



Safe at Home, Safe at Work



**Keeping you and
your job safe:**

***Information for
workers experiencing
family violence***

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Safe at Home, Safe at Work
Australian Domestic & Family Violence Clearinghouse
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www.dvandwork.unsw.edu.au

Disclaimer

This resource provides a guide to relevant legal information only: if you have a workplace issue, you should get professional advice about your individual situation. This information is current as of August 2012.

To download a free copy of this booklet, go to the 'worker information' section on our website:

www.dvandwork.unsw.edu.au

CONTENTS

INTRODUCTION.....	2
What is family violence?	2
Is family violence a workplace issue?	2
Should I tell my employer (supervisor/manager) about what is happening?.....	3
GETTING A FAMILY VIOLENCE PROTECTION ORDER.....	4
Once you get a protection order	4
Keep records.....	4
SAFETY AT WORK	4
Abusive calls, texts and emails.....	5
FREQUENTLY ASKED QUESTIONS	6
If I tell my workplace, will it be kept confidential?	6
What if I'm being prevented from getting to work (or coming in late)?	6
What if my job is being threatened (performance management)?.....	7
What can I do if my employer treats me unfairly at work or sacks me?	7
What financial help is available if I lose my job?.....	8
USEFUL CONTACTS	9
National	9
New South Wales	9
Queensland.....	10
Northern Territory.....	10
Western Australia	11
South Australia	11
Victoria.....	12
Tasmania	12
Australia Capital Territory	13
MAKING SURE ALL WORKERS ARE PROTECTED	14
ACKNOWLEDGEMENTS.....	14

INTRODUCTION

What is family violence?

Family violence (also called domestic violence) can take many different forms including intimidation, coercion or isolation, emotional, physical, sexual, financial and spiritual abuse. If you feel scared of a partner, ex partner or a family member, you may be experiencing family violence.

Nearly a third of Australian workers, in a national survey, reported they had experienced family violence.

Thinking about counselling? For free confidential telephone counselling 24 hours, 7 days a week, contact 1800 RESPECT | 1800 737 732. For counselling or referral services relevant to your home state or territory see Useful Contacts at the back of this booklet.

Is family violence a workplace issue?

It can be. Work may be where you feel safe and respected and what is happening at home has no impact on your performance or safety - it is a private matter. But family violence can impact on you at work in the following ways:

- Being prevented or delayed from getting to work.
- Being harassed or intimidated at work.
- Distressed or crying at work.
- Struggling to manage your workload and deadlines.
- Covering up what is happening.

Family violence can be stressful, upsetting and distracting. It can make it hard to perform your duties and can also be a workplace safety risk.

Should I tell my employer (supervisor/manager) about what is happening?

You only need to tell your workplace about things that directly affect or impact on your work.

Is the abusive person:

- Constantly calling, emailing or texting you at work.
- Following you to or from work.
- Making threats to harm you or your co-workers at work.
- Threatening to tell your boss embarrassing personal information.
- Coming into or hanging around your workplace to intimidate you.

If any of these things are happening, you should tell your workplace. Your job and your safety might be at risk.

Another thing to consider is whether you need to negotiate time off to go to court, to organise temporary safety measures such as changes to your working times and patterns, or attend appointments with support services, your child's school or your bank.

Telling your workplace may be difficult, but being upfront about your situation may make it easier if the abusive person tries to cause trouble for you at work.

Attitudes to family violence vary: some workplaces are supportive, providing paid leave and flexible working arrangements. Others are less supportive or may not be aware of the issue. You could show them some of the resources for employers and workers on **www.dvandwork.unsw.edu.au**.

If you are worried about raising the issue at work, it's best to get advice from an expert first. If you're a union member, you should contact your union. See the 'Useful Contacts' section for services that provide employment advice.

It's important to remember that family violence is not your fault and you should not feel ashamed. You have a right to feel safe at home and safe at work.

