



Family &
Community
Services

Domestic and Family Violence Leave (DFV) in NSW

Findings from a survey of selected corporations in NSW

June 2018



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1 The case for paid DFV leave

Domestic and family violence (DFV) includes any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. It is usually manifested as part of a pattern of controlling or coercive behaviour.ⁱ

Behaviours that may constitute DFV include physical violence, sexual assault and other sexually abusive or coercive behaviour, economic abuse and emotional or psychological abuse.ⁱⁱ

An effective DFV system needs commitment and action across all parts of government working in close partnership with non-government organisations, the private sector and the broader community.ⁱⁱⁱ

Workplaces are an important site for intervening to prevent and respond to DFV, especially as DFV can have negative effects on the employment of those who experience such violence, which can in turn compound its overall effects.^{iv}

Within the Australian population of women who have experienced violence, or are currently experiencing violence, the Australian Bureau of Statistics (ABS) estimates that between 55 per cent and 70 per cent are currently in the workforce.^v That is, approximately 800,000 women, or around one in six female workers. This means a significant number of Australian workplaces will be impacted by women's experiences of DFV.

Some common costs and impacts of DFV on the workforce include:

- Decreased staff performance and productivity;
- Increased staff turnover and absenteeism; and
- Negative impact on the organisation's reputation and image.^{vi}

The 2011 National Domestic Violence and the Workplace Survey found that nearly half of respondents who reported experiencing DFV disclosed that the violence had affected their ability to get to work.^{vii} The main impact of violence was on work performance with 16 per cent of those who had experienced DFV reporting being distracted, tired or unwell and 10 per cent needing to take time off work.^{viii}

Further, women who experience DFV are more likely to have lower personal incomes, a disrupted work history, frequently have to change jobs at short notice and are very often employed in casual or part time work.^{ix}

There is also a growing body of evidence which shows that those who have experienced DFV often experience discrimination related to their experience of violence, particularly in the workplace.^x These women may be discriminated against, for example, as a result of taking time out of work (sick leave or carers leave) or because they temporarily have lower levels of productivity due to the violence they are experiencing.

The consequences of DFV to an employee are significant. The financial implications which may be faced include relocation costs and workplace disruption in order to attend to the consequences of the violence.^{xi} Such implications can be both severe and prolonged given that the average time to finalise a DFV related case is 4.1 months.^{xii}

Paid work is critical in providing financial stability to women to enable them to make informed decisions about their safety and to recover from the effects of the violence experienced. The workplace also plays a key role in supporting women and providing the flexibility required to enable them to take action against violence whilst maintaining their employment.^{xiii}

1.1 The current debate

In 2016, the Victorian Royal Commission into Family Violence identified the workplace as an important site for intervening to prevent and respond to DFV.

In 2016, the Australian Council of Trade Unions (ACTU) submitted a claim to the Fair Work Commission (FWC) that the four-year review of modern awards includes the addition of 10 days paid DFV leave.

Paid DFV leave was discussed at the 9 December 2016 COAG meeting where it was agreed that the issue would be considered at the first COAG meeting following the FWC decision.

On 3 July 2017, the FWC rejected the ACTU's claim for the inclusion of 10 days paid DFV leave in modern awards. However, the FWC did reach a preliminary view that employees should be able to access unpaid DFV leave.

The FWC then offered parties the opportunity to provide submissions on the issue of paid DFV leave. Submissions closed in October 2017.

On 26 March 2018, the Full Bench of the FWC handed down its decision on the four yearly review of modern awards—family and domestic violence.¹

The Full Bench decided to provide five days' unpaid leave per annum to all employees (including casuals) experiencing domestic and family violence. This leave will be available if the employee is dealing with the impact of domestic and family violence and it is impractical for them to do so outside their ordinary hours of work.

The entitlement will:

¹ Fair Work Commission [2018] FWCFB 1691, 26 March 2018, available at <https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1691.htm>.

- be available *in full* at the commencement of each 12-month period, rather than accruing progressively during a year of service
- not accumulate from year to year
- be available *in full* to part-time and casual employees (i.e. not pro-rated).

A modern award is a document which sets out the minimum terms and conditions of employment on top of the National Employment Standards (NES). Modern awards came into effect on 1 January 2010. Modern awards apply to all employees covered by the national workplace relations system.

Personal/carer's leave cannot currently be accessed for domestic and family leave purposes under the current NES. In the March 2018 decision, the FWC decided it did not have jurisdiction to extend the meaning of 'personal/carer's leave' to include leave for the purpose of dealing with domestic and family violence. The FWC proposes to revisit this issue, together with the issue of paid domestic and family violence leave, in June 2021 after the model term has been in operation for three years. The FWC will also consider whether any changes are necessary to the model term for unpaid leave.

The FWC accepted submissions on the drafting of the final form of the model term, which closed on 1 June 2018, with submissions in reply due on 15 June 2018. A further mention/conference has been scheduled for 21 June 2018 to discuss with interested parties if further proceedings are required, including another submission process.

1.2 NSW Government Corporate Leadership Group

The NSW Corporate Leadership Group (CLG) was established in 2017 as a NSW Government initiative under the NSW Domestic and Family Violence Blueprint for Reform 2016-2021.

The CLG aims to drive collaboration between Government and the private sector in efforts to address and reduce DFV. Membership includes six leaders from diverse industries who aim to drive broader social change by championing gender equality issues and DFV awareness initiatives within their workplaces. The CLG is chaired by the Hon Prue Goward, Minister for Family and Community Services, Minister for Social Housing, Minister for the Prevention of Domestic Violence and Sexual Assault.

An outcome of the first CLG meeting, held October 2017, was that the NSW Government should undertake a survey NSW Corporations to ascertain the extent to which the private sector has engaged with the provision of DFV related leave to staff, with reference to both victims and perpetrators of DFV.

In response, WNSW developed a survey for distribution to a sample of NSW organisations to determine whether they had formal policies and/or strategies in place to support employees who have experienced DFV or employees who have been accused of perpetrating DFV, and the extent to which they are being accessed by employees.

This work builds on the annual research undertaken by the Workplace Gender Equality Agency (WGEA) which provides a comprehensive snapshot of Australia's workplace gender equality performance. The WGEA is an Australian Government statutory agency charged

with promoting and improving gender equality in Australian workplaces. The WGEA works collaboratively with employers to help them improve gender performance and support compliance with reporting requirements under the *Workplace Gender Equality Act 2012*.

The *Workplace Gender Equality Act 2012* requires non-public sector employers with 100 or more staff (relevant employers) to submit a report to the Workplace Gender Equality Agency between 1 April and 31 May each year for the preceding 12 month period (1 April – 31 March reporting period). Relevant employers are required to report annually to the Agency on both a workplace profile and a reporting questionnaire, structured around six standardised gender equality indicators. This process provides data that effectively represents an **annual Census** of all private businesses in Australia that have 100 or more employees.

The WGEA questionnaire includes two questions relating specifically to DFV:

- *Do you have a formal policy and/or formal strategy to support employees who are experiencing family or domestic violence?*
- *Other than a formal policy and / or formal strategy, do you have any support mechanisms in place to support employees who are experiencing family or domestic violence?*

2 Analysis of WGEA 2016-17 reporting data for NSW

The WGEA annual report provides aggregated state and territory data. To gain a better understanding of DFV leave in NSW Women NSW also undertook an analysis of the WGEA's 2016-17 reporting data for NSW.

