

# Family and domestic violence at work

This information sheet provides guidance for persons conducting a business or undertaking (PCBUs) about duties under work health and safety (WHS) laws and how to manage the risks of family and domestic violence at work.

You may wish to seek further advice from your employer organisation or other WHS and employment law professionals on managing the risks to workers from family and domestic violence.

*If a worker or anyone at your workplace is in immediate danger, call 000.*

## What is family and domestic violence?

**Domestic violence** – also known as intimate partner violence – refers to any behaviour within an intimate relationship (current or former) that causes physical, sexual or psychological harm.

**Family violence** is a broader term than domestic violence because it includes violence between intimate partners, violence perpetrated by parents and guardians against children, between family members, from a person related according to Aboriginal and Torres Strait Islander kinship rules, or in family-like settings.

Family and domestic violence can present in many forms, and not all forms are visible. Family and domestic violence is almost always underpinned by coercive control, where perpetrators use patterns of abusive behaviour over time to control another person, creating fear and taking away the person's freedom and independence. Violence can be physical, sexual, emotional, psychological, social, cultural, spiritual or financial. It can also be facilitated through technology. Examples of family and domestic violence include physical assault, sexual assault, withholding someone's access to money, controlling a person's ability to see friends and family, image-based abuse, intimidation, verbal abuse, and tracking someone's movements. Experiencing family and domestic violence has both short and long term effects on the victim's health and wellbeing.

## When is family and domestic violence a WHS issue?

Family and domestic violence is a WHS issue if it creates a risk to workers' health and safety while at work, or if the health and safety of other persons is put at risk from work carried out as part of the conduct of your business or undertaking.

For example, there may be a WHS risk of family and domestic violence:

- where there is public access to the workplace, including via phone, email or social media
- when a worker is working alone or in locations outside or away from their main workplace, such as at their home or on client visits
- when a worker is moving between work locations, including between work sites and the car park
- when a worker is working with a family member or intimate partner, and
- when a worker uses the information, tools and resources of a PCBU to perpetrate family and domestic violence (e.g. accessing private client information to find the address of a former partner).

**A worker** is anyone who carries out work in any capacity for your business or undertaking, including employees, contractors, subcontractors, outworkers, apprentices, trainees, work experience students and volunteers who carry out work.

A worker is **'at work'** wherever they carry out work for the business or undertaking, including if working from home or another location.

## What do PCBU's need to do?

PCBU's, such as employers, must eliminate risks to health and safety at work so far as is reasonably practicable. If it is not reasonably practicable to eliminate the risks, you must minimise risks so far as is reasonably practicable. This means proactively managing the risk of family and domestic violence happening at work. You must also consult, so far as is reasonably practicable, with workers who are, or are likely to be, directly affected by a work health and safety matter.

## What do workers need to do?

Workers also have duties under WHS laws. Workers must take reasonable care of their own health and safety, and not adversely affect the health and safety of other persons. Workers must also comply with any reasonable instructions, as far as they are reasonably able, and cooperate with WHS policies and procedures that they have been notified of.

# Managing the risk of family and domestic violence at work

## Identify and assess the risk

To identify the risk of family and domestic violence, consider when, where and how your workers might be exposed. This includes being exposed to both physical hazards and psychosocial hazards.

For example, consider the psychosocial risks to workers if they are concerned about their privacy or the response they will receive when disclosing WHS risks from family and domestic violence, as well as the potential impact on contact persons who receive reports.

The risks of family and domestic violence may increase depending on the physical work environment, systems of work and interactions with others. For example, working in isolation, engaging with the public, or workers having access to personal information (e.g. of family members or former partners) may increase the risks of family and domestic violence at work.

You may not always be able to identify the risk to individual workers. For example, where a worker chooses not to disclose a risk.

You can encourage workers to disclose WHS risks from family or domestic violence by:

- providing a safe environment for workers who make a disclosure
- assuring confidentiality and that information will be treated sensitively
- preventing discrimination, and
- not requiring workers to provide unnecessary personal details.

You or your workers may also notice signs of possible family and domestic violence, such as social withdrawal, excessive absences or lateness, inability to take work related trips or receiving excessive personal calls or visits.

## Control the risk

The best way to control the risks will depend on the circumstances. However, there are a range of ways to control the risks, even when you aren't aware of any workers experiencing family or domestic violence. For example:

- Ensure the workplace is secure.
- Implement flexible working arrangements, such as adjustments to working hours or work locations.
- Provide communication or duress alarm systems.
- Ensure workers are not alone or out of contact while working.
- Consider contact information screening e.g. email, phone numbers, devices, internet profile.

