



**WOMEN
IN THE
AWU**

NEGOTIATING DOMESTIC VIOLENCE CLAUSES

DEFINITION OF DOMESTIC AND FAMILY VIOLENCE

Every State or Territory's domestic or family violence legislation defines it differently. We recommend you use the legislation where your members work so that they can get legal protection.

PREVALANCE AND COST TO THE WORKPLACE

The domestic violence clauses are for anyone, female or male, experiencing domestic violence. Nearly two thirds of women reporting domestic violence are working (Australian Bureau of Statistics).

For every 100 female workers (National Survey conducted by UNSW):

- 30 will have experienced domestic or family violence
- 15 will struggle to get to work as a result of the violence
- 6 will be experiencing ongoing harassment at work from an intimate or family member

Domestic violence and sexual assault perpetrated against women costs the nation \$13.6 billion each year and may rise to \$15.6 billion by 2021 (KPMG 2009).

Cost to employers include

- lost productivity
- absenteeism
- staff turnover
- recruitment and retraining

There are further hidden costs from employees and workers who are abusing their family members during work hours and using work resources.

THE ROLE OF THE WORKPLACE IS NOT TO FIX THE PROBLEM BUT TO TREAT THIS AS A WORKPLACE ISSUE

Support staff to get to work, and do their job safely. For all other support, refer employees/members to the domestic violence experts-free, confidential national phone counseling 1800 RESPECT.

ACTU SEVEN PRINCIPLES

1. Family and domestic violence leave should be dedicated, additional, paid leave.

2. Confidentiality of employee details must be assured and respected.

3. Workplace safety planning strategies to ensure protection of employees should be developed and clearly understood by the parties concerned.

4. The agreement should provide for referral of employees to appropriate domestic violence support services.

5. Nominated / contact person(s), including union delegates or workplace health and safety representatives if appropriate, must be provided with appropriate training and paid time off work to facilitate their role.

6. Employees entitled to family and domestic violence leave should also be able to access flexible work arrangements where appropriate.

7. Employees must be protected against adverse action or discrimination on the basis of their disclosure of, or experience of, family and domestic violence

This suite of protections work together to make sure that victims of domestic violence are supported at work. It's really important to negotiate for as many of the provisions as possible.



**STRONGER
TOGETHER**

Further information and support 1800 RESPECT 24 hours, 7 days a week www.1800respect.org.au



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WHY PAID LEAVE IS IMPORTANT

If domestic violence is affecting attendance, performance and safety, then the levels of violence are becoming serious and dangerous. Information and support to get legal protection is really important, to protect individuals, in their homes and also in their workplace. This means taking paid time to go to court, talk with legal advisers, and with domestic violence counsellors.

Where possible it is important to negotiate additional leave which can be accessed prior to depleting other leave because workers in a domestic violence crisis need all available leave.

Currently in workplaces with domestic violence clauses, employees have been accessing short amounts of paid domestic violence leave to get very practical things done in working hours.

WHY SHOULD THE WORKPLACE SUPPORT EMPLOYEES WHO ARE VICTIMS OF DOMESTIC VIOLENCE

It is vitally important that where possible those experiencing domestic violence are able to stay safely in their homes and in their jobs. Economic dependency keeps people trapped in violent relationships.

Women with a history of family violence have more disrupted work history, are on lower personal incomes, have had to change jobs more often and are employed at higher levels in casual and part time work than women with no experience of violence (Franzway, Zufferey & Chung 2007).

The indicators are that the violence is seriously escalating when it impacts on attendance,

performance and safety. Domestic homicides can happen at the work place. All employees, clients and customers need to be protected from the risk.

BALANCING CONFIDENTIALITY AND SAFETY

We suggest the following wording to get the balance right between confidentiality and safety:

'Employee records concerning domestic violence are to be kept confidential and may only be divulged in exceptional circumstances, and after consultation with the employee, where it is imperative to maintain the safety of that employee, co-workers and or clients/customers.'



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A STEP-BY-STEP GUIDE FOR DELEGATES

SUPPORTING VICTIMS OF DOMESTIC VIOLENCE



Between February and July 2011 over 3600 union members were surveyed nationwide to find out about their experience of domestic violence and work.

When surveyed nearly one third of employees said they had personally experienced domestic violence.