2.1 Method

Women NSW downloaded publicly available information relating to the 2016-17 financial year for a total of 1,838 NSW corporations that had 50 or more employees from the WGEA website.^{xiv} Organisation name was omitted for privacy reasons; however information pertaining to the organisation's industry classification (19 categories) and the total number of employees was retained.

Organisation responses to the two DFV leave related questions were analysed.

Question 12: Do you have a formal policy and/or formal strategy to support employees who are experiencing family or domestic violence?

Question 13: Other than a formal policy and / or formal strategy, do you have any support mechanisms in place to support employees who are experiencing family or domestic violence?

2.2 Results

The following results relate to the 1,838 NSW corporations that had 50 or more employees during the 2016-17 financial year.

The three industry classifications with the highest representation in the NSW sample were professional, scientific and technical services (n=233, 12.7%), health care and social assistance (n=231, 12.6%) and manufacturing (n=228, 12.4%). The industry classifications with the lowest representation were electricity, gas, water and waste services (n=15, 0.8%), public administration and safety (n=11, 0.6%) and agriculture, forestry and fishing (n=9, 0.5%),

Just over two-thirds (67.2%) of the organisations had 50–499 employees, around 15% each had 500-999 and 1000-5,000 employees and 2% had more than 5000 employees.

2.2.1 Measures in place to support employees experiencing DFV

Less than half (43.8%) of the corporations reported having a formal policy and/or strategy in place to support employees experiencing family or domestic violence (DFV).

Of those that did not have a formal policy and/or strategy in place, 7.8% said DFV related leave was included in the award/industrial or workplace agreement; 12.6% specified they were not aware of the need; 10.6% stated they had insufficient resources/expertise to develop them; and one in 10 said the development of a formal policy/strategy was underway. Over half (53.3%) of the organisations that did not have a formal policy and/or strategy in place did not provide information as to why this was the case.

The industries with the highest proportion of organisations that had a formal policy and/or strategy in place were financial and insurance services (54.2%), electricity, gas, water and waste services (60.0%) and rental, hiring and real estate services (62.2%). The industries with the lowest proportion of organisations that had a formal DFV leave policy and/or strategy in place were public administration and safety (18.2%), arts and recreation services (31.4%), wholesale trade (32.7%), agriculture, forestry and fishing (33.3%) and retail trade (33.3%).

When examined in relation to organisation size, it was found that more organisations with higher numbers of employees had formal DFV leave policies and/or strategies in place. Just over one-third of organisations with 50-499 employees reported having a formal policy and/or strategy compared with 78.6% of organisations with 10,000 employees.

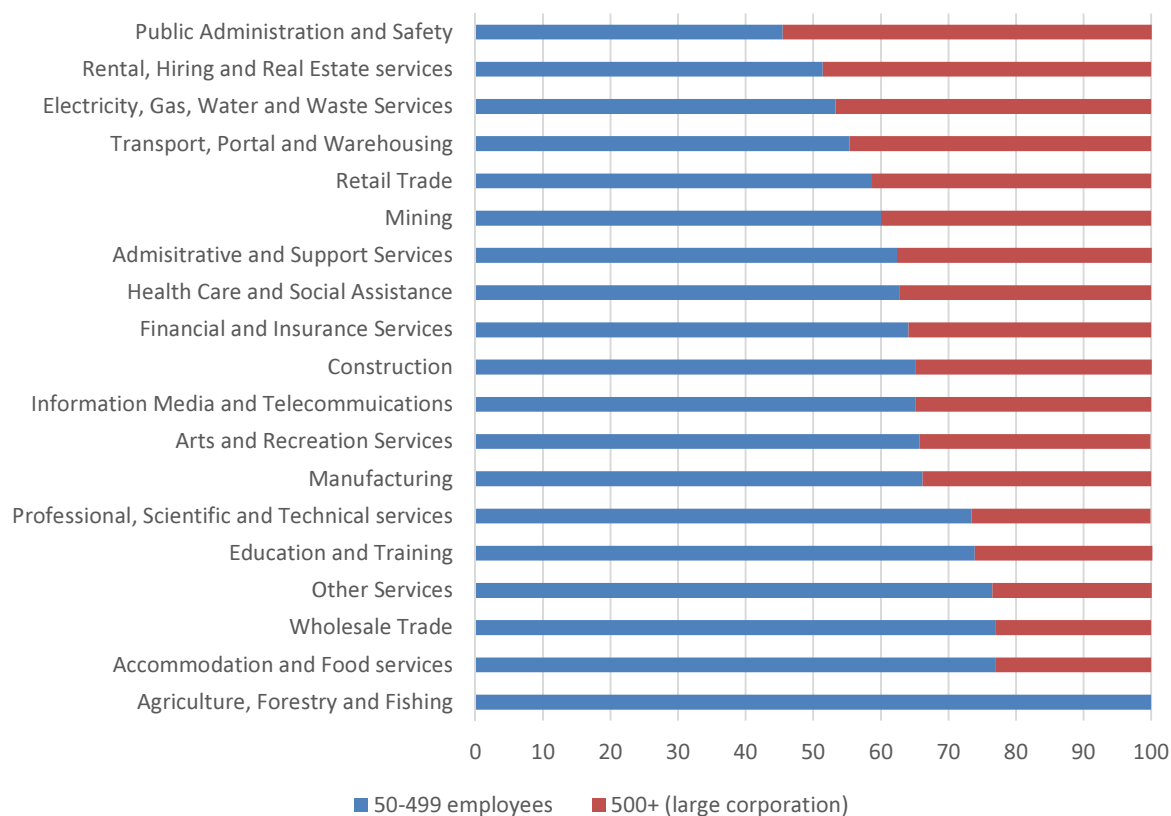
2.2.2 Industry type by employee numbers

Figure 1 compares industry type by number of employees for organisations with 50-499 employees with organisations with 500 or more employees. The industries represented by organisations with 10,000 or more employees were accommodation and food services; education and training; financial and insurance services; health care and social assistance; administrative and support services; retail trade; and transport, postal and warehousing.

The five industry groups with the highest proportion of organisations with 50-499 employees (excluding the generic “other services” category) were agriculture, forestry and fishing; accommodation and food services; wholesale trade; education and training and professional, scientific and technical services. Of these, the agriculture, forestry and fishing were amongst the industries with the lowest proportion of organisations that had a formal DFV leave policy and/or strategy in place.

The five industry groups with the highest proportion of organisations with 500 or more employees were public administration and safety; rental, hiring and real estate services; electricity, gas, water and waste services, Transport, Postal and warehousing and retail trade. Of these, the public administration and safety and retail industries were amongst the five industries with the lowest proportion of organisations with a formal DFV policy and/or strategy and the rental, hiring and real estate services and electricity, gas, water and waste services were amongst the industries with the highest proportion of organisations with a formal policy and/or strategy.

Figure 1: Industry type by number of employees, 50 to 499 or 500 or more staff, % of organisations in each industry



2.2.3 DFV leave policies and employee gender

Table 1 details national information relating to industry category and proportion of female employees². The Health Care and Social Assistance industry has the highest proportion of female employees (78.3%). Just under half of the NSW organisations in this industry (47.6%) had a formal DFV policy or strategy in place for employees. In comparison, women only made up 11.7 per cent of the total workforce in the Construction industry, but 42.4 per cent of organisations in that industry had a formal DFV policy/strategy.

Organisations in the Public Administration and Safety industry (which includes security organisations) had the lowest proportion of DFV policy or strategies in place for employees. However, women made up 49.2 per cent of their workforce. In contrast, the largest proportion of organisations that have a DFV policy/ strategy were in the Rental Hiring and Real Estate services industry (47.6% of their workforce are women).

