



## INFORMATION SHEET

# Family and domestic violence at the workplace

Employers have a duty of care under occupational safety and health laws (OSH) to ensure workers are not exposed to hazards in the workplace, as far as practicable. The workplace can be defined broadly as being in an office, on site or working from home. When workers are working from home, employers are still required to implement controls to eliminate and reduce the risk of injury and harm, as far as practicable.

As an employer, if you suspect or are aware of workers who are at increased risk of harm from family and domestic violence (FDV) at their main workplace, or as a result of working from home, you may wish to consider the following suggestions for practicable controls.

Responding to workers who use or may use violence and aggression is complex and needs to be handled appropriately and sensitively. You may wish to seek further advice from your employer organisation or other OSH and employment law professionals.

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

## What is family and domestic violence?

Family or domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship, or between family members. This violence may include (but is not limited to):

- physical, emotional or psychological abuse
- assault
- sexual assault or other sexually abusive behaviour
- stalking
- threats
- coercion
- repeated derogatory taunts
- intentionally damaging or destroying property

- intentionally causing death or injury to an animal
- economic abuse such as unreasonably denying financial autonomy or unreasonably withholding the financial support needed to meet reasonable living expenses
- controlling or dominating another family member and causing them to feel fear for their safety or wellbeing, or for the safety and wellbeing of another person
- behaviour by a person that causes a child to hear, witness or otherwise be exposed to the effects of family violence
- preventing a person from making or keeping connections with their family, friends or culture, and
- unlawfully depriving someone of their liberty.

Family and domestic violence can become an OSH issue if the perpetrator makes threats, intimidates or carries out violence on a partner or family member at the workplace, including if working from home.

## What do you need to do?

You have a duty under OSH laws to eliminate risks to health and safety so far as is reasonably practicable. If it is not reasonably practicable to eliminate the risks, they must be minimised so far as is reasonably practicable. This means proactively managing the risk of family and domestic violence happening at the workplace.

You must also:

- provide and maintain a work environment that is without risk to the health and safety of workers
- provide adequate and accessible facilities for the welfare of workers to carry out their work
- give workers the necessary information, instruction, training or supervision to do their job safely and without risks to health.

For clarity:

- a worker is anyone who carries out work in any capacity for your business, including employees, contractors, subcontractors, outworkers, apprentices, trainees, work experience students and volunteers who carry out work.
- a workplace means a place where work is carried out for your business, including if working from home.

You need to consider when, where and how your workers might be exposed to violence and manage those risks by implementing control measures.

Some risks might be outside your control, such as where a worker chooses not to disclose a risk of family or domestic violence or that they cannot work safely at home.

You must consult workers on physical and psychological hazards and risks in the workplace, and on how to manage them, before you make decisions about control measures. Encourage workers to talk to you about any concerns they may have about their health and safety, as they may have important information that should be considered and may have ideas about how to manage risks to their health and safety.

Providing a safe environment for workers to disclose family or domestic violence, assuring confidentiality and not requiring workers to provide unnecessary personal details will help you to identify risks. You or other workers may also notice signs of family and domestic violence, such as frequent unexplained bruising or injuries, excessive absence or lateness, inability to take work-related trips or receiving excessive personal calls or visits. Risks may change over time and you should continue to engage with workers on health and safety issues, particularly when workers are not physically co-located, and risks are less evident, such as when working from home.

Family and domestic violence in the workplace is a complex issue. The free resources and services listed at the end of this information sheet may assist you, or you may wish to seek further advice from your employer organisation or other OSH and employment law professional.

## What do workers need to do?

Workers also have duties under OSH laws. Workers must take reasonable care of their own health and safety in the workplace, and the health and safety of others who may be affected by what they do or do not do. Workers must also comply with any reasonable instructions, policies and procedures given by their employer at the workplace.

If your workers witness or see signs of family and domestic violence while undertaking work, you should contact [1800 RESPECT](tel:1800RESPECT) for advice.

