safety

1 in 5 Australian workers experiencing family and domestic violence report the violence continuing into the workplace

Employers are responsible for providing and maintaining a safe workplace.

The Commonwealth, states and territories are responsible for regulating and enforcing workplace health and safety laws in their jurisdictions.

More information on designing a safe and healthy workplace can be provided by your local state or territory workplace health and safety body. Visit fairwork.gov.au for contact information about your local workplace health and safety body.

What you can do if you suspect an employee may be experiencing family and domestic violence

How to start a conversation

If you notice an employee displaying some of the signs of experiencing family and domestic violence, it’s important to check in on their wellbeing and ask them how they are. Just remember that managers and co-workers are not counsellors. Employees can access professional help from a range of support services. These can be found in Need more help?

If you suspect that your employee might be experiencing or affected by family and domestic violence, here are some ways to respectfully raise your concerns with them.

It’s important to:

- provide a safe and private place where you can have a confidential conversation
- ask open-ended questions that give your employee a way to safely disclose, such as ‘How are things at home?’, or ‘You seem anxious lately. Are you ok?’
- share your observations using non-judgmental language and expressions
- be prepared for an emotional response, including tears, defensiveness or withdrawal

• listen and avoid giving advice, let them be in control of the conversation.

It's important to remember that an employee can choose not to talk to you about your concerns.

Here are some examples of things you should avoid doing when starting a conversation.

**Don't:**

• assume any facts before you've spoken to the employee
• pull the employee aside and ask them overly direct or insensitive questions, such as whether they're in a violent relationship
• ask them in a public place or in a team meeting if they're okay.

**Practical Tip**

Talking with someone about family and domestic violence is not easy, but it is important. A free, short and online course such as [Difficult Conversations in the Workplace – Manager](https://www.fairwork.gov.au/how-we-will-help/online-training/online-learning-centre/difficult-conversations-in-the-workplace-manager-course) can help managers prepare for meaningful conversations.12

**How to respond**

If you initiated a conversation and an employee confided in you, or if an employee confides in you on their own initiative, it's important to stay calm and respond appropriately.

Here are some helpful things to remember when responding:

• Take the matter seriously, believe them, tell them it's not their fault and that violence is never okay.
• Use a calm and reassuring tone.
• Acknowledge how hard it must be for the employee to talk about what is happening to them.
• Put safety first and check for an immediate threat – if you are concerned for their safety, say so.
• Be aware of how the employee's cultural and linguistic background could affect their understanding of what family and domestic violence is.
• Provide practical support by asking how you can help.
• Give information about their entitlements outlined above and your workplace's family and domestic violence policy.
• Provide information about support services available and refer them on if requested. These can be found in [Need more help?](https://www.fairwork.gov.au/how-we-will-help/online-training/online-learning-centre/difficult-conversations-in-the-workplace-manager-course)
• Follow up with them and continue providing support.

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Here are some examples of things you should avoid doing.

**Don’t:**
- express doubt, judgement or shock
- press them for details, give advice or tell them what to do
- make comments or ask questions that undermine what the employee is experiencing such as ‘Why do you put up with it?’ or ‘Why are you still there?’
- criticise their decisions, partner or family member (the suspected perpetrator)
- try to ‘fix’ their situation such as by pressuring them to leave or taking any specific action.

**What you can do if you suspect an employee is perpetrating family and domestic violence in the workplace**

As an employer, there are a range of issues to consider when responding to situations that present a risk to workplace health and safety. Any situation that presents a risk to workplace health and safety usually requires investigation. Keep in mind that workplace responses to each situation need a tailored approach based on the individual situation, your organisation’s policies and relevant laws.

Managing employees who you know or suspect to be perpetrating family and domestic violence is complex. It is important that you seek independent legal advice if you suspect that one of your employees is a perpetrator of family and domestic violence.

Remember, call **000** if someone is seriously injured or in need of urgent medical attention, if someone’s life is being threatened, or you’ve witnessed an incident.
Creating a workplace response to family and domestic violence

Providing a supportive and safe workplace can ease the emotional, psychological and physical pain that family and domestic violence has on affected employees.

Employers can also support employees to access professional support services that can provide assistance with issues outside the workplace.

What a supportive employer can do

Supportive employers:

• know the facts about family and domestic violence and educate their workplace
• know their legal responsibilities and what their employees are entitled to at work if they’re experiencing family or domestic violence
• develop workplace policies and procedures for:
  • addressing matters related to family and domestic violence
  • supporting employees experience family and domestic violence
• conduct regular training or information sessions to inform employees about the signs and impact of family and domestic violence. This can include:
  • displaying workplace safety information prominently at the workplace
  • holding safety classes and training sessions (both in-person or online courses)
  • regularly including safety information in meetings and employee newsletters.

A workplace policy and procedure could include information about:

• what family and domestic violence is
• how managers and employees can support individuals affected by family and domestic violence including guidance on recognising the signs of abuse and how to conduct conversations
• leave and other entitlements employees can access if they’re experiencing family and domestic violence
• the need to ensure privacy and confidentiality in relation to matters concerning family and domestic violence
• safety measures that can be implemented to ensure the workplace is safe and ensure individuals experiencing family and domestic violence are safe while at work
• support services available inside (e.g. Employee Assistance Programs) as well as outside the workplace

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What a supportive employer shouldn’t do

To be a supportive employer, you need to make sure your decisions and actions minimise negative consequences for employees.