There is no clear association between industry type and the proportion of organisations that have a DFV policy/ strategy in place for employees experiencing DFV. Research into DFV specific leave may benefit from undertaking further work to understand the drivers behind the development and implementation of DFV specific leave policies and/or strategies. Some of the issues for consideration in relation to this issue are the relationship between

² WGEA data brief derived from ABS Labour Force data, figures as of February 2016.

corporate emphasis on corporate social responsibility, the public versus private nature of the corporation and organisation size and resource availability.

Table A. Industry type by proportion of total female employees and proportion of organisations in each industry type that have a DFV policy/ strategy in place

Industry	% of total female employees	Industry rank by total female employees	% of organisations in each industry type that have a DFV policy/ strategy
Rental Hiring and Real Estate services	47.6	8	62.2
Electricity, Gas, Water and Waste Services	22.4	16	60.0
Financial and Insurance Services	55	3	54.2
Information Media and Telecommunications	37.6	12	52.3
Accommodation and Food services	54.7	4	49.2
Other Services	45.8	10	49.0
Transport, Postal and Warehousing	21.7	17	47.7
Health Care and Social Assistance	78.3	1	47.6
Professional, Scientific and Technical services	42.5	11	45.9
Administrative and Support Services	48.9	7	42.6
Construction	11.7	19	42.4
Education and Training	70.9	2	39.9
Manufacturing	27.3	15	38.6
Mining	13.7	18	35.0
Retail Trade	54.6	5	33.3
Agriculture, Forestry and Fishing	30.9	13	33.3
Wholesale Trade	30.1	14	32.7
Arts and Recreation Services	46.7	9	31.4
Public Administration and Safety	49.2	6	18.2

WGEA 2016. Gender composition of the workforce: by industry. Derived from ABS Labour Force Survey Detailed Quarterly dataset (catalogue 6291.0.55.003).

<https://www.wgea.gov.au/sites/default/files/Gender%20composition-of-the-workforce-by-industry.pdf>

2.2.4 Support mechanisms

Four in five organisations (n=1,487) reported having at least one mechanism in place to support employees who experience family or domestic violence. Industries with a lower proportion of organisations that had at least one DFV support mechanism were agriculture, forestry and fishing (55.6%) and retail trade (62.7%). Industries with a higher proportion of organisations that had at least one DFV support mechanism were public administration and safety (90.9%), financial and insurance services (92.4%) and electricity, gas, water and waste services (93.3%).

The most common support mechanism provided to staff experiencing DFV was an employee assistance program (EAP), with 71.9% of all organisations (n=1,311) reporting having an EAPs program in place. The next most common support mechanisms provided were flexible work arrangements (60.5% of all organisations) and access to unpaid leave (59.2%).

Less than one in ten organisations provided paid domestic violence leave contained in an enterprise/workplace agreement (8.9%) or access to unpaid domestic violence leave contained in an enterprise/workplace agreement, while 10.2% of all corporations provided access to paid domestic violence leave not contained in an enterprise/workplace agreement.

Industries with a higher proportion of organisations with an EAP and flexible work arrangements (Figure 1) included electricity, gas, water and waste services (93.3% & 93.3%), financial and insurance services (89.3% & 74.8%), information, media and telecommunications (82.6% & 73.3%), and rental, hiring and real estate services (81.1% & 81.1%). The mining industry (90.0%) and public administration and safety (81.8%) had high proportions of EAP but lower proportions of flexible working arrangements in place.

The electricity, gas, water and waste services sector also had higher than composite averages of the proportion of organisations that provided employees who experience DFV access to unpaid leave, DFV paid leave both as part of, and outside of, a workplace agreement and unpaid DFV leave (Figure 2). The finance and insurance and rental hiring and real estate sectors had higher than average proportions of organisations that provided unpaid leave and paid DFV leave not in a workplace agreement; whilst the education and training sector provided higher proportion of organisations with paid DFV leave as part of a workplace agreement and unpaid DFV leave. The agriculture, forestry and fishing industry were over-represented by organisations that provided paid DFV leave not in a workplace agreement.

Figure 1: Proportions of organisations, by industry, with mechanisms (EAP and FWA) in place to support employees who experience family or domestic violence