## Managing the risk of family and domestic violence in the workplace

Workplaces can play an important role in preventing and responding to family and domestic violence by providing a safe working environment for all workers. This involves:

- Communicating that family and domestic violence is a workplace issue and developing workplace policies and procedures to address it. The Australian Human Rights Commission provides [guidance](#) on how you can do this.
- Consulting workers about work arrangements and managing risks to health and safety. Consider holding one-on-one discussions to ensure their needs, experiences and individual circumstances are considered and information is treated as sensitive and confidential.
- Assuring workers of their right to confidentiality and support if they choose to disclose family and domestic violence.
- Communicating support that is available to workers, including safety and health representatives, if you have them, and employee assistance programs.
- Providing 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.
- Communicating the availability of entitlements such as paid/unpaid family and domestic violence leave, flexible work arrangements and other entitlements which support workers experiencing family and domestic violence.
- Providing information about counselling, legal, health, financial and other family and domestic violence support services.
- Ensuring workers supporting those who are experiencing family and domestic violence are aware of the support options available to them, including employee assistance programs.
- Providing a safe, secure and accessible reporting mechanism, including properly trained contact people within the workplace.

Workers should be assured that any information will be treated confidentially and securely, to the extent possible and as required by law. Mishandling of private information or inappropriate disclosure may place the worker at an increased risk of violence.

If a worker discloses to you they are experiencing violence, or you suspect they may not be safe at work, you can contact [1800 RESPECT](#), the national counselling service for family and domestic violence for advice. The [Our Watch](#) website also has a workplace guide for responding to disclosures of violence.

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

## Managing risks at work

Workplaces can be a place of refuge for workers experiencing family and domestic violence and be a crucial source of social and economic support.

Family and domestic violence incidents may occur at the workplace, for example:

- through public access to the workplace, including via the telephone or email
- 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 carpark
- when a worker is working with a family member or domestic partner.

To manage the risk of family and domestic violence, consider the following control measures. Remember not all control measures may be reasonably practicable for your workplace.

- Secure the building or workplace and control entry; e.g. through swipe card or pin code access.
- Clearly identify visitors to avoid accidentally allowing a person known to use violence to enter the workplace.
- Separate workers from the public.
- Implement flexible working arrangements, such as adjustments to working hours or work locations.
- Provide communication or duress alarm systems.
- Ensure the worker is not alone or out of contact while working.
- Consider contact information screening; e.g. email, phone numbers, devices, internet profile.
- Develop and put in place procedures for an emergency response to instances of family and domestic violence in the workplace, including when to involve police.
- Provide workers with a safe, secure place to retreat in the event of an incident.
- Change work email addresses or phone numbers if incidents have occurred through electronic or telephone contact.
- Provide secure parking and access to the workplace, including when moving between work locations.
- Make available and communicate entitlements such as paid/unpaid family and domestic violence leave, flexible work arrangements and other entitlements that support workers experiencing family and domestic violence.

## Managing risks when workers are working from home

The duty to manage OSH risks still applies if workers work somewhere other than their usual workplace, including working from home. Workers experiencing family and domestic violence may be placed at greater risk because of working from home arrangements.

When starting working from home arrangements, you must identify and manage the risks. Consulting your workers will be essential in identifying and managing risks given you may have limited knowledge of your workers' home environment. Encourage workers to discuss with you any specific or individual concerns they may have with respect to their health and safety, or the impact any proposed control measures may have on them. This is particularly important for workers experiencing family and domestic violence because they will know the most about their personal circumstances and may have important information that should be considered before work arrangements change.

If the worker has disclosed family and domestic violence, consider developing or adjusting their safety plan for working from home in consultation with their treating medical practitioner or health professional (if available). For more information on safety planning, contact [1800 Respect](https://www.1800respect.org.au).

What you can do to minimise risks at a worker's home will be different to what you can do at the usual workplace. You should:

- Maintain regular communication with workers. Avoid directly asking the worker about the violence 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 including emails, text messages and phone calls.
- Agree on a course of action if you are not able to contact the worker for a defined period.
- Appoint a contact person in the business that workers can talk to about any concerns.
- Provide work phones and laptops to enhance autonomy and digital security.
- Provide continued access to an employee assistance program or other support programs.

If working from home is not a safe option for the worker, an alternative work environment must be provided, so far as is reasonably practicable. For example, allowing the worker to work from an alternative location or allowing them to work from the office.

## Confidentiality

It is important that workplaces develop supportive environments in which workers feel safe to discuss family and domestic violence issues.

All workers should be made aware of any mandatory reporting obligations that you have as the employer, either under state laws or as part of the worker's employment contract, that may limit confidentiality. For example, this may include where there is a reasonable belief that child abuse is occurring.