- Change work email addresses or phone numbers if incidents have occurred through electronic or telephone contact.
- Communicate that family and domestic violence is a workplace issue and develop policies and procedures to address it.
- Provide all workers with education and training to raise their awareness of family and domestic violence, its potential effects in the workplace and how to manage risks (such as keeping personal information secure).
- Communicate the availability of entitlements such as paid/unpaid family and domestic violence leave, paid personal/carer's leave, flexible work arrangements and other entitlements that support workers experiencing family and domestic violence.
- Provide information about counselling, legal, health, financial and other family and domestic violence support services, such as 1800RESPECT (1800 732 737) which provides information, referrals and counselling to all Australians 24 hours a day.
- Ensure workers supporting those who are experiencing family and domestic violence are aware of support options available, including employee assistance programs.
- Provide a safe, secure and accessible reporting mechanism, including trained contact people within the workplace and a private place where you can have a confidential conversation with workers.

Any actions taken to manage health and safety risks should consider the views of the worker who is, or may be, experiencing family or domestic violence, including to ensure any proposed response does not expose workers to further risks.

A worker experiencing family or domestic violence may already have ideas about things they can do to keep themselves safe. They may wish to develop or adjust a safety plan with you and their treating medical practitioner or health professional (if available). For more information on safety planning, contact 1800RESPECT.

***If a worker or anyone at your workplace is in immediate danger, call 000.***

## **PCBU controlled workplace**

Workplaces can be a place of refuge for workers experiencing family and domestic violence and be a crucial source of social and economic support. You are likely to be able to do more to control the risk of family and domestic violence where you control the workplace. For example, risks might be controlled by:

- clearly identifying visitors to avoid accidentally allowing a person known to use violence to enter the workplace
- separating workers from the public
- developing and implementing procedures for an emergency response to instances of family and domestic violence in the workplace, including when to involve police
- providing workers with a safe, secure place to retreat in the event of an incident, and
- providing secure parking and access to the workplace, especially for workers who have identified that they are experiencing family and domestic violence, including when moving between work locations.

## **Working from home**

WHS laws and your duty to manage WHS risks still apply if workers are working from home. Workers experiencing family and domestic violence may be at greater risk because of working from home arrangements, so before starting work from home arrangements you must identify and manage the risks in consultation with workers.

What you can do to minimise risks at a worker's home will be different from what you can do in a workplace you control and will depend on the circumstances, for example whether the worker continues to live with the perpetrator. Consult your workers and consider what control measures most effectively eliminate or minimise the risk. For example, you may be able to control the risk by:

- providing an alternate work location (e.g. your organisation's offices or an alternate location agreed with the worker)
- providing work phones and laptops to enhance autonomy and digital security
- maintaining regular communication with workers
- agreeing on a course of action if you are not able to contact the worker for a defined period

- appointing a trained contact person in the business for anyone seeking assistance in relation to family and domestic violence issues, and
- providing continued access to an employee assistance program or other support programs.

## Monitor and review

Risks may change over time or control measures may not work as expected. Monitoring the workplace and control measures and engaging with workers on health and safety issues allows you to ensure the measures remain effective. If control measures are not working effectively, they must be reviewed and modified or replaced.

Ongoing dialogue with workers on health and safety issues is particularly important when workers are not physically co-located (e.g. working from home), as you cannot monitor risks directly.

## Consultation

You must consult workers when identifying physical and psychosocial hazards and risks in the workplace, and making decisions about control measures. You should also encourage workers to raise health and safety issues proactively. Consultation involves:

- sharing relevant information
- giving workers a reasonable opportunity to express their views, raise health and safety issues and contribute to the decision-making process
- taking those views into account before making decisions on health and safety matters, and
- advising workers of the outcome of consultations in a timely manner.

All consultation must include any health and safety representatives (HSRs) representing your workers.

Any worker could be affected by family and domestic violence, so it is important to consult broadly when identifying risks and implementing control measures. It is also important to be aware of workers from culturally and linguistically diverse backgrounds who may have different perspectives on what family and domestic violence is. If a worker discloses a specific risk, then you must consult that worker on how to control the risk.

To ensure workers can participate in consultations on family and domestic violence, you may need to consider additional measures such as:

- holding one-on-one discussions to ensure workers' needs, experiences and individual circumstances are considered and information is treated sensitively and confidentially
- assuring workers of their right to confidentiality and support if they choose to disclose family and domestic violence, and
- communicating support available to workers, including appointed contact persons, HSRs if you have them, and employee assistance programs.

Avoid directly asking workers about family and domestic violence over emails, text messages or phone calls as this may unintentionally place the worker at risk of serious harm. It is common for perpetrators of family and domestic violence to monitor the worker's communication.

## How to respond to disclosures of family and domestic violence

If a worker has disclosed to you they are experiencing family or domestic violence, you should respond calmly and with sensitivity and support. Check for any immediate threats to the worker's safety. Take the matter seriously and do not press for details or offer unsolicited advice. Do not make comments that undermine the worker's experience, criticise their decisions or pressure them to take specific actions.

Ask about their work-related needs, including any safety measures and necessary work adjustments. Provide information on legal entitlements, workplace policies, support services and employee assistance programs if available. If appropriate and safe, follow up to see if they require additional support.