GETTING A FAMILY VIOLENCE PROTECTION ORDER

Family violence is about power and control. Keeping your job and your home is about keeping control over your life. Getting a protection order will help to keep you safe in your home and your workplace. The police can help you to get a protection order.

- Generally, a protection order is made by a court (or police, in some states). It restricts the abusive person's behaviour, helping you to feel safe.
- It does not give the abusive person a criminal record unless they breach it and it doesn't mean that you have to end your relationship.
- The order can stop the abusive person contacting you and coming to your home address and/or your workplace.

Once you get a protection order

Give a copy to your workplace. Remember, you should tell your workplace if you think there is any safety risk to you or others at work.

Report any breaches of the protection order to the police straight away.

Keep records

Make a record of how the family violence is affecting you at work: dates, times, details (where, what happened, what was said, any witnesses). This will help you to report any incidents to the police and provide evidence to a court if necessary.

If you report a breach of protection order, remember to ask the police for the incident number and write it down.

SAFETY AT WORK

Workplaces have a duty to ensure health and safety. Workers have a duty to take reasonable care to protect their own safety.

You can talk to your workplace about what it can do to assist you to be safe and keep doing your job. Safety planning can include things like:

- Having someone walk you to your car or transport when you leave work.

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- Asking your workplace to notify relevant staff not to tell anyone private information about your location or movements.
 - Making sure you're not left alone at a work location with public access.
 - Providing a photo of the abusive person to front desk staff, so that they can identify them and call the police if necessary.

Check your occupational health & safety (OHS) policies: many workplaces have one. Your workplace may also have a policy on workplace violence.

Abusive calls, texts and emails

A supportive workplace can assist in protecting you from abusive calls and emails. Your workplace may already have policies and procedures on this.

Options include:

- Report calls or text messages containing threats of harm to the police (and workplace security) immediately. Note the time, date, length and content.
- Screen calls and voicemail – can someone else answer your phone?
- Block or divert emails so you don't have to see them. Some email software (such as Outlook) allows you to create 'rules' to automatically divert or block emails from any email address.
- Notify the abusive person's workplace if they are harassing you from their workplace as they are misusing work time/resources.

Don't respond to abusive messages from your work email account or phone. This could be a breach of your work contract or workplace communications policy.

Again, it's important to keep good records of any abusive phone calls, text messages or emails.

- Save abusive emails and text messages.
- Save and print out copies of facebook messages (in case the sender deletes their account).
- Police can trace calls and order phone records.

This will assist with applying for a protection order. Alternatively, if you already have a protection order in place, it could be used as evidence for a criminal charge of breach protection order.

FREQUENTLY ASKED QUESTIONS

If I tell my workplace, will it be kept confidential?

Workplaces have different policies about what information goes on your personal file. Your file is likely to include information about attendance, performance and conduct.

If your workplace has specific rights and entitlements for workers experiencing family violence (check your enterprise agreement or award), it is likely to be committed to confidentiality.

Some workplaces are covered by privacy laws in relation to employee records. It depends on the size of your workplace and if you work in the public or private sector.

- Generally, large organisations (\$3 million or more annual turnover) and the public sector are covered by the *Privacy Act 1988* (Cth). For more information, go to: **www.privacy.gov.au/law/act**

If you disclose family violence at work, you should ask for it to be kept confidential and not communicated to other staff unless necessary for legal or safety reasons.

What if I'm being prevented from getting to work (or coming in late)?

If the abusive person is doing things that stop you getting to work or they are making you late, you should think about applying for a protection order to stop the abusive behaviour.

If you have to miss work or are late due to family violence, you should call to tell your workplace you are unable to attend or will be late. If you don't turn up, they could assume you've quit.

If you don't feel safe to tell your workplace why you're late or can't attend, you should speak to an expert first.

What if my job is being threatened (performance management)?

If you have received a warning about performance issues, or you think you could lose your job, you need to get expert advice as soon as possible.

