



Fair Work
OMBUDSMAN

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 small business employers:

- understand their workplace obligations
- support employees experiencing family and domestic violence.

Family and domestic violence is a social, rather than an individual, problem. The impact of this violence ripples out across Australian families, communities and society as a whole. It affects a person's ability to lead a productive life and threatens their health and wellbeing.

When an employee is experiencing family and domestic violence, they often face 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 and meet their workplace obligations.

There are many benefits for a workplace when the health, safety and wellbeing of employees is prioritised. The benefits to employers that respond appropriately to family and domestic violence 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
- reputational damage.

What this guide outlines

- the role of the Fair Work Ombudsman and how we can help
- [a small business checklist for managing family and domestic violence issues in the workplace](#)
- what family and domestic violence is and [how it affects workplaces](#)
- small business [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](#)
- how to access [support and referral services](#).

The role of the Fair Work Ombudsman

The Fair Work Ombudsman 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 education, assistance, advice, and guidance
- providing free and practical digital tools, templates and guides
- helping to resolve workplace issues.

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

¹ Fair Work Ombudsman (FWO), [Our role](#), FWO website, n.d., accessed 13 January 2023.

A workplace family and domestic violence checklist

Prepare

Consider taking these steps to make sure you're prepared to manage workplace situations that involve family and domestic violence.

- Understand your legal obligations as a small business employer (see [Your legal responsibilities as a small business 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 [If you 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.
- Promote information about your workplace's employee assistance program, or other avenues of support.

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 [If you need more help](#).
- Take steps to ensure all disclosures and activities are kept confidential.

Call 000 if someone is in danger.

What is family and domestic violence?

Family and domestic violence can present in many forms, and not all forms are visible. Violence can be physical, sexual, emotional, psychological, social, cultural, spiritual or financial. It can be also be facilitated through technology. Examples can include²:

- 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
- serious neglect where there is a relationship of dependence
 - withholding access to the person's money or belongings
 - not allowing services to help someone
- 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 the victim
 - using technology to control what the victim does, who they see and talk to, what they read
- abuse or threatened abuse of pets
 - threatening to harm or kill pets
 - injuring, killing or abducting pets
- behaviour by a person using violence that causes a child to be exposed to the impact of family and domestic violence
 - using children to send messages
 - using visitation rights to harass the victim or threatening to take children away.

² Domestic Abuse Intervention Programs, [The Duluth Model](https://www.theduluthmodel.org/) Wheel at <https://www.theduluthmodel.org/>

Who does it affect?

Family and domestic violence disproportionately affects women and children. The majority of victims are women, and the majority of perpetrators are men.³

Family and domestic violence is at epidemic proportions in Australia.

One in 6 women and 1 in 16 men experiences family and domestic violence in their lifetime.⁴ Every 10 days, a woman is murdered by her current or former partner.⁵

Short and long-term impacts of family and domestic violence include:

- poorer physical and mental health and wellbeing
- social isolation
- complex trauma
- disability
- unemployment
- homelessness
- financial destitution
- injury
- sometimes death.

To learn more about the signs of family and domestic violence, how to respond in an appropriate way and how to refer someone to support services, DV-alert offers a free, two-hour workshop for anyone in the community aged over 18. Workshops run online and face-to-face across Australia. You can [find out more here](#).

How family and domestic violence affects workplaces

Most people who experience family and domestic violence in Australia are in paid employment.⁶ Family and domestic violence can affect workplaces in a number of ways.

It's 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 safety 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's 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 work because they're distracted, anxious or lack energy. Workplaces could also experience

³ Australian Bureau of Statistics (ABS), [2016 Personal Safety Survey](#) (PSS), ABS, Australian Government, 2017.

⁴ ABS, 2016 PSS.

⁵ B Serpell, T Sullivan and L Doherty, Homicide in Australia 2019–20, Statistical Report no. 39, Australian Institute of Criminology, 2022, doi:[10.52922/sr78511](#).

⁶ The ABS 2018 Labour Force Survey shows the Australian workforce participation rate is 65.7%.

higher staff turnover rates.

Impact on employers

The impact of family and domestic violence costs Australian businesses around \$2 billion 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.⁷

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 or unexplained absences or lateness
- a sudden or sustained drop in productivity
- unexplained injuries
- social withdrawal
- frequent or unusual work breaks, or unusual start and finish times
- anxiety or fearfulness
- appearing distracted, depressed or overly jumpy
- lack of concentration or difficulty making decisions
- inability to take work-related trips
- personal calls, texts or visits that cause the employee distress.

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

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.

⁷ KPMG, [The cost of violence in against women and their children in Australia – Final report](#), report prepared for the Department of Social Services (DSS), Australian Government, 2016.

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 leaving the house 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. 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 and making arrangements to ensure Alice's workload was manageable. Jill assured Alice 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](#).

Your legal responsibilities as a small business employer

New paid family and domestic violence leave

The Australian Government has introduced paid family and domestic violence leave for all employees.

