



Family and Domestic Violence & the Workplace

As of August 2017 Public Sector employees that are victims of family and domestic violence have been able to access support in the workplace.

Definitions in Family and Domestic Violence

The definition of Family and Domestic Violence is taken from the Restraining Orders Act 1997 (section 5A).

'Family member' covers a broad range of relationships, including both current and former intimate partners as well as those who are or who were related to each other, such as spouses, siblings, children, parents, grandparents and step-family relationship, other relatives and those who have had intimate personal relationships.

'Family and Domestic Violence' covers a range of behaviours including:

- (a) violence, or a threat of violence, by a person towards a family member of the person; or
- (b) any other behaviour by the person that coerces or controls the family member or causes the member to be fearful.

This includes both criminal and non-criminal behaviour.

FDV Leave and Workplace Support Options

Each FDV situation is different and as such will require an individual response. As part of their role to support staff who may be experiencing FDV, Managers have a range of options available including leave, flexible working arrangements, safety planning and referral to counselling and support services.

Leave

In addition to existing entitlements, all public sector employees, including casual employees:

- have 10 non-cumulative days per calendar year of paid FDV leave
- This can be taken as whole or part days
- Upon exhaustion employees can access up to 2 days of unpaid FDV leave on each occasion

Flexibility

- This will depend on the context and employees disclosure around work safety.

- Employees may require flexible working arrangements to enable them to deal with health, legal or financial matters, attend court and care for others.

Safety Planning

- This is risk relevant to a work context
- Physical and psychological safety of employees as well as clients, patients and other staff
- Although the Managers role is only to consider safety in a work context, it might be appropriate to inform employees that a broader safety plan can be helpful. For further information and resources on safety planning, see the [Safety Planning](#) information sheet in the FDV Toolbox.

Referral

- Staff should be reminded of EAP, OSH and HR
- It might also be appropriate to provide external FDV referral sources such as;
 - Women's Domestic Violence Helpline 1800 007 339 (24hrs)
 - Men's Domestic Violence Helpline 1800 000 599 (24hrs)
 - Legal Aid Domestic Violence Unit 1300 650 579 (9:00am to 4:00pm Monday-Friday)

The Role of Managers and Supervisors

1. Be aware that a range of behaviours are classified as FDV, not just physical violence.
2. Be aware of the leave and support options available to staff.
3. Listen in a non-judgemental way and provide support in the form of referral and information on leave and workplace support options.
4. Ensure confidentiality where possible, including in the recording of leave and documentation.
5. Consider whether supporting evidence is required and ensure it is not onerous on the employee.
6. Remember FDV is a complex social problem.

Helpful Internal Support Services and Websites

Go to your HSP link page below for specific information on FDV Leave entitlements and workplace support.

- [NMHS](#)
- [SMHS](#)
- [EMHS](#)
- [CAHS](#)
- [WACHS](#)
- [DoH](#) – paid leave and workplace support

Helpful External Links

[Premiers Circular 2021/11](#) – Family and Domestic Violence, paid leave and workplace support

[Department of Commerce Implementation Guidelines](#)

[Restraining Orders Act 1997](#)

