

Factsheet Seventeen

Family and Domestic Violence

The *Fair Work Act 2009* (Cth) states that family and domestic violence means violent, threatening or other abusive behaviour by certain individuals known to an employee that both: seeks to coerce or control the employee and causes them harm or fear.

Is Family and Domestic Violence a workplace issue?

Family and Domestic Violence (FDV) can be a workplace issue. Violence against women can impact their performance at work in different ways, such as:

- Being prevented or delayed from getting to work;
- Crying at work;
- Being worried or preoccupied about your safety and the safety of your children or family;
- Being harassed or intimidated at work;
- Covering up for what is or has been happening to you;
- Managing your full workload;
- Being afraid to talk about your experiences at work; or
- Being questioned about coming in late or not getting your job done.

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

Remember, FDV is about power and control. You can get help to break the cycle and put a stop to the abusive behaviour. Getting a protection order is one way to do this. It means taking the power back.

Telling your workplace may be difficult, but if you are upfront about your situation and raise the issue first, it may allow your employer to provide support and understand any difficulties that you may be experiencing in your job. It is also less likely to be disruptive if you are transparent about your circumstances. It may make it easier if the abusive person tries to cause trouble for you at work.

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

How do I stay safe at work?

Workplaces have a duty to provide a safe workplace by ensuring your health and safety at work as far as reasonably practicable. Workers also have a duty to take reasonable care to protect their own safety. You should first check your workplace health and safety policies, as you may find that your workplace has a policy on workplace violence or harassment. Your workplace may also be able to put in a safety plan at work to assist you in feeling safe. NT Working Women's Centre is able to negotiate with your workplace to develop this plan.

Workplace based safety planning can include things like:

- Having someone walk you to your car or transport when you leave work;
- Screening or blocking phone calls or emails;
- 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;
- Changing your work times and patterns;
- Providing a photo of the abusive person to front desk staff, so that they can identify them and call the police if necessary.

Do I need to tell my work about what is happening?

You only need to tell your workplace about things that directly affect or impact your work. This includes anything that could pose a workplace safety risk. 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 so, you should tell your workplace.

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

Does the NT Mandatory Reporting of Domestic and Family Violence legislation cover my workplace too?

Yes, it does. The *Domestic and Family Violence Act 2007* (NT) provides that any adult, including your co-workers, supervisor or manager, is obliged to report to the police if they reasonably believe that either or both of the following circumstances exist:

- Another person has caused, or is likely to cause, harm to someone else (the victim) with whom the other person is in a domestic relationship; and/or
- The life or safety of another person (also the victim) is under serious or imminent threat because domestic violence has been, is being or is about to be committed.

This means that if you disclose to somebody at work that you have been seriously harmed or believe that you might be seriously harmed, they are required to tell police as soon as practicable.

The person that you disclose to does not have to report the domestic violence to the police if:

- The domestic violence is not 'serious harm or physical harm'; or
- You, or somebody else, has already reported to the police.

Physical harm includes unconsciousness, pain, disfigurement, infection with diseases and any physical contact with a person that a person might reasonably object to, whether or not the person is aware of it at the time.

Serious harm means any harm (including the cumulative effect of more than one harm) that:

- Endangers, or is likely to endanger a person's life; or
- That is or is likely to be significant and longstanding.

The person that you disclose to may delay a report of domestic violence to the police if:

- They are planning your removal and intend to report to the police after your removal;
- They believe that a report to the police as soon as practicable will pose a serious or imminent threat to the life or safety of any person.

The person you disclose to is not obliged to make a report if they hold a reasonable belief that someone else has already done so.

Leave Entitlements

All employees get 10 days of paid family and domestic violence leave upfront under the National Employment Standards (NES). This includes full-time, part-time and casual employees. The leave isn't pro-rated.

An employee's entitlement to this leave renews every year on the employee's work anniversary. It doesn't accumulate from year to year if it isn't used.

An employer can ask an employee for evidence that they used the leave to deal with the impact of FDV. They do not always need to keep the evidence but may request to cite it.

Types of evidence can include:

- A statutory declaration;
- Documents issued by the police service;
- Documents issued by a court;
- Family violence support service documents.

You can also take other leave types if needed. Such as, Annual Leave, Personal/Carer's Leave and Compassionate Leave. Exactly what leave you take and how much leave you take depends on where you work and what is in your employment contract.

Where can I get more help?

NT Working Women's Centre Ph: 1800 817 055 www.ntwwc.com.au	Your Union Unions NT Ph: 8941 0001 www.unionsnt.com.au	NT Anti-Discrimination Commission Ph: 1800 813 846 adc.nt.gov.au
Australian Human Rights Commission Ph: 1300 656 419 www.humanrights.gov.au	Fair Work Ombudsman Ph: 13 13 94 www.fairwork.gov.au	Fair Work Commission Ph: 1300 799 675 fwc.gov.au
NT Police Ph: (emergency) 000 If calling from a mobile: 112	Office of the Commissioner of Public Employment (OCPE) Ph: 8999 4129 www.ocpe.nt.gov.au	NT WorkSafe Ph: 1800 019 115 www.worksafe.nt.gov.au
Your HR Department	Aboriginal Interpreter Service Ph: 1800 334 944 www.ais.nt.gov.au	To access an interpreter Interpreting and Translating Service NT Ph: 1800 676 254 www.itsnt.nt.gov.au/

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