Taking these steps may be helpful:

- Keep a written record of all performance related conversations with managers. Try to get any discussions in writing or by fax or email.
- Ask for copies of any performance reviews (if relevant).
- Keep a copy of all workplace policies and procedures, such as disciplinary policies. Keep these records in hardcopy at home or in your car, don't leave them at work (just in case you do lose your job, and can't access the workplace).
- If management ask you to have a 'chat' or meeting about your work, ask whether you can have a support person present and for time to prepare.
- Discuss the meeting with an industrial expert before the meeting so you are prepared.
- Take detailed notes during the meeting.
- Try to stay calm and polite in dealings with co-workers and management.

What can I do if my employer treats me unfairly at work or sacks me?

If your employer treats you unfairly or sacks you because of your experience of family violence, you may be able to get your job back or make a claim for compensation.

It's very important to get employment advice as soon as possible, see the useful contacts at the end:

- from your union if you are a member
- from an employment advice service (Northern Territory, Queensland, South Australia, Victoria and Western Australia)
- from Women's Legal Services (ACT and Tasmania) or LawAccess in NSW.

The Fair Work Ombudsman also provides information and advice on workplace rights and responsibilities such as wages and entitlements. For further information please visit www.fairwork.gov.au or contact the Fair Work Info Line on 13 13 94, 8.00am – 6.00pm, Monday to Friday. The Fair Work Ombudsman provides referrals to other relevant organisations as required.

Your legal options will depend on what type of worker you are, what state or territory you're in and whether you work in the public or private sector.

A summary of unfair dismissal is available on our website:

www.dvandwork.unsw.edu.au/unfair-dismissal.

What financial help is available if I lose my job?

For some Centrelink payments such as Newstart, Centrelink may impose a qualifying period before you can receive the payment.

If you finish a job and get paid out leave and other accumulated benefits (e.g. annual leave, long service and sick leave), Centrelink considers this to be income which can be taken into account in calculating the payment qualifying period.

If you are forced to leave a job due to family violence or are dismissed due to performance issues related to family violence, you should tell Centrelink about your circumstances when applying for the payment. There may be an exception to the normal qualifying period.

For more information see http://www.clcnsw.org.au/public_resource_details.php?resource_id=254 or Google: "Living without violence Centrelink payments".

USEFUL CONTACTS

If you are a union member, you can contact your union for legal and industrial advice. Looking at joining a union but not sure which one?

The Unions Australia website can help you find the right one:

www.unionsaustralia.com.au

Note: If English is not your first language, ask if the person you speak to can return your call through the Translating and Interpreting Service (a free telephone interpreting service).

National

1800 RESPECT

1800 737 732

www.1800respect.org.au

24 hours, 7 days

Confidential telephone counselling, information and referral (to services) for people experiencing family violence or sexual assault. This number can also refer you to specialist services, for example Aboriginal and Torres Strait Islander family violence services.

New South Wales

NSW Domestic Violence Line

1800 656 463

TTY 1800 671 442

24 hours, 7 days

Government telephone service providing legal information, advice and referral for people who have a legal problem involving family violence or employment law.

LawAccess

1300 888 529

www.lawaccess.nsw.gov.au

TTY 1300 889 529

9am – 5pm, Monday to Friday

Government telephone service providing legal information, advice and referral for people who have a legal problem involving family violence.

Queensland

DV Connect Womensline

1800 811 811

24 hours, 7 days

Information, referral and counselling for women affected by family violence. Includes referral to crisis accommodation.

DV Connect Mensline

1800 600 636

9am – midnight, 7 days

Information, advice and counselling for men affected by family violence.

Queensland Working Women's Service

1800 621 458

www.qwws.org.au

Telephone advice 9am – 4pm Monday, Wednesday and Friday

Telephone information, advice and referral for women on work-related issues.

Advocacy and representation may be available in limited circumstances.