To create an environment where workers feel confident to talk about their experience of family and domestic violence, you should be able to demonstrate that such information will be kept private and confidential. Confidentiality is important because workers may not be willing to talk about their experience without knowing it is confidential.

Any information about a worker's experience of family and domestic violence is sensitive and confidential. Workplaces should take all reasonable steps to ensure any information disclosed by workers regarding family and domestic violence is kept confidential and secure. Consider how you will sensitively treat personal information to protect a person's right to privacy and

implement mechanisms to protect their privacy e.g. privacy settings on hazard and incident reporting systems. Discuss with your workers how this information will be handled.

Disclosure should be on a need to know basis and only to maintain safety. Keep in mind that any mishandling of information may place the worker at an increased risk of violence by the perpetrator. Disclosure may have serious consequences for the worker's safety. Where possible, disclosure should only occur with the express consent of the worker.

## Family and domestic violence leave

Under national workplace laws, workers dealing with family and domestic violence can:

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

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

You can find information about supporting workers experiencing family and domestic violence in the [Fair Work Ombudsman Employer Guide to Family and Domestic Violence](#).

## Workers who use or may use violence and aggression

There may be cases where you know or suspect that one of your workers is using violence or aggression towards another worker or someone outside the workplace.

Examples of how aggressive or violent behaviour may be carried out include:

- emailing, phoning or texting the partner or family member while at work
- using work IT systems to access private information about someone
- acting abusively towards other workers or people at the workplace
- exhibiting agitation or aggression following personal phone calls, and
- making inappropriate jokes or comments about a partner or family member.

These behaviours can be distressing for others in the workplace who may overhear conversations or comments made in their presence, or are concerned for a person's safety or their own.

Your workplace family and domestic violence policy should set appropriate standards and expected behaviours. The policy should address how the workplace responds to all affected workers, including someone who uses or may use violence and aggression.

Responding quickly to reports of violence or abusive behaviour when they are raised may prevent the situation escalating and reinforce to workers that any kind of violence is treated seriously by your organisation.

If both parties are workers in your organisation, the focus should be on the safety of the worker who is experiencing family or domestic violence. Decisions on responding to the worker who is or may be using violence or aggression need to be made with the full involvement of the worker who is experiencing family or domestic violence to avoid negative impacts.

The confidentiality of all parties involved in a family and domestic violence incident in the workplace must be maintained.

Everyone has the right to feel safe and supported in the workplace. Referral and support services should be offered to all affected workers, including those experiencing family or domestic violence, the person who uses violence and others at the workplace who may be impacted. Resources can be found at the bottom of this page.

Responding to workers who use or may use violence and aggression is complex and needs to be handled appropriately and sensitively. You may wish to seek further advice from your employer organisation or other OSH and employment law professionals.

### Further information

- WA Government, [Family and Domestic Violence Services and Resources](#) webpage
- WA Department of Communities, Child Protection and Family Support, [Fact sheets and Practice Tools](#)
- [Playing Our Part: A Framework for Workplace Action on Family and Domestic Violence](#) (2021) contains guidance on implementing a workplace response to family and domestic violence.

### Support services

- [1800RESPECT National Sexual Assault, Domestic Family Violence Counselling Service](#): a national telephone and online counselling and referral service. Phone: 1800 737 732.
- [Men's Domestic Violence Helpline](#): provides telephone information and referrals for men who are concerned about their violent and abusive behaviours, and for male victims of family and domestic violence in Western Australia. Phone: 1800 000 599.
- [Women's Domestic Violence Helpline](#): provides support for women, with or without children, who are experiencing family and domestic violence in Western Australia (including referrals to women's refuges). Phone: 1800 007 339.
- [Crisis Care](#): provides Western Australia's after-hours response to reported concerns for a child's safety and wellbeing and information and referrals for people experiencing crisis. Phone: 1800 199 008.
- [MensLine Australia](#): 24/7 support for men and boys dealing with family and relationship difficulties. Support for men who are concerned that their behaviour is hurting the people they care about. Phone: 1300 78 99 78.
- [Sexual Assault Resource Centre](#): provides a range of free services to people affected by sexual violence. Phone: (08) 6458 1828 or free call 1800 199 888.

### Acknowledgement

Material in this information sheet is based on Safe Work Australia, [Family and Domestic Violence at the Workplace](#) information sheet.