From 2023, full-time, part-time and casual employees will be able to access 10 days of paid family and domestic violence leave in a 12-month period. It won't be pro-rated for part-time or casual employees.

The leave is available from:

- 1 February 2023, for employees of businesses with **15 or more employees** on 1 February 2023
- 1 August 2023, for employees of businesses with **less than 15 employees** on 1 February 2023.

We'll update this guide with more information about this new entitlement for 1 August 2023. In the meantime, you can find more information on our website at [New paid family and domestic violence leave](#).⁸

As a small business 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 working in a small business 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 for small business employees

Employees of small businesses (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.

Small business 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

For unpaid family and domestic violence leave, the Fair Work Act defines family and domestic violence as violent, threatening or other abusive behaviour by an employee's close relative that

⁸ FWO, '[New paid family and domestic violence leave](#)', FWO Newsroom, 10 November 2022, accessed 13 January 2023.

seeks to coerce or control the employee and causes them harm or to be fearful.

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 employees can 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)
- accessing support services, like a counselling service
- attending appointments, like medical or court appointments

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:

- a statutory declaration
- documents issued by the police
- documents issued by a court, or

- family violence support service documents.

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.

Visit fairwork.gov.au to learn more about [unpaid family and domestic violence leave](#).⁹

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 family and domestic violence, 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.

From 6 June 2023, employees will also have the right to request flexible working arrangements if they, or a member of their immediate family or household, is experiencing family and domestic violence.

⁹ FWO, '[Family and domestic violence leave](#)', FWO website, n.d., accessed 13 January 2023.

How 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.

From 6 June 2023, there will be new rules about what employers need to do before they can refuse a request from an employee for a flexible working arrangement. We're updating this guide with more information. In the meantime, find out more on our website at [Flexible work](#).¹⁰

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

Visit [fairwork.gov.au](https://www.fairwork.gov.au) to learn more about:

- [Flexible working arrangements](#)¹¹

- Accommodating requests using our free [Workplace flexibility online course](#).¹²

Paid or 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 and 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 caused by family and 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](https://www.fairwork.gov.au) to learn more about [Sick and carer's leave](#).¹³

Workplace health and safety

Employers are responsible for providing and maintaining a safe workplace.

¹⁰ FWO, [Pay secrecy, job ads and flexible work](#), FWO website, n.d., accessed 13 January 2023.

¹¹ FWO, [Flexible working arrangements](#), FWO website, n.d., accessed 13 January 2023.

¹² FWO, [Workplace flexibility](#), FWO website, n.d., accessed 13 January 2023.

¹³ FWO, [Sick and carer's leave](#), FWO website, n.d., accessed 13 January 2023.

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

1 in 5 Australian workers experiencing family and domestic violence report the violence continuing into the workplace¹⁴

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](https://www.fairwork.gov.au) for contact information about your [local workplace health and safety body](#).¹⁵

¹⁴ McFerran, L, [Safe at Home, Safe at Work? National domestic violence and the workplace survey](#), University of New South Wales, 2011.

¹⁵ FWO, [Related sites](#), FWO website, n.d. accessed 13 January 2023.

What you can do if you suspect an employee is impacted

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 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. For how to access to these services, see [If you 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 online course such as [Difficult Conversations in the Workplace – Manager](#) can help managers prepare for meaningful conversations.¹⁶

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.

¹⁶ FWO, '[Difficult conversations in the workplace – manager course](#)', FWO website, n.d. accessed 13 January 2023.

- 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 [If you need more help](#).
- Follow up with them and continue providing support.

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 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.

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 should 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 and 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 education and training sessions (both in-person or online)
 - 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 affected by family and domestic violence
- the need to ensure [privacy and confidentiality](#) in relation to matters concerning family and domestic violence¹⁷
- 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) and outside the workplace

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.

¹⁷ FWO, '[Workplace privacy](#)', FWO website, n.d., accessed 13 January 2023.

Remember, confidentiality is extremely important.

If you need more help

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

For people experiencing family or domestic violence

1800RESPECT

- 1800 737 732
- <https://www.1800respect.org.au/>

1800RESPECT is the national domestic, family and sexual violence counselling, information and support service. If you or someone you know is experiencing, or at risk of experiencing, domestic, family or sexual violence, call 1800RESPECT on 1800 737 732 or visit [1800RESPECT.org.au](https://www.1800respect.org.au/).

In an emergency, call 000.

1800RESPECT Service Directory

- <https://1800respect.org.au/services>

The 1800RESPECT Service Directory is a free national online database of services that provides information, advice, counselling, support, advocacy and crisis response to those who are experiencing or supporting someone who is experiencing domestic, family or sexual violence.

The Service Directory includes specialist services, crisis helplines, housing, legal, health and financial services.

For men who may have concerns about family or domestic violence

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 and is the central point of contact for men taking responsibility for their violent behaviour.