## Privacy & Confidentiality

It is important workplaces develop supportive environments where workers feel safe to raise family and domestic violence concerns. To create this environment you should be able to demonstrate information will be

treated as sensitive and kept confidential and secure. Any mishandling or unauthorised disclosure of information may place workers at an increased risk of violence.

For example, you should:

- ensure information is secure and confidential (e.g. implement privacy settings on hazard and incident reporting systems)
- make workers aware of any mandatory reporting obligations you have, either under state and territory laws or as part of the worker's employment contract, that may limit confidentiality (e.g. if you have a reasonable belief that a child is experiencing or is exposed to violence)
- only disclose information on a need-to-know basis and only to maintain safety, and
- where possible only disclose information with the express consent of the worker.

## Paid family and domestic violence leave

Under national workplace laws<sup>1</sup>, employees dealing with the impact of family and domestic violence can:

- access 10 days of paid family and domestic violence leave in a 12-month period<sup>2</sup>
- request flexible working arrangements, and
- take paid or unpaid sick or carer's leave, in certain circumstances.

Some workplaces may also offer further paid or unpaid leave for workers experiencing family and domestic violence.

You can find information about family and domestic violence leave on the Fair Work Ombudsman's [website](#). Further information about supporting workers experiencing family and domestic violence can be found in the [Fair Work Ombudsman's Employer Guide to Family and Domestic Violence](#).

## Workers who use or may use violence

There may be cases where you know or suspect one of your workers is, or may be, using family or domestic violence at work.

You must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from the work carried out by your business or undertaking. If the work carried out involves access to information or resources that may be used by a worker to carry out family and domestic violence, you must eliminate or minimise this risk. For example, controlling access to customer information so it cannot be misused by a worker to identify a former partner's new address.

In addition to the risk to the victim, family and domestic violence can be distressing for others in the workplace who may overhear conversations or comments or are concerned for a person's safety or their own.

Your workplace policies should set appropriate standards and expected behaviours. Policies should address how you respond to all affected workers, including someone who uses or may use violence.

Responding quickly to reports of violence may prevent the situation escalating and reinforce to workers that you treat any kind of violence seriously.

If both parties are your workers, the focus should be on the safety of the worker who is experiencing family or domestic violence. Decisions on how to respond to the worker who is or may be using violence should, wherever possible, be taken after considering the views of the worker who is or may be at risk from such family or domestic violence, including to ensure any proposed response does not expose them to further risks.

Everyone has the right to feel safe and supported in the workplace. Referral and support services should be offered to all affected workers. Resources can be found below. You may also wish to seek legal advice.

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<sup>1</sup> Some employers and employees are not part of the national workplace relations system, such as some state public sector and local government employees (see the [Fair Work Commission's website](#) for details). States and Territories may also have different family and domestic violence leave entitlements. Refer to your local workplace relations authorities for further information.

<sup>2</sup> Entitlement under the Fair Work Act 2009 commenced on 1 February 2023 for employees in businesses other than small businesses and on 1 August 2023 for workers in small businesses (businesses with less than 15 employees). See the [Fair Work Ombudsman's website](#) for details.

More information can also be found in the Queensland Government guide [A workplace approach to employees who use or may use violence and abuse](#).

## Further information

- [1800RESPECT](#) - National Domestic, Family and Sexual Violence Counselling Service.
- 1800RESPECT (1800 732 737) is Australia's national domestic, family and sexual violence support service. The website and telephone service provides information, referrals and counselling to all Australians, 24 hours a day, every day of the year.
- Safe Work Australia Guide: [Preventing workplace violence and aggression](#)
- Safe Work Australia Model Code of Practice: [Managing psychosocial hazards at work](#)
- Fair Work Ombudsman: [Family and domestic violence leave](#)
- Fair Work Ombudsman: [Employer Guide to Family and Domestic Violence](#)
- Australian Human Rights Commission: [Domestic Violence Policy and Procedures](#)
- Queensland Government: [Workplace package for domestic and family violence](#)
- Queensland Government: [A workplace approach to employees who use or may use violence and abuse](#)
- Western Australia Government: [Information sheet - Family and domestic violence at the workplace](#)
- Northern Territory Government: [Domestic, family and sexual violence](#) and [Family Safety Framework](#)
- Office of the Australian Information Commissioner: [Privacy](#)
- Champions of Change: [Playing our Part – A framework for workplace action on domestic and family violence](#)
- Our Watch: [Practice Guidance Responding to Disclosures](#)

## Support services

### **1800RESPECT**

[www.1800respect.org.au](http://www.1800respect.org.au)

1800 737 732

### **Beyond Blue**

[www.beyondblue.org.au](http://www.beyondblue.org.au)

1300 224 636

### **Lifeline**

[www.lifeline.org.au](http://www.lifeline.org.au)

13 11 14

### **Men's Referral Service**

[www.ntv.org.au](http://www.ntv.org.au)

1300 766 491

### **Kid's Helpline**

[www.kidshelpline.com.au](http://www.kidshelpline.com.au)

1800 55 180