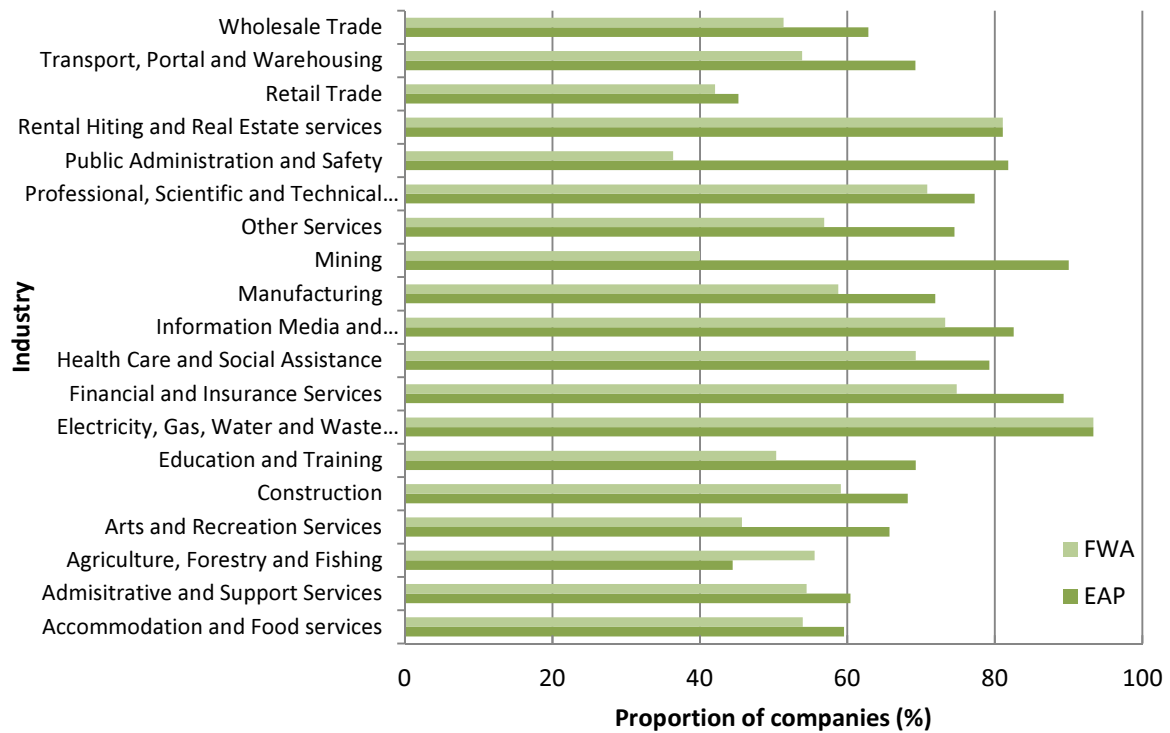
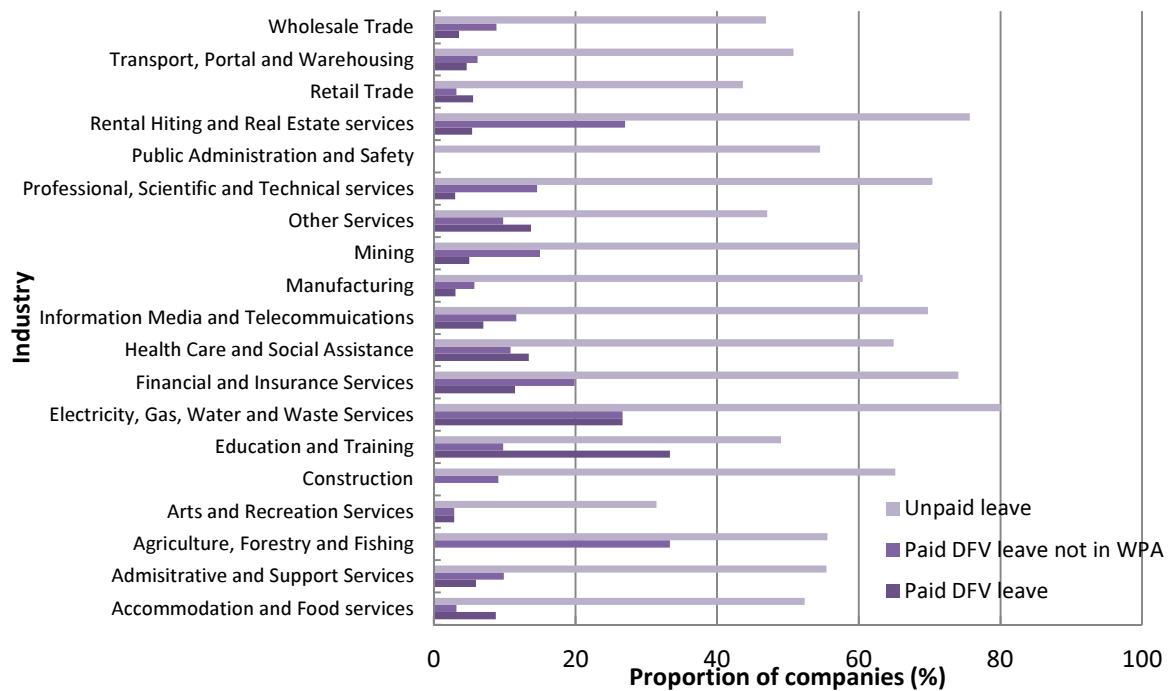
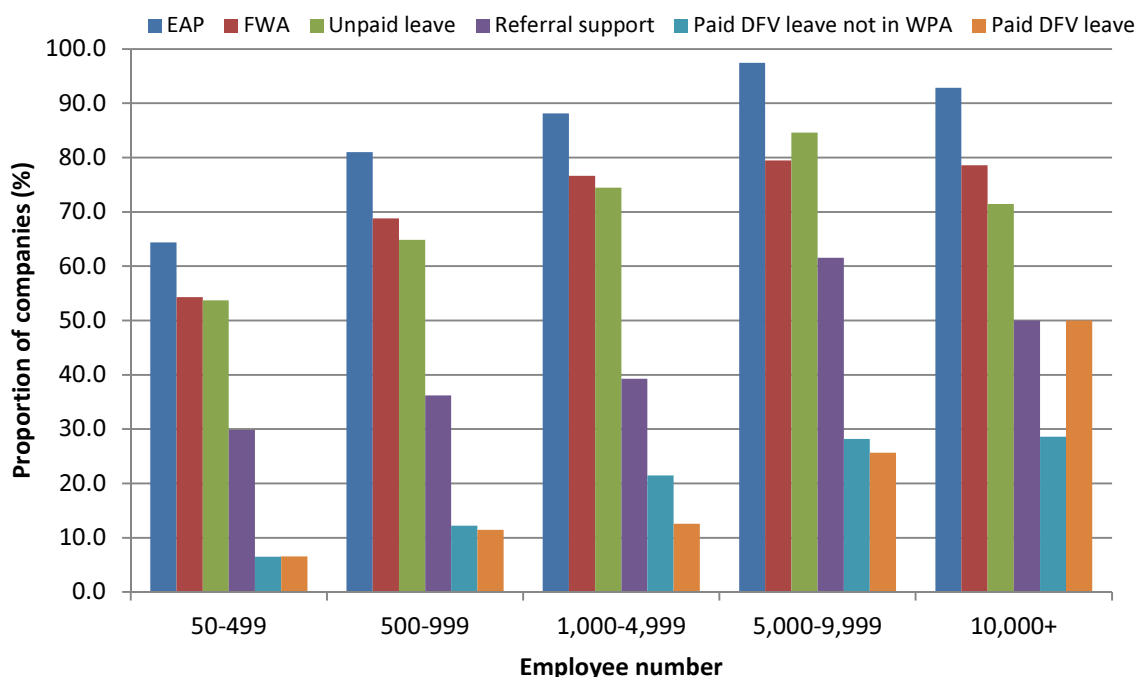


Figure 2: Proportions of organisations, by industry, with mechanisms (leave entitlements) in place to support employees who experience family or domestic violence



When examining provision of support mechanisms by employee number, in general, the proportion of organisations providing EAP, flexible work arrangements, unpaid leave and paid DFV within and not in a workplace agreement increased with increasing employee number (Figure 3).

Figure 3: Proportions of organisations, by employee number, with mechanisms in place to support employees who experience family or domestic violence



2.3 Summary

Although less than half of the organisations reported having a formal policy and/or strategy in place to support employees of DFV, 80% provided at least one form of a DFV support mechanism to their employees. Most frequently, this support mechanism was in the form of an EAP. The mechanisms available to employees varied by industry sector, with real estate and rental hiring, finance and insurance and electricity, gas, water and waste services sectors generally being over-represented by the proportion of organisations within their sectors providing support mechanisms. The level of support provided increased with the increasing number of employees within the organisation.

3 NSW Government survey of NSW organisations

Under the Domestic and Family Violence Blueprint for Reform 2016-2021 the NSW Government is committed to supporting victims of domestic and family violence (DFV) and to holding perpetrators of domestic and family violence accountable for their actions. Given the prevalence of DFV in the community, the provision of DFV related support in the workplace is critical to achieving these outcomes.

Building on the work of the WGEA, the purpose of the NSW Government survey was to better understand DFV policies and supports in the private sector for employees who experience DFV and to explore options that employers have available to persons who perpetrate such violence. By agreement with the Corporation Leadership Group, the survey was distributed to a sample of large private corporations.

3.1 Method

A total of 123 New South Wales based organisations were selected for inclusion in the research sample based on their ranking on the Australian Financial Review, ASX 100 or desktop search of the 'Top 100 organisations in NSW'. An additional seven organisations were included at the request of the office of the Minister due to them employing a large number of NSW residents, bringing the total sample number to 130. The head office of all but three of the organisations included in the sample is located in New South Wales.

The 130 identified organisations were invited by the Minister for Prevention of Domestic Violence and Sexual Assault to participate in an online survey. See Appendix 2.

The survey was developed by Women NSW with reference to the WGEA survey and through a literature search of workplace responses to domestic violence.^{3,4,5,6} The survey items and structure were peer reviewed FACS Insights Analysis and Research (FACSAIR). The survey was piloted and minor amendments were made to item wording. The survey included questions about policies and strategies in place to support employees who are victims of DFV or who perpetrate DFV; evidentiary proof requirements required to access DFV policies and strategies; questions about how staff are made aware of DFV related policies; and the uptake of available DFV policies and strategies by victims of DFV and perpetrators of DFV. See Appendix 1.

³ UN Women National Committee Australia (2017). Taking the first steps: Workplace responses to domestic and family violence.