It’s important that you don’t:

• treat anyone affected by family and domestic violence negatively
• take actions before consulting with employees
• discuss or share personal information in public forums or with others
• try to solve or ‘fix’ situations for others.

Remember, confidentiality is extremely important.
Need more help?

If you, a child, or another person is in immediate danger, call 000.

For people experiencing family or domestic violence

NATIONAL
1800RESPECT
• 1800 737 732
• https://www.1800respect.org.au/
1800RESPECT is Australia's national sexual assault, domestic and family violence support service. The service provides information, referrals and counselling to all Australians 24 hours a day, every day of the year.

Medibank Health Solutions delivers 1800RESPECT on behalf of the Australian Government as part of the National Plan to Reduce Violence against Women and their Children, 2010-2022.

If you or someone you know is impacted by sexual assault, domestic or family violence, call 1800RESPECT on 1800 737 732 or visit 1800RESPECT.org.au. In an emergency, call 000.

safesteps Family Violence Response Centre
• 1800 015 188 (24 hours)
• https://www.safesteps.org.au
The safe steps crisis response phone line connects women (this includes anyone who identifies as female or transfeminine) and their children with specialist support workers who can help them explore their options, develop a safety plan and access supports that allow them to live safe from family violence.

safe steps phone support workers also provide information and assistance to individuals concerned someone they know is experiencing family violence.

NEW SOUTH WALES
Victims Services
Victims Access Line
• 1800 633 063 (Weekdays 8am-6pm, excluding public holidays)

Aboriginal Contact Line
• 1800 019 123 (Weekdays 8am-6pm, excluding public holidays)
• https://www.victimsservices.justice.nsw.gov.au
Victims Services provides support to victims of violent crime in NSW, including counselling, financial assistance and how to access their rights under the Charter of Victims Rights.
VICTORIA
Domestic Violence Resource Centre Victoria

- http://inwpcp.org.au
- https://www.thelookout.org.au

The Domestic Violence Resource Centre Victoria (DVRCV) is a state-wide resource centre working to prevent and respond to family violence, with a particular focus on men's violence against women in intimate relationships. The centre provides training, publications, research and other resources to those experiencing (or who have experienced) family violence, and practitioners and service organisations who work with family violence survivors.

QUEENSLAND, TASMANIA AND VICTORIA
Job Watch

- 1800 331 617 (Country VIC, QLD & TAS, Weekdays 9am-5pm VIC time, Wednesday 9am-8:30pm VIC time)
- (03) 9662 1933 (Melbourne Metro, Weekdays 9am-5pm, Wednesday 9am-8:30pm)
- https://www.jobwatch.org.au

JobWatch is an employment rights community legal centre which operates a telephone information service for all workers in Victoria, Tasmania and Queensland.

If you are experiencing family and domestic violence and you need assistance dealing with your employer, please call and ask to speak to one of our lawyers.

Our lawyers can assist you with family and domestic violence leave, flexible working arrangements, unfair dismissal, discrimination and any other employment matter.

For men who may have concerns about family or domestic violence

NATIONAL
MensLine Australia

- 1300 78 99 78
- https://mensline.org.au

MensLine Australia is a telephone and online counselling service for men with family and relationship concerns.

Men's Referral Service

- 1300 766 491 (NSW & TAS Open 24/7; ACT, NT, QLD, SA, VIC & WA Weekdays 8am-9pm, Weekends 9am-5pm)
- https://www.ntv.org.au

The Men's Referral Service is a men's family violence telephone counselling, information and referral service operating across Australia run by No to Violence and is the central point of contact for men taking responsibility for their violent behaviour. They also provide support and referrals for women and men seeking information on behalf of their male partners, friends or family members, and workers in a range of agencies seeking assistance for their clients who are men.

NEW SOUTH WALES, TASMANIA AND VICTORIA
No to Violence

- https://www.ntv.org.au

No to Violence (NTV) is the peak body for organisations and individuals working with men to end their violence and abuse towards family members in Victoria, Tasmania and New South Wales.

NTV provides resources and opportunities for service providers to enhance their capacity to successfully engage with men who use violence and to work with men to prevent further violence.
Further information for workplaces

White Ribbon Australia
- https://www.whiteribbon.org.au

White Ribbon works to prevent violence against women through primary prevention educational programs, engaging men, providing community services and lobbying for law reforms. White Ribbon has a range of resources and education programs available to help workplaces plan for and deal with issues relating to domestic and family violence.

DV Work Aware
- http://www.dvworkaware.org/

DV Work Aware is a program of the National Working Women’s Centres that has been developed to raise awareness and promote best practice responses to issues of domestic and family violence (DFV) in the workplace. They have a range of resources and information for workplaces available on their website.

They also provide training services to support management and employees take actions toward the prevention of DFV.

Our Watch
- https://www.ourwatch.org.au

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