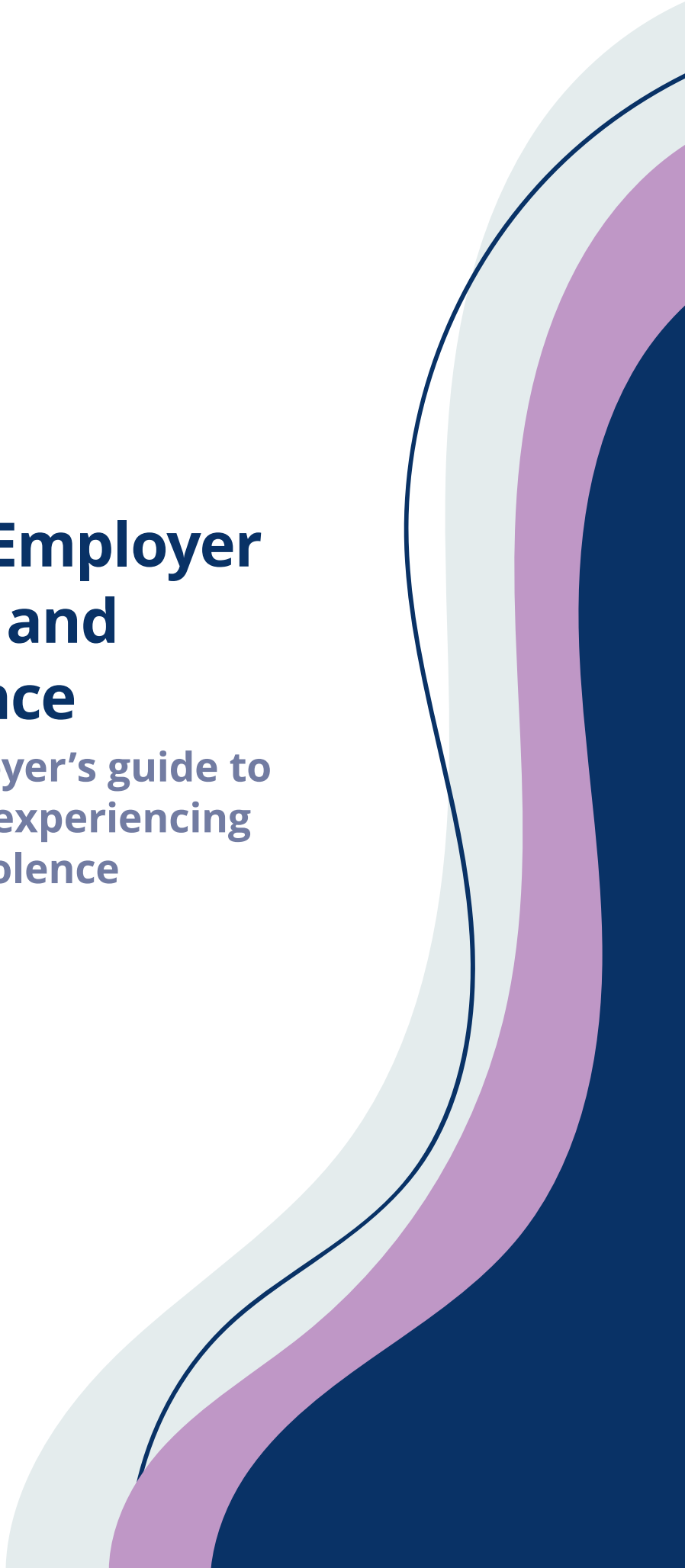



Small Business Employer Guide to Family and Domestic Violence

A small business employer's guide to
supporting employees experiencing
family and domestic violence





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

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).

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Who this guide is for

This guide is designed to help small business employers:

- ▶ support employees experiencing family and domestic violence
- ▶ understand their workplace obligations relating to family and domestic violence under the Fair Work Act.

Family and domestic violence can have short and long-term negative effects on an employee's:

- ▶ physical health
- ▶ mental health
- ▶ financial security
- ▶ housing
- ▶ education
- ▶ employment.

Knowledge, awareness and planning can help small business employers support their employees, while meeting their workplace obligations.