⁴ Workplace Gender Equality Agency Public reports <https://www.wgea.gov.au/report/public-reports>

⁵ <https://www.arts.unsw.edu.au/research/gendered-violence-research-network/gendered-violence-work/research-publications/>

⁶ <https://www.workplacesrespond.org/resource-library/modelpolicy/>

Contact details for each organisation were determined through online searches or by telephone. Where possible the email address of the Chief Executive (CE) / Managing Director / General Manager or their assistant was obtained. Other alternatives included obtaining the email address of a Human Resources contact or a generic email contact. The survey was distributed via email by the office of the Minister on 14 February 2018 marked to the attention of the identified Senior Executive. The survey was accompanied by a letter of introduction from the Minister that detailed the purpose and significance of the survey (Appendix 2) and a link to the survey which was hosted by Survey Monkey.

A media release from the Minister's office accompanied the survey distribution (Appendix 3). All responses were anonymous. Reminder emails were sent to the organisations on 28 February 2018 and 12 March 2018 thanking those who had already responded and encouraging those who were yet to participate to do so by 15 March 2018 (Appendix 4). Due to there being a low response rate as at 15 March an extension of one week was given and the survey response timeframe which ultimately closed at 5pm on 22 March 2018.

3.2 Limitations

The survey results need to be interpreted with consideration of the following limitations:

The distribution of the WNSW survey closely followed the distribution of the mandatory WGEA workplace. All but four of the organisations WNSW invited to participate were required to report to the WGEA. This may have resulted in survey fatigue and contributed to the low response rate.

While the target group was a sample of large NSW corporations, with only 33 responses the findings are not representative of large NSW corporations. Nor can the findings in relation to 33 organisations only be comparatively analysed against those reported by the WGEA.

Given the voluntary nature of the responses, it is likely that the findings are skewed towards organisations that do have DFV related policies and strategies in place. Corporations that do not have them are less likely to respond. This is reflected in the respective number of organisations in the respondent sample that did (n=29) and did not (n=4) have formal DFV related policies or strategies in place.

While the WNSW survey was NSW based, it is not possible to ascertain whether the information reported by the respondents pertained to NSW only or if it was Australia wide. This has the greatest implications for the survey sections that requested information about the number of employees who had accessed available DFV leave options.

3.3 Survey Results

A total of 130 organisations were identified to participate in the survey, seven of which were unable to be contacted. Of the 123 organisations that were contacted, WNSW received a response from 33 organisations. This equates to a response rate of 26.8 per cent. The number of survey results allows only for basic descriptive analysis to be undertaken as the small number of respondents precludes undertaking any proportional or comparative analyses.

Eight of the responding organisations did not provide information about their industry representation. The 25 organisations that did represent a range of industries:

- Banking/finance/insurance, n=5
- Professional services, n=4
- Health care/social assistance, n=4
- Construction, n=2
- Sporting/recreation, n=2
- Technology/telecommunications, n=2
- Education/learning, n=1
- Food/beverage, n=1
- Electricity/energy, n=1
- Manufacturing/trade, n=1
- Retail trade, n=1
- Travel/leisure, n=1

3.3.1 Victims of Domestic and Family Violence

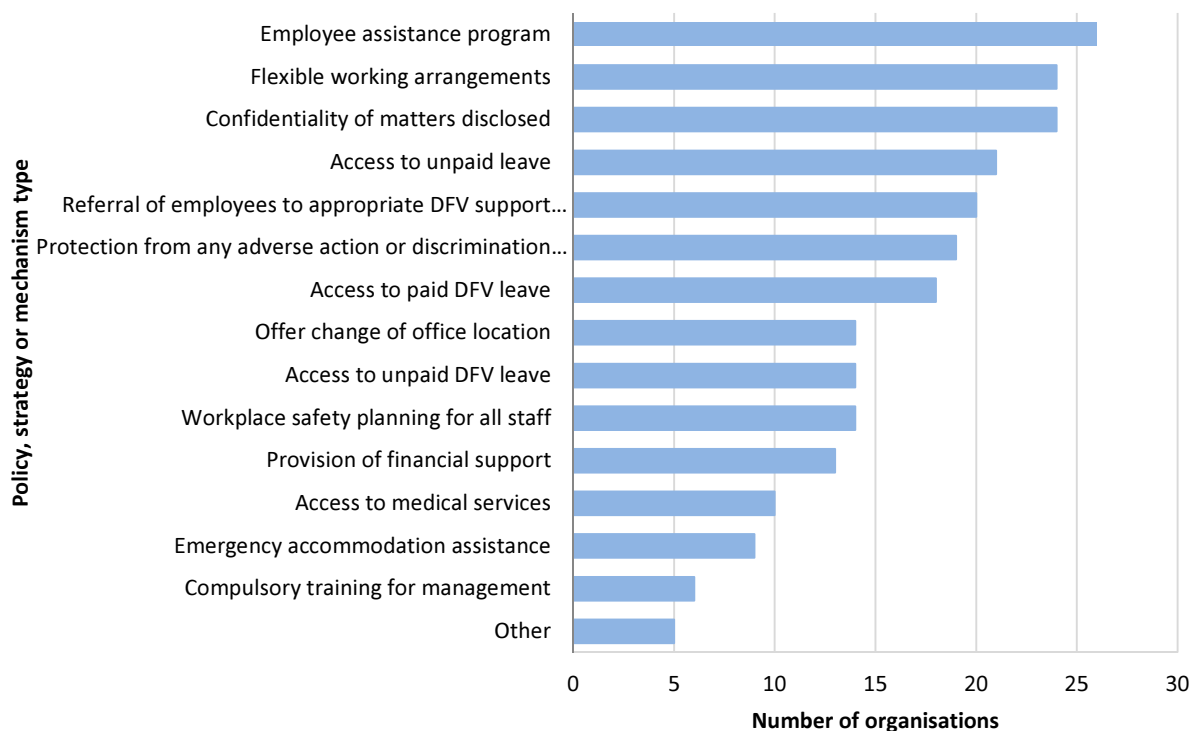
3.3.1.1 Organisations with formal policies and/or strategies

A total of 29 of the 33 responding organisations reported having a formal policy or strategy in place to support employees who experienced DFV. Of the 29:

- 26 provided DFV assistance as part of their employee assistance program (EAP);
- 24 provided flexible work arrangements (FWA);
- 21 provided access to unpaid leave;
- 20 referred employees to appropriate DFV support services;
- 18 provided access to paid DFV leave (contained in an enterprise/workplace agreement); and
- 14 provided access to unpaid DFV (contained in an enterprise/workplace agreement).

Twenty-four organisations reported that they maintained confidentiality of matters disclosed and 19 reported providing protection from any adverse action or discrimination based on the disclosure of DFV.

Figure 4: Types of policies, strategies or measures offered by organisations to support employees who experience DFV



For most of the responding organisations, the formalising of DFV related assistance for employees who had experienced violence is a relatively recent occurrence. Of the 29 organisations that had a formal policy or strategy only two reported having had them in place for longer than 5 years, and nine for the past 3-4 years. Twelve of the organisations had introduced the formal policy or strategy within the past 1-2 years and three reported that they had introduced their formal policy or strategy within the last 12 months.

Sixteen of the 29 organisations did not require employees to produce evidence that they had been victim to DFV. Six organisations require a medical certificate and five require a psychologist/allied health report. Four organisations reported requiring one or more of the following as a source of evidence - a police report, statutory declaration or court documentation. Some organisations also noted that while the production of evidence was not necessarily mandatory, it could be requested at the manager's discretion or that provision requirements could be assessed on a case-by-case basis.