Women's Legal Service

(07) 3392 0670 or 1800 677 278 (outside Brisbane) Phone advice line

9.30am – 1.00pm Monday, Tuesday and Thursday

9.30am – 11.30am Wednesday

Evening advice drop-in sessions at WLSQ, 387 Ipswich Road (Cnr Ponsonby St), Annerley, Mon and Wed 6 – 7.30pm (all advice confidential, no appointment necessary). Daytime interviews by appointment only

Northern Territory

1800 RESPECT

1800 737 732

24 hours, 7 days

Confidential telephone and internet counselling, information and referral (to local services) for people experiencing family violence or sexual assault.

Northern Territory Working Women's Centre

1800 817 055

(08) 8981 0655

www.ntwwc.com.au

8.30am – 4.30pm Monday to Friday

Information, advice and referral for women on work-related issues. Telephone and face-to-face advice is available by appointment. Advocacy and representation may be available in limited circumstances.

Western Australia

Women's Domestic Violence Helpline

1800 007 339

(08) 9223 1188

24 hours, 7 days

Information, referral and counselling.

Men's Domestic Violence Helpline

1800 000 599

(08) 9223 1199

24 hours, 7 days

Information, referral and counselling.

Employment Law Centre of Western Australia

1300 130 956

www.elcwa.org.au

Advice: (08) 9227 0111

Rural/remote: 1300 520 054

Telephone advice 9.30am – 3.30pm, Monday, Tuesday, Thursday and Friday

Face to face advice 5pm – 7.30pm Tuesday

Information, advice and referral on work-related issues. Face-to-face advice is available by appointment only. Advocacy and representation may be available in limited circumstances.

South Australia

Domestic Violence Helpline

1800 800 098

24 hours, 7 days

Counselling, information and referral for people affected by family violence.

Working Women's Centre of South Australia

1800 652 697

(08) 8410 6499

Telephone advice 9am – 5pm, Monday, Wednesday, Thursday and Friday

Information, advice and referral for women on work-related issues. Initial advice is by telephone, face-to-face advice may be available after making telephone contact. Advocacy and representation may be available in limited circumstances.

Victoria

Women's Domestic Violence Crisis Service

1800 015 188

www.wdvcs.org.au

24 hours, 7 days

Information and referral for women affected by family violence.

JobWatch

(03) 9662 1933

www.jobwatch.org.au

Rural/remote: 1800 331 617

Telephone advice 9am – 5.00pm, Monday to Friday. Closed 12 noon to 2pm Tuesday.

Information, advice and referral on work-related issues. Advocacy and representation may be available in limited circumstances.

Tasmania

Family Violence Counselling & Support Service

1800 608 122

9am – midnight weekdays

4pm – midnight weekends, public holidays

Counselling and support for people affected by family violence.

Women's Legal Service

1800 682 468

www.womenslegaltas.org.au

Telephone advice 10am – 12.30pm, 1.30 - 3.30pm Monday, Tuesday, Thursday and Friday and 2pm – 4pm Wednesday

Legal information, advice and referral for women on employment and family violence issues. Initial contact is by telephone, face-to-face advice may be available after making telephone contact. Advocacy and representation may be available in limited circumstances.

Australia Capital Territory

Domestic Violence Crisis Service

(02) 6280 0900

www.dvcs.org.au

TTY: (02) 6228 1852

24 hours, 7 days

Information and referral for people affected by family violence.

Women's Legal Service

1800 634 669

(02) 6257 4499

www.womenslegalact.org

Telephone advice 9.30am – 12 noon Monday to Friday

Face-to-face advice 9am – 5pm Monday to Friday and 5.30pm – 7pm every second Tuesday, by appointment only.

Legal information, advice and referral for women on employment and family violence issues. Initial contact is by telephone, face-to-face advice may be available in certain circumstances. Advocacy and representation may be available in limited circumstances.

MAKING SURE ALL WORKERS ARE PROTECTED

There is a campaign to introduce family violence clauses into Australian workplace conditions. Many workers are now protected by these clauses, which include: paid leave to attend to urgent matters such as going to court for a protection order, flexible working arrangements, confidentiality and safety measures.

If you are interested in this campaign, more information is available at **www.dvandwork.unsw.edu.au**. You could discuss family violence clauses with your co-workers, your union or your employer.

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