When employers, including small business employers, don't meet their workplace obligations there can be serious consequences. These can include:

- ▶ risks to the health and safety of anyone in the workplace
- ▶ reduced staff productivity
- ▶ reputational damage
- ▶ fines and penalties.



Benefits of a safe and supportive workplace

There are many benefits for a workplace when the health, safety and wellbeing of employees is prioritised. These can include:

- ▶ improved outcomes for employees experiencing family and 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.

What this guide covers

In this guide, you'll find information about:

- ▶ what family and domestic violence is and how to recognise the signs
- ▶ who experiences family and domestic violence
- ▶ how to support employees experiencing family and domestic violence how it affects workplaces
- ▶ support services available
- ▶ a small business employer's legal obligations
- ▶ developing a workplace response to family and domestic violence
- ▶ tools and resources available to help your business.

Small business family and domestic violence checklist

Prepare

Take these steps to make sure you're prepared to manage family and domestic violence workplace issues.

- ✓ Understand your legal obligations (see [Legal responsibilities](#)).
- ✓ Develop a workplace policy to support employees experiencing family and domestic violence (see [Developing a workplace family and domestic violence policy](#)).
- ✓ Regularly review your workplace policies, safety plans and procedures.
- ✓ Encourage communication and support in your workplace to make it easier for employees to raise issues.
- ✓ Promote information about how employees can get more support (see [Support services](#)).

Respond

If you know or suspect an employee is experiencing family and domestic violence, take the following steps.

- ✓ Start a conversation with the employee (see [How to start a conversation](#)).
- ✓ Explain their workplace entitlements, such as accessing paid family and domestic leave or flexible working arrangements.
- ✓ Discuss any workplace safety measures or adjustments the employee may need in the workplace. For example, screening incoming calls, blocking emails, changing contact details, changing work hours or location.
- ✓ Give the employee information about where they can get support (see [Support services](#)).
- ✓ Make sure all disclosures and activities are kept confidential.

What is family and domestic violence?

Family and domestic violence can take many forms.
It's not always visible.

Violence can be:

Physical

Hurting, restraining, sleep or food deprivation, property damage, harm to pets.

Sexual

Sexual assault, unwanted touching, insults.

Emotional and psychological

Making a person afraid, name-calling, coercive control (pattern of controlling and manipulative behaviours), pretending the abuse didn't happen – sometimes known as 'gaslighting'.

Social

Restricting someone's access to family and friends, stalking.

Cultural or spiritual

Preventing the person from practising their religion or ridiculing their religious or spiritual beliefs or practices.

Financial/economic

Denying someone access to money and resources or monitoring and controlling someone's access to money and resources.

Technological

Online harassment, control of technology or social media accounts.

This is not an exhaustive list. There are many ways family and domestic violence is perpetrated.

Free awareness training

To find out more about family, domestic and sexual violence, you can register for a free, 2 hour awareness session by visiting [DV-alert](#). This training is fully funded by the Australian Government.

Support services

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Signs of family and domestic violence

It's critical that small business employers can recognise the signs of family and domestic violence, so they can help employees get 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 a manager or co-worker suspects that an employee may be experiencing family and domestic violence, it's appropriate for them to raise their concerns with the employee. While they're not counsellors, it's important they feel equipped to raise their concerns to support their employee or co-worker.

Who experiences family and domestic violence

Family and domestic violence crosses social, economic and cultural boundaries. It happens within:

- ▶ intimate relationships (where the partners may or may not be living together)
- ▶ families and households
- ▶ kinship networks.

Statistics show that most survivors of family and domestic violence are women. One in 4 women, compared with one in 14 men, has experienced violence by an intimate partner. This includes both physical and sexual violence. Women are more likely than men to experience violence by someone they know.

Some people, including Aboriginal and Torres Strait Islander women and children, women with disability and LGBTIQ+ people, can also experience forms of violence specific to a part of their culture, identity or situation. They may also experience unique challenges in accessing suitable support.

Family and domestic violence is a societal issue and everyone has a role in preventing and eliminating it.

Support services

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How family and domestic violence affects workplaces

Family and domestic violence can affect workplaces in several ways.