Events such as 'White Ribbon Day' were most commonly used by organisations to raise awareness of workplace DFV policies, strategies and measures (reported by 16 respondents). This was followed by education materials in the office (reported by 12 respondents) and in some cases, through compulsory DFV awareness or education programs (six respondents) or through intranet/web-based policies (6 respondents). Note

that these figures are not necessarily mutually exclusive and a single organisation may use all methods to raise awareness.

Organisations that provided paid DFV specific leave were asked how many days were allowed per annum. Six organisations reported providing more than 10 days on an annual basis, nine provide up to 10 days, and seven provide up to five days paid leave.

If formal DFV policies or strategies were in place, the survey asked respondents to indicate the number of employees that had sought DFV related assistance under the policy or strategy in 2017.

- Twenty-five of the 29 organisations that had formal DFV policies or strategies reported staff having accessed them during 2017. During this period 14 of the 25 organisations provided DFV specific support to 1-5 employees, and 11 provided support to 11 or more employees.
- The most commonly provided form of support was paid DFV leave. Eighteen organisations reported providing paid DFV leave to female staff members (on average 6 per organisation) and 15 to male staff members (on average 1 per organisation).
- Eight organisations reported granting unpaid DFV related leave to staff in 2017.
- A total of 14 organisations reported granting flexible work arrangements to 16 female employees, equating to an average of one per organisation. There were only two organisations that reported granting flexible work arrangements to male victims of DFV, each to one employee.

When reviewing this information it is important to consider that this reflects the number of staff who notified their workplace of their DFV victimisation. There is no way of knowing the number of staff who request leave (paid or unpaid) or who request changes to working arrangements as a consequence of DFV victimisation.

3.3.1.2 Organisations without formal policies and/or strategies

Of the organisations that did not have any formal policies, strategies or measures in place to assist employees who had experienced DFV, two indicated that that an employee assistance program existed but not a specific policy regarding DFV. One organisation stated that they were currently developing a DFV specific policy and another organisation stated that DFV had never been an issue at their workplace.

The latter statement is a cause for concern and indicates a need to develop workplace DFV education campaigns. Domestic and family violence is a high incident crime that takes place across the state regardless of age, gender, location and socio-demographic status. The likelihood that not a single employee of that organisation has ever been a victim of DFV is extremely low.

3.3.2 Perpetrators of Domestic and Family Violence

3.3.2.1 Organisations with formal policies and/or strategies

Sixteen organisations of the 33 responding organisations indicated they had either a formal or strategy in place to support employees who perpetrate DFV. Most commonly, this was through an existing employee assistance program although 12 organisations indicated they referred employees to domestic violence assistance services including behaviour change programs and 11 provided employees with flexible working arrangements.

Ten of the 16 organisations reported that all matters disclosed were treated confidentially and six reported that employees who perpetrated DFV were able to access paid DFV leave through a workplace agreement.

As was the case in relation to formal DFV related policies and strategies for victims, the introduction of formal policies and strategies for DFV perpetrators are a relevantly recent occurrence. Two of the 16 organisations reported having had the DFV perpetrator policies or strategies in place for five or more years, two for 3–4 years, 11 for the last 1–2 years and two had introduced them within the last 12 months.

Ten organisations did not require the employee to provide evidence to access DFV related work provisions; three required a medical certificate; three a court order; two a police report; and two a statutory declaration.

Eight of the 16 organisations that reported having provisions for perpetrators of DFV provide paid DFV leave. In one organisation the allowance is 10 days or more, in one it is up to 10 days and in three organisations the allowance is less than five days.

3.3.3 Corporate responsibility

The survey included a question to ascertain the perception of the organisations in relation to what their role is if an employee perpetrates DFV. Only 15 of the 33 organisations who responded to the survey provided a response to this question. Nine of the 15 indicated that it was their role to provide support and one that it was to take disciplinary action. No further information was provided in relation to what the disciplinary action would be. Other responses indicated that organisations undertake a review DFV perpetrator related issues on a case by case basis or to ensure that the victim is safe.

The survey asked whether the organisation would take action in relation to an employee pending the outcome of criminal proceedings resulting from allegations of domestic violence. Ten of the 15 organisations that responded to the question indicated that no action is taken against the alleged offender.

Nine organisations indicated that they had processes in place in cases where a DFV victim and (alleged) perpetrator work together. Five reported they would reassign the victim/perpetrator, four that they would refer the victim and/or perpetrator to an EAP,

counselling or other support service, one that they would have the perpetrator stood down with pay. One organisation reported that perpetrator's employment would be terminated if they work together with the DFV victim. There were only two organisations in which an employee who was an alleged or convicted perpetrator applied for assistance or support.

Table 1 details the policies or strategies corporations had in place for victims only and policies or strategies in place for both victims and perpetrators of DFV. The three strategies/policies most commonly provided to both victims and perpetrators were EAPS, referrals to appropriate domestic violence support services and flexible working arrangements. Most reported that confidentiality of DFV related matters was a formal policy of their organisation.

3.3.4 Supports and services provided to victims and perpetrators

While more organisations reported having formal policies and strategies for victims of domestic violence than did for perpetrators of domestic violence, the range of supports offered to both were the same. Table 1 details the number of organisations providing supports to victims and perpetrators, by type of support. The third column details organisations that provided the same supports for their employees regardless of whether they were a victim of DFV or a perpetrator.

Table 1: Number of organisations providing supports by support type and by status of the employee

Type of policy, strategy or measure	For victims only	For perpetrators only	Victim & perpetrator
Employee assistance program (EAP) including access to a psychologist or counsellor	26	15	14
Referral of employees to appropriate domestic violence support services for expert advice (including behaviour change programs)	20	12	12
Flexible working arrangements	24	11	10
Confidentiality of matters disclosed	24	10	9
Access to paid domestic and family violence leave (contained in an enterprise/workplace agreement)	18	6	5
Protection from any adverse action or discrimination based on the disclosure of domestic and family violence	19	4	4
Access to unpaid domestic and family violence leave (contained in an enterprise/workplace agreement)	14	4	3
Provision of financial support (e.g. advance bonus payment or advanced pay)	13	3	2
Workplace safety planning	14	1	1

3.3.5 Monitoring policy and procedural effectiveness

Twenty-four provided a response regarding whether there were policies in place to facilitate the monitoring of the use and effectiveness of the DFV supports they had in place. Four indicated that they did not currently have monitoring strategies in place. Three reported difficulties relating to monitoring the uptake and effectiveness of their DFV measures, two of which also acknowledged this as a gap and reported having an agenda in place to address it.

It was noted that a major barrier to monitoring the extent to which DFV related leave is used by employees is due to them potentially using existing flexible working arrangements (FWA) to manage DFV situations without reporting the situation to their work place. As it is not a requirement to provide a reason to access FWA, the number of employees who take leave to deal with DFV may go unrecorded. Another issue is that the recording of DFV-related leave in HR systems is visible to potential future managers and may amount to a breach of confidentiality arrangements. In response to such limitations in their systems, one organisation reported that they are currently developing an internal dashboard to monitor progress of their DFV employee supports and another that they were using generically worded special leave time-codes for DFV-specific leave that can be accessed only by senior staff. For these organisations, feedback is received from employees who accessed DFV support anecdotally or through a confidential interview.

