

Workplace Equality and Respect



PRACTICE GUIDANCE

Workplace responses to staff who perpetrate violence against women

**Our
WATCH**
End violence against
Women And Their Children



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Acknowledgement of Country: Our Watch acknowledges the traditional owners of the land across Australia on which we work and live. We pay our respects to Aboriginal and Torres Strait Islander people.

Workplace Equality and Respect documents available on the website

Workplace Equality and Respect Standards

Workplace Equality and Respect Implementation Guide

Workplace Equality and Respect Self-Assessment Tool

Workplace Equality and Respect Key Progress Indicators

Workplace Equality and Respect Staff Survey

Practice guidance: Engaging leaders

Practice guidance: Communications guide

Practice guidance: Dealing with backlash

Practice guidance: Equality and respect for all women - an intersectional approach

Practice guidance: Reducing risk in workplace initiatives to prevent violence against women

Practice guidance: Responding to disclosures

Practice guidance: Understanding your rights in the workplace and Victorian anti-discrimination law

Practice guidance: Workplace responses to staff who perpetrate violence

Practice guidance: Workplace gender equality and the law

Practice guidance: Workplace policies to support equality and respect

Practice guidance: Working in rural, regional and remote workplaces to prevent violence against women

Practice guidance: Workplace support for staff who experience family violence

This guide will help you to ensure:

- your response to employees who perpetrate violence against women prioritises the safety and wellbeing of victims/survivors and supports the prevention of violence against women.

Australian employers have shown great leadership in working to prevent violence against women and supporting employees who experience violence.

It is now recognised that comprehensive workplace responses need to address all employees – including victims/survivors of violence against women themselves, those who have supported them, those who have witnessed violence, and also those who have perpetrated or are perpetrating violence.

Given the many female victims/survivors of violence in formal employment, it can be assumed there are also a large number of perpetrators in workplaces. It is important that workplaces carefully consider how they respond to staff who perpetrate violence to be sure they send a clear message that perpetrators will always be held to account for their behaviour and that their organisation does not condone violence against women under any circumstances.

There are a number of major moral, ethical and pragmatic dilemmas to managing perpetrators of family violence/violence against women,* and further research is needed to support workplaces to respond appropriately.

*Family violence/violence against women

This term is used to capture violence that has happened both within the family context (i.e. intimate partner violence) and outside of the family context (e.g. non-partner sexual assault and workplace-based gendered violence perpetrated by men against women). This is in line with the Family LAW Act (Family Law Act 1975)

The following principles and practice recommendations can be used to guide your workplace in developing a consistent, fair and safe response to perpetrators.

Key principles

Any approach taken in your workplace should be guided by the following key principles.

- Never excuse or minimise violence against women.
- Prioritise the safety and wellbeing of the victim/survivor both within and outside the workplace.
- Always hold perpetrators to account for their actions.
- Maintain a safe work environment for victims/survivors, those who have supported them, and staff who have witnessed violence.
- Respect the rights of perpetrators to fair processes and employment.
- Support workplace initiatives to address the underlying drivers of violence against women to stop it before it starts.

Practice recommendations

Approach/model

- Be prepared to respond to employees who are victims/survivors and perpetrators of family violence/violence against women.
- Adopt a model for responding to perpetrators of family violence/violence against women that fits within, and compliments, the broader context of providing a safe working environment and preventing family violence/violence against women within the workplace.
- Avoid adopting a zero-tolerance approach, except where the behaviour would result in summary dismissal in normal circumstances (e.g. breaching workplace policies or code of conduct). Consider the position of victims/survivors before an employee is terminated for perpetrating violence against women, in case the outcome has a detrimental impact on her safety and wellbeing.
- Seek advice from family violence/violence against women specialists to understand the risks the victims/survivors face.
- Consult victims/survivors who are also employees, if doing so is safe and within the bounds of employment law.

- Develop clear policies, procedures and codes of conduct so that employees are aware of expectations and consequences for perpetration of violence against women, even when the act occurs outside the workplace.
- Make resources available to staff, including training and information on family violence/violence against women and referral contacts for employees who need assistance.
- Assess each incident according to its unique characteristics and consult an expert service (e.g. Men's Referral Service) to provide advice about an appropriate response.

Ensuring consistency and fairness

- Consult family violence specialists and employment lawyers to understand the personal and legal risks that the victims/survivors might face and how to respond.
- Ensure that any approach taken to managing perpetrators is in line with relevant national, state and territory laws that cover workplace discrimination and abides by essential principles of employment law, such as the employee's right to a fair process.

Disclosures

- Treat all employees who disclose that they are victims/survivors the same, regardless of their gender. All employees should be believed and offered referrals to specialist agencies for support.
- Provide employers, managers and human resources staff with information on the nature of collusion and the typical tactics used by perpetrators of family violence/violence against women to minimise their responsibility.
- See the *Practice guidance: Responding to risk and disclosures* for further advice on responding to disclosures.

Supporting perpetrators

- Perpetrators should not be eligible for family violence leave. Hold perpetrators accountable for their violent actions and encourage them to use other forms of leave or time in lieu, or adjust working hours to address family violence-

related matters. Support employees’ efforts to stop violent behaviour and reduce the likelihood of collusion, manipulation of deceit by ensuring:

- staff have the skills and knowledge to refer to specialist services
- Employee Assistance Program (EAP) providers have specialised skills in working with perpetrators of family violence/violence against women.
- Have contact details for agencies and programs that specialise in assisting perpetrators of family violence available if opportunities arise to assist employees who self-disclose. Make these contact details available in other forms (e.g. intranet or posters) for employees who do not disclose.

For more guidance on managing risk and employee wellbeing, please see

- *Practice guidance: Responding to disclosures*
- *Practice guidance: Reducing risk in workplace initiatives to prevent violence against women*
- *Practice guidance: Workplace gender equality and the law*
- *Practice guidance: Workplace support for staff who experience family violence*

Helpful links:
<p>MensLine (24 hours) www.mensline.org.au 1300 789 978</p>
<p>National Sexual Assault Domestic Family Violence Counselling, Information and Support Service (24 hours) www.1800respect.org.au 1800 RESPECT (1800 737 732)</p>
<p>No to Violence http://www.ntv.org.au/ or 1300 766 491 24 hours – Tasmania, New South Wales 8am-9pm Monday-Friday - All other states 9am-6pm Saturday-Sunday - All other states Live chat (national): Monday-Friday 8am - 9pm / Weekends and Public Holidays 10am - 3pm</p>