Workplace health and safety impacts

Employees experiencing family and 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 place where they are treated with dignity and respect and their skills and knowledge are appreciated.

If a person harasses or stalks another person at their workplace, it can put the employee and their co-workers in danger.

For more information, advice and resources, visit **Related sites** for a link to your state or territory workplace health and safety body.

Productivity impacts

Employees experiencing family and 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, injured or lack energy.

In addition to the personal impact of family and domestic violence, there are also real costs for their workplace. These include:

- ▶ increased absenteeism and staff turnover
- ▶ decreased performance and productivity
- ▶ conflict among workers.



Case study: Alice's story

Alice has been experiencing family and domestic violence at home and finds it hard to cope while she's working as her husband is repeatedly calling her workplace. She hasn't told anyone at work about what she's experiencing.

Alice works for a small accounting business. She's often late to work and when she is at work, she's often distracted. This means she's making mistakes in her work and not completing her work on time. Alice is worried her job is in jeopardy.

Fortunately, Alice's boss, Jill, has been trained in dealing with family and domestic violence in the workplace and notices that Alice isn't okay. Jill makes time to meet with Alice and asks her how everything is going. This provides Alice with a safe space to talk to Jill about what's happening at home.

Jill can refer Alice to 1800RESPECT for help. Jill discusses Alice's entitlement to take paid family and domestic violence leave to deal with the impacts of her situation.

Jill also discusses arrangements the workplace can make to improve Alice's safety. This includes screening Alice's calls and adjusting Alice's workload. Jill's information and support reassured Alice that her job was safe. It also empowered Alice to seek the help she needed outside work.

Legal responsibilities

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
- ▶ an individual agreement with an employee, such as an employment contract.

Under the Fair Work Act, eligible employees can take up to 10 days of paid family and domestic violence leave.

They may also:

- ▶ request flexible working arrangements
- ▶ take paid or unpaid personal/carer's leave, in certain circumstances.

Paid family and domestic violence leave key points

- ✓ Employees can access up to 10 days of paid family and domestic violence leave each year.
- ✓ Full-time, part-time and casual employees can access it.
- ✓ Employees experiencing family and domestic violence can take it if they need to do something to deal with the impact of family and domestic violence and it's not practical for them to do so outside of their work hours.
- ✓ Employees (including part time and casual employees) get the 10 days upfront. It's not pro-rated.
- ✓ The leave renews every year but doesn't accumulate.
- ✓ It's paid at the full rate of pay for hours the employee would have worked (or rostered to work for casual employees) in the period they took the leave.
- ✓ There are important rules about what must and must not be included on an employee's pay slip when they take it.
- ✓ Employers have to take reasonable steps to ensure confidentiality is kept.

Meaning of family and domestic violence

For the purposes of this leave entitlement, family and domestic violence means violent, threatening or other abusive behaviour by certain individuals known to an employee that both:

- ▶ seeks to coerce or control the employee
- ▶ causes them harm or fear.

The individual could be:

- ▶ the employee's close relative
- ▶ a member of the employee's household, or
- ▶ a current or former intimate partner of the employee.

Close relative

A close relative is:

- ▶ an employee's:
 - spouse or former spouse
 - de facto partner¹ 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.

¹: Under the Fair Work Act, a de facto partner is a person who lives with the employee in a relationship as a couple on a genuine domestic basis but isn't married to the employee. The person can be of the same sex or different sex to the employee, or a current or former de facto partner of the employee.

When employees can take this leave

An employee must be experiencing family and domestic violence to be eligible to take paid family and domestic violence leave.

The employee can take this paid leave if they need to do something to deal with the impact of family and domestic violence and it's not practical for them to do so outside of their work hours.

For example, this could include:

- ▶ making arrangements for their safety, or safety of a **close relative** (including relocation)
- ▶ attending court hearings
- ▶ accessing police services
- ▶ accessing support services
- ▶ attending healthcare, such as counselling, therapy or doctor's appointments
- ▶ attending appointments with financial counsellors or legal professionals.