Other measures reported by organisations include regular or periodic reporting on those who accessed DFV support by supervisors, human resources and DFV action/safety working groups. Four organisations stated that they had formal action groups where human resources, employee relations, committee, union or health and safety groups measure and review their policies and processes. The result of these groups is to ensure continuous improvement and best practice of their DFV measures, to review the use of DFV services including leave provisions and maintaining confidentiality. Feedback from staff and supervisors who have used DFV policies, along with education campaigns and tests for the level of awareness of DFV-related policies are other measures mentioned by organisations.

Organisations were also asked how effective they believed their current DFV leave supports were. Fourteen of the 24 responding organisations indicated that their current supports were effective to very effective. These organisations also indicated that the supports that they offer had been positively received by staff. Two of these organisations reported having undertaken consultation with experts and peer organisations which gave them confidence that their policies represent best practice.

Flexibility in the implementation of formal DFV supports was highlighted as being essential by three organisations. While formal DFV policies stipulate leave allowances, two responding organisations indicated that management had discretionary powers to allow DFV leave to employees on an as-needs basis in order to meet the individual needs of an employee, even if this meant providing additional leave.

Some respondents reported the belief that DFV leave allowances were being underutilised by employees due to fear of disclosing in the workplace and to the stigma associated with identifying as a DFV victim. Three organisations questioned the effectiveness of their policies on this basis.

The survey sought to find out what, if any, changes to existing policies, strategies or measures were being undertaken or considered. Seven responding organisations reported efforts being made to raise employee awareness and engagement through DFV specific training and education. Three organisations reported that they are investigating updating support provisions to include perpetrators. One organisation is reported being in the process of formalising flexible work arrangements for staff.

3.4 Summary

Building on questions from the WGEA report and other research this research sought to better understand existing DFV policies and supports in the private sector for both employees who experience DFV and employees who perpetrate domestic related violence.

A sample of 130 NSW based corporations were invited to participate in the survey. A total of 33 organisations chose to respond. The low response numbers require that the results be interpreted with caution.

Of the 33 organisations that responded to the survey 29 had some form of formal policy, strategy or mechanism in place to support employees who experienced DFV. Mostly, this is through an EAP, a similar result to that reported by the WGEA. An encouraging finding was that in addition to this, many also provided flexible work arrangements and/or referred employees to appropriate DFV support services. Around two-thirds of the respondent sample provided access to unpaid leave. Few however provided access to paid or unpaid DFV leave (contained in an enterprise/workplace agreement).


Fifteen organisations also supported employees who perpetrate DFV through the provision of formal policies, strategies or measures. Again, this was mostly through an EAP, referrals to domestic violence assistance services (such as behaviour change programs) and flexible work arrangements. However, specific DFV support was less often provided for perpetrators of DFV than it was for victims.

Most organisations surveyed reported that their DFV policies and strategies were developed quite recently at less than five years. Further research into understanding the drivers behind the introduction and implementation of DFV policies would facilitate the development of DFV leave guidelines for businesses.

Employee awareness of DFV policies, strategies or measures was encouraged mainly through 'White Ribbon' type events and/or education material in the office. The take-up rate of DFV related leave was however reported as being low. A major reason for this was identified as being due to the stigma associated with being involved in DFV – both as a victim and a perpetrator. This suggests a need for more concerted effort to educate staff about DFV in the workplace to encourage use of DFV leave supports by staff.

Measuring the effectiveness of existing DFV policies, strategies and measures is a challenge for organisations that were surveyed. Monitoring effectiveness while protecting the confidentiality of those involved in DFV from other staff, or developing internal systems that maintain privacy and identification of employees using DFV support (aggregated or otherwise) was identified as an issue for organisations. Therefore there is scope to develop guidelines to better assist organisations that have or plan to support employees experiencing DFV.

The incidence of domestic and family violence in the community is considerable which means that a significant proportion of the working population are impacted by DFV at any given time. The extent to which people impacted by domestic and family violence are provided with support in the workplace has the potential to have a significant positive effect on their wellbeing. With the study's limitations taken into consideration, the results provide valuable insight into the current provision of DFV related leave supports in the workplace. Further work needs to be undertaken to understand the drivers behind the introduction of formal policies and processes, how best to educate and encourage employees to utilise the supports and to establish mechanisms that will better assist workplaces to develop and



implement good practice measures to support employees who are victims or perpetrators of domestic and family violence.

APPENDIX 1

Survey Items

VICTIMS

Q1. Does your organisation have any formal policies, strategies or measures in place to support employees **who experience** domestic and family violence (DFV)?

YES

NO → skip to Q1 (n)

Q1 (a) What policies, strategies or measures does your organisation have in place to **support employees who experience DFV**? Select all applicable answers

Employee assistance program (including access to a psychologist or counsellor)

Compulsory training for management

Workplace safety planning

Referral to external DFV support services

Access to paid domestic and family violence leave (contained in an enterprise/workplace agreement)

Access to unpaid leave (contained in an enterprise/workplace agreement)

Confidentiality of matters disclosed

Protection from any adverse action or discrimination based on the disclosure of domestic and family violence

Flexible working arrangements

Provision of financial support (e.g. advance bonus payment or advanced pay)

Offer change of office location

Emergency accommodation assistance

Access to medical services (e.g. doctor or nurse)

Other (provide details): ____

Q1 (b) For how long have these DFV support policies, strategies or measures been in place?

Less than 1 year

1-2 years

3 -4 years

5 or more years

Q1 (c) What **evidence are employees affected by DFV** required to provide in order to access DFV related work provisions? (Select all those that apply)?

None

Medical certificate

Psychologist / Allied health report

Police report

Statutory declaration

Court documentation

Other (please specify)

Q1 (d) In your organisation, how many days of **paid DFV** leave are available per annum to **employees who experience DFV**?

Up to 5 days

Up to 10 days

More than 10 days

None

Q1 (e) How are employees made aware of DFV policies, strategies or measures in your organisation? Select all that apply.

There are no formal DFV awareness strategies in place for staff

Through compulsory DFV awareness-raising and education programs

Through education material displayed within the office

Through events such as 'White Ribbon Day'

Other (please provide details)

Q1 (f) In your organisation in 2017, how many employees sought DFV-related assistance or support?

None → skip to (k)

1 – 5

6 – 10

11 or more

Q1 (g) How many employees in your organisation who **experienced** DFV were granted **paid** DFV specific leave in 2017?

Number of female employees _____

Number of male employees _____

Unknown _____

Q1 (h) How many employees in your organisation who **experienced** DFV were **granted flexible work arrangements** in 2017?

Number of female employees _____

Number of male employees _____

Unknown _____

Q1 (i) In 2017, were any employees who experienced DFV **granted unpaid leave**?

Yes

No → skip (to Q2 k)

Q1 (j) What was the **average number of unpaid leave days granted** to employees who experienced DFV?

Up to 5 days

Up to 10 days

More than 10 days

Unknown

Q1 (k) What processes and procedures are in place **to monitor use and effectiveness** of DFV policy, strategy or mechanisms for employees who experience DFV?

Free text

Q1 (l) Based on monitoring and evaluation of policies, strategies and measures and/or employee up-take of DFV support provisions, **how effective** would you say the current DFV policies, strategies and measures are for employees who experience DFV?

Free text

Q1 (m) What, if any, **changes** to existing policies, strategies or measures are being implemented or being considered for implementation to support employees who experience DFV?