Nearly half of these people said that domestic violence affected their capacity to get to work (e.g. due to physical injury or restraint)

1 in 10 had to take time off work because of the violence (e.g. due to health and medical reasons, for accommodation purposes or for appointments with police officers or lawyers)

Nearly 1 in 5 who experienced domestic violence in the previous 12 months said that the violence continued at the workplace (e.g. they received abusive phone calls, text messages or emails; or the abusive person physically turned up at the workplace or contacted co-workers or the employer about them)

WHAT TO DO WHEN A MEMBER APPROACHES YOU FOR HELP:

Find out the facts:

- establish the impact domestic violence is having on your member's ability to attend work and do their job
- for them and their colleagues to be safe in the workplace, and
- to have the necessary time to attend to their personal and family responsibilities under the circumstances

DOMESTIC VIOLENCE MAY

- Affect the member's ability to get to work and/or be on time for work
- Necessitate the member taking time off work
- Affect the member's and co-workers' ability to stay safe at work
- Impact on the member's work

MEMBERS MAY BE:

- Receiving abusive phone calls, text messages or emails
- Affected by the abusive person turning up at the workplace, contacting co-workers or the employer, or because the abusive person works in the same workplace
- Feeling unwell, sleep deprived or distracted
- Affected by injury

ASK THE MEMBER WHAT THEY WOULD LIKE YOU TO DO.

Ascertain if the member would like you to:

- Only provide information
- Assist them with accessing their rights and entitlements
- Advocate on their behalf with management

REMEMBER

Remember that the member needs to feel in control and that you should let them decide the next steps.



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SUGGEST THAT THE MEMBER:

Keep a personal diary in relation to any domestic violence incidents and injuries and the impact on work such as attendance; time off work; and safety at work including abusive phone calls, text messages or emails; or the abusive person turning up at the workplace or contacting co-workers or the employer.

Consider a domestic violence protection order that includes the workplace. Contact Legal Aid in your state – they provide free legal information, referrals and advice.

Contact a domestic violence expert for support. **1800 RESPECT (1800 737 732)** provides 24 hours, 7 days a week, confidential telephone and internet counselling, information and referral (to local services) for people experiencing domestic violence or sexual assault.

For comprehensive information on how to deal with specific risks such as responding to abusive calls and emails or the abusive person attending the workplace visit our website

www.dvandwork.unsw.edu.au

SAFETY PLANNING

The indicators are that the violence is seriously escalating when it impacts on attendance, performance and safety at work. Domestic homicides happen at work. All employees, clients and customers need to be protected from the risk.

Planning for the safety of the member in the workplace is like planning for other occupational health and safety hazards and should be done with the member.

SAFETY PLANING

- 1. Identify potential risk** including receiving abusive phone calls, text messages or emails; the abusive person turning up at the workplace, contacting co-workers or the employer. The abusive person may sometimes work in the same workplace.
- 2. Assess the possibility of the risk occurring**
- 3. Assess the severity of the risk**
- 4. Eliminate or reduce the severity of the risk**



DO'S AND DON'TS FOR DELEGATES

SUPPORTING VICTIMS OF DOMESTIC VIOLENCE



DO'S FOR DELEGATES

Do inform staff: so they understand how domestic violence can impact work and they can feel safe enough to disclose if they need support and protection from their workplace and union.

Do be sensitive: approach your discussion with the same sensitivity and confidentiality you would use with any sensitive workplace issue.

Do assure the member that you will respect their privacy and keep the matter confidential: discussing it only with those who need to know.

Do assure them they are not to blame: The only person responsible is the abusive person. Be aware that some victims may feel that they have to manage the abusive person or may feel embarrassed that their relationship has become violent.

Do ask what impact domestic violence is having on their work life: Your concern is with the impact domestic violence is having on your member's ability to attend work without interference, for them and their colleagues to be safe in the workplace, and to have the necessary time to attend to their personal and family responsibilities under the circumstances.

Do encourage them to keep a diary: in relation to any domestic violence incidents and the impact on work such as attendance or abusive phone calls.

Do ask what they would like you to do: Do they want you to advocate on their behalf, a co-worker to accompany them to court, need to be walked to their car at night...? Ensure they have control over next steps.

Do discuss a safety plan: Ask them what they need to ensure that they and their colleagues are safe at work. Go through the possible actions listed in the Safety Plan.

DON'TS FOR DELEGATES

Don't look for warning signs or indicators: be aware that many workers experiencing domestic violence at home will not experience it at work and may not wish to disclose. Don't jump to conclusions and infringe on their right to privacy.

Don't become personally involved: your role is not to fix the domestic violence but to help your member at work. Under no circumstances should you visit the member's home or place yourself at risk.

Don't make this a conversation around the water cooler.

Don't be judgemental or ask questions about why the violence is occurring: Your responsibilities are to ensure staff can get to work and do their job safely. Asking questions like 'why don't you leave' are inappropriate. It is the worker's decision to stay or go. These situations are often complicated and difficult. Do not judge their decision.

Don't ask for details about what is happening in the home or in the member's private life. This is a workplace issue and what is happening at home is not your concern. You are not a domestic violence counselor, so refer your member to domestic violence experts who can assist.

Don't tell them what to do: You are not a domestic violence expert. After you have informed them of your role and what you can do to assist, let them make the decisions about matters which affect them.

Don't think you know best about what will make them safe. One size does not fit all. Don't take the law into your own hands e.g. take the abusive person out the back and sort it out.