The leave doesn't need to be taken all at once. It can be taken as:

- ▶ a few hours on a day
(if you and your employee agree)
- ▶ a single day
- ▶ separate periods of one or more days
- ▶ a single continuous 10 day period

How the leave accrues

Employees get 10 days of paid family and domestic violence leave upfront, including for full-time, part-time and casual employees. The leave isn't pro-rated.

An employee's entitlement to this leave renews every year on the employee's work anniversary. It doesn't accumulate from year to year if it isn't used.

Payment for the leave

Full-time and part-time employees are paid their full pay rate for the hours they would have worked if they weren't on the leave.

Casual employees are paid their full pay rate for the hours they were rostered to work in the period they took the leave. If a casual employee takes the leave during a period they weren't rostered to work, they don't need to be paid for that period.

Pay slip requirements

There are rules about how information about paid family and domestic violence leave must be reported on pay slips and what information must not be included. This is to reduce the risk to an employee's safety when accessing paid family and domestic violence leave.

Employers need to keep a record of leave balances and any leave taken by employees. However, pay slips must not mention paid family and domestic violence leave, including any leave taken and leave balances.

An amount paid to an employee for taking paid family and domestic violence leave has to be recorded on a pay slip as:

- ▶ ordinary hours of work, or
- ▶ another kind of payment for performing work, such as an allowance, bonus or overtime payment.

However, if an employee requests it, their employer can record time taken as paid family and domestic violence leave as another type of leave on their pay slip. For example, annual leave.

If an employee has taken a period of paid family and domestic violence leave, it's best practice for their employer to record this on their pay slip in a way that makes the pay slip look as close as possible to how it would have looked if the employee had not taken the leave.

Notice

If an employee takes paid 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.

Evidence for the leave

Employers can ask an employee for evidence to show that the employee took the leave to deal with the impact of family and domestic violence and that it's not practical to do that outside of their work hours.

The evidence has to convince a reasonable person that the employee took the leave for this purpose.

An employer also doesn't always need to keep this evidence but can see and cite it.

If the employee doesn't provide the requested evidence, they may not be eligible to take the leave.

Types of evidence can include:

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

Confidentiality

Employers have to take reasonable steps to keep any information about an employee's situation that they receive as part of an employee taking the leave confidential. This includes:

- ▶ information about the employee giving notice that they're taking the leave
- ▶ any evidence they provide.

Employers can disclose this information in some limited situations. For example, if:

- ▶ it's required by law
- ▶ it's necessary to protect the life, health or safety of your employees or another person
- ▶ your employee consents.

Employers should also make sure that pay slips do not mention paid family and domestic violence leave.

Supporting employees experiencing family and domestic violence

There are several steps to take if you suspect an employee is experiencing family and domestic violence.

Start a conversation

If you notice an employee displaying any of the signs of family and domestic violence, you as their employer should check on their wellbeing and ask them how they are.

Remember, you are not a counsellor or expert so it's important to refer people to specialist support services. For how to access these services, see [Support services](#).

Here are some ways to respectfully raise your concerns with your employee:

- ▶ provide a safe and private place where you can have a confidential conversation
- ▶ ask open-ended questions that give your employee a way to share information if they want to, such as 'You don't seem yourself lately. Are you ok?'
- ▶ share your observations using non-judgmental language and expressions
- ▶ be prepared for an emotional response or reluctance to provide any information
- ▶ listen and avoid giving advice, let them be in control of the conversation and what they do next.

You should also remember that an employee can choose not to talk to you about your concerns.

.....

Avoid the following:

- ▶ assuming any facts before you've spoken to them
- ▶ pulling the employee aside and asking them overly direct or insensitive questions, such as whether they're in a 'violent relationship'
- ▶ asking them in a public place or in a team meeting if they're ok
- ▶ provide advice on what they should do.



Practical tip

Talking to someone about family and domestic violence isn't easy but can be meaningful and impactful. For many people, work is a place of safety and employers need to create a safe and supportive environment for all employees.

How to respond

If you've initiated a conversation and an employee has confided in you, or if an employee confides in you on their own initiative, you should stay calm and respond in a supportive way. Keep these tips in mind:

- ▶ Take the matter seriously and believe them.
- ▶ Tell them that violence is never okay and it's not their fault.
- ▶ Use a calm and reassuring tone.
- ▶ Acknowledge the employee's feelings and how hard it would be for them to talk about the situation.
- ▶ Check for any immediate threats to the employee's safety.
- ▶ Be aware that some people may not know that what is happening to them is family and domestic violence.
- ▶ Ask them what support they need at work and if there are any modifications they need (such as changed working arrangements, safety measures such as screening phone calls, blocking emails).
- ▶ Give them information about their legal entitlements outlined above and your workplace's family and domestic violence policy (if you have one).
- ▶ Provide them with support services information and information on your organisation's Employee Assistance Program (if you have one). External support can be found at [Support services](#).
- ▶ Where appropriate and safe to do so, follow up on whether they require more support.

Avoid the following:

- ▶ expressing doubt, judgement or shock
- ▶ pressing them for details, giving advice or telling them what to do
- ▶ making comments or asking questions that undermine what the employee is experiencing such as 'Why do you put up with it?' or 'Why are you still there?'
- ▶ criticising their decisions, partner or family member
- ▶ trying to 'fix' their situation such as by pressuring them to leave or take any specific action.

If you suspect someone in your workplace is perpetrating family and domestic violence at home

Workplaces should be aware that they will know, meet and be in contact with people who use family and domestic violence.

Managing employees who you know or suspect to be perpetrating family and domestic violence at home is complex.

How you respond will depend on:

- ▶ the individual situation
- ▶ your workplace's policies
- ▶ relevant laws in your state or territory.

You may wish to seek independent legal advice.

See the end of this document for [Support services](#).

Developing a workplace family and domestic violence policy

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

Supportive employers:

- ▶ know the facts about family and domestic violence and educate their workforce
- ▶ know their legal responsibilities and employees' workplace rights
- ▶ develop workplace policies to:
 - address family and domestic violence issues
 - support employees experiencing family and domestic violence
- ▶ conduct regular training or information sessions to educate their workforce about the signs and impacts of family and domestic violence.

Training and workplace information sessions can look like:

- ▶ displaying information prominently at the workplace (such as in bathrooms or on the back of toilet cubicle doors)
- ▶ holding education and training sessions (both in-person or online)
- ▶ regularly including safety information and updates in meetings and employee newsletters.

What to include in a policy

A workplace policy should include information about:

- ▶ what family and domestic violence is and common signs
- ▶ guidance on how managers and employees can support individuals who are experiencing family and domestic violence, for example, how to recognise the signs and how to start a conversation
- ▶ leave and other entitlements employees can access
- ▶ guidance on ensuring **privacy and confidentiality**
- ▶ safety measures that can be implemented to ensure the workplace is safe and that employees are safe while at work
- ▶ support services that are available inside and outside the workplace

Things to avoid

As an employer, don't:

- ▶ treat anyone experiencing family and domestic violence negatively
- ▶ take action before consulting with the employee
- ▶ discuss or share personal information in public forums or with others
- ▶ try to solve or 'fix' situations for others.

Remember, confidentiality is critical.

Support services

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

For people affected by family and domestic violence

1800RESPECT

1800 737 732

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

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In an emergency, call 000.

1800RESPECT Service Directory

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

The 1800RESPECT online service directory is a free national database which lists state and territory community-based service support services for domestic, family and sexual violence.

Full Stop Australia

1800 385 578

<https://fullstop.org.au/>

Full Stop Australia offers confidential, trauma specialist counselling for people of all genders who are impacted by sexual, domestic or family violence and abuse.

They also offer these services to friends, colleagues and family members.

For men who have concerns about family and domestic violence

MensLine Australia

1300 78 99 78

<https://mensline.org.au>

MensLine Australia is the national telephone and online support, information and referral service for men with family and relationship concerns. The service is available from anywhere in Australia and is staffed by professional counsellors, experienced in men's issues.

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 national telephone counselling, information and referral service available to support men who are using violent and controlling behaviour.



Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: **13 36 77**.

Ask for the Fair Work Infoline **13 13 94**

Speak & Listen: **1300 555 727**.

Ask for the Fair Work Infoline **13 13 94**



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