Free text

Q1 (n) Please specify why no formal DFV policy, strategy or measure is in place in your organisation to **support employees who are victims of DFV**. Select all that apply:

DFV is not a priority workplace issue

DFV is an award/industrial or workplace agreement issue

Our organisation has insufficient resources and/or expertise to develop DFV related policies, strategies or measures

Our organisation is currently developing DFV specific policies, strategies or measures

Other – please specify (open ended question)

PART B DFV PERPETRATORS

Q2. Does your organisation have any policies, procedures or measures in place to support employees who **perpetrate** domestic and family violence?

YES

NO (will skip to f)

(b) What policies, strategies or measures are in place in your organisation to **support employees who perpetrate DFV**? Select all applicable answers

Employee assistance program (including access to a psychologist or counsellor)

Access to paid domestic and family violence leave (contained in an enterprise/workplace agreement)

Access to unpaid leave (contained in an enterprise/workplace agreement)

Confidentiality of matters disclosed

Referral of employees to appropriate DFV support services - including men's behaviour change programs)

Protection from any adverse action or discrimination based on the disclosure of domestic and family violence

Flexible working arrangements to attend court and/or DFV related services

Provision financial support (e.g. advance bonus payment or advanced pay)

Offer change of office location

Other (provide details): ____

Q2 (c) For how long have the policies, strategies or measures to support employees who **perpetrate** DFV been in place?

Less than 1 year

1 – 2 years

3 – 4 years

5 or more years

Q3 (d) What evidence do **employees who perpetrate or are alleged to have perpetrated DFV** have to provide in order to access DFV related work provisions?

- None
- Medical certificate
- Police report
- Statutory declaration
- Court order
- Other (please specify)

Q2 (e) In your organisation, how many days of **paid** DFV leave are available per annum to **employees who perpetrate DFV**?

- Up to 5 days
- Up to 10 days
- More than 10 days
- None

Q2 (f) Please specify why no policies, strategies or mechanisms **to support employees who perpetrate DFV** are in place in your organisation. → end

- DFV is not a priority workplace issue
- DFV is an award/industrial or workplace agreement issue
- Our organisation has insufficient resources and/or expertise to develop DFV related policies, strategies or measures
- Our organisation is currently developing DFV specific policies, strategies or measures
- The organisation does not support perpetrators of DFV
- Other – please specify (open ended question)

Q2 (g) What is the **role of your organisation in relation to employees who perpetrate DFV**?

- Provide them with support
- Take disciplinary action
- Other (please specify)

Q2 (h) Does your organisation take action in relation to employees **pending** the outcome of criminal proceedings for (alleged) perpetrating DFV?

Yes

No → skip to (i)

Q2 (i) Please provide details of actions taken pending the outcome of criminal proceedings for (alleged) perpetrating DFV

Stood down with pay

Stood down without pay

Terminated

Employee resigned

Reassigned to another role

Other _____

Q2 (j) Does your organisation have a process(es) in place for managing situations where the DFV victim and (alleged) perpetrator **work together**?

Yes

No → skip (l)

Q2 (k) Please provide details of the process(es) that are in place where a DFV victim and (alleged) perpetrator work together.

Perpetrator is stood down with pay

Perpetrator is stood down without pay

Perpetrator is terminated

Victim &/or perpetrator are reassigned

Victim &/or perpetrator are referred to counselling, EAP or other support services

Other _____

Q2 (l) In your organisation in 2017, how many employees **who were an alleged or convicted perpetrator of DFV sought assistance or support?**

None → skip (q)

1 – 5

6 -10

11 or more

Q2 (m) How many employees in your organisation who **alleged / perpetrated** DFV were granted **paid** DFV specific leave in 2017?

Number of female employees _____

Number of male employees _____

Unknown _____

Q2 (n) How many employees in your organisation who **alleged / perpetrated** DFV were granted **flexible work arrangements** in 2017?

Number of female employees _____

Number of male employees _____

Unknown _____

Q2 (o) In 2017, were any employees who were an **alleged / perpetrator** of DFV granted **unpaid** leave?

Yes

No → skip (p)


Q2 (p) What was the **average number of unpaid leave days** granted to employees who were alleged / perpetrator of DFV?

Up to 5 days

Up to 10 days

More than 10 days

Unknown



Q2 (q) What processes and procedures are in place **to monitor use and effectiveness** of DFV policy, strategy or mechanisms for employees who perpetrate DFV?

Free text

Q2 (r) Based on monitoring and evaluation of policies, strategies and measures and/or employee up-take of DFV support provisions, **how effective** would you say the current DFV policies, strategies and measures are for employees who perpetrate DFV?

Free text

Q2(s) Are you considering changing your DFV policies for employees who perpetrate DFV?

Free text

PART C YOUR ORGANISATION

Q3 (a). How many employees are there in your organisation?

Male

Drop down box 1-19; 20-49; 50-99; 100-499; 500-999;
1000-4999; 5000 or more; Zero

Female

Other

Q3 (b). What industry sector is your organisation classified under?

- Agriculture
- Bank / Finance / Insurance
- Construction
- Education / Learning
- Electricity/Energy
- Food / Beverage
- Health care / Social assistance
- Manufacturing / Trade
- Media
- Mining / Industry
- Professional services
- Rental, hiring, real estate services
- Retail trade
- Sporting / Recreational

- Telecom / Technology
- Travel and Leisure

APPENDIX 2

To whom it may concern,

The impact and consequences of domestic and family violence are far reaching and extend beyond the immediate physical acts. Domestic and family violence can have long-term effects on health and wellbeing in all areas of life, including at work.

As the Minister for the Prevention of Domestic Violence and Sexual Assault, I am seeking your assistance to share what support is currently provided to employees in your workplace who are victims of domestic and family violence, as well as what policies apply to those who are alleged or convicted perpetrators.

The following optional online survey is sponsored by the Minister's Domestic and Family Violence Corporate Leadership Group, which was established to drive collaboration between government and the private sector in our efforts to tackle domestic violence.

The survey uses an online format accessed via this link:

https://www.surveymonkey.com/r/DFV_and_the_workplace and will take approximately 10 minutes to complete.

It includes questions about whether your organisation has current policies or practices in place to support victims and/or perpetrators of domestic and family violence.

If your organisation does not have current or pending policies or practices in relation to domestic violence, it is important for us to understand why.

This survey is anonymous. All information from the survey will be collated into a single database, and all participating organisations will be allocated an individual numeric identifier. The name of your organisation will not accompany the survey responses in the data set.

The dataset will be held in a password protected secure electronic environment. All data will be reported in aggregated form and no individual organisation will be able to be identified in the reported results.

The results will be used to help the Government determine what actions would be most useful to support the corporate sector in tackling domestic violence.

The survey will be open until midnight on Thursday, 15 March 2018. Aggregated results of the survey will be made available to all participants.

If you have any questions, please contact Dr Efty Stavrou, Senior Analyst at Women NSW, at efty.stavrou@facs.nsw.gov.au

I appreciate the time taken by your organisation to complete the survey and for your assistance on this very important issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Efty Stavrou', written in a cursive style.

APPENDIX 3

Pru Goward Minister for Family and Community Services, Minister for Social Housing, Minister for the Prevention of Domestic Violence and Sexual Assault

MEDIA RELEASE

Thursday, 15 February 2018

WORKPLACE SURVEY TO TACKLE DOMESTIC AND FAMILY VIOLENCE

A survey of more than 100 workplaces in NSW will examine their policies on domestic and family violence and explore how they can better support victims in their industry.

Minister for the Prevention of Domestic Violence and Sexual Assault Pru Goward says the survey will canvass each workplace's approach to working with both victim-survivors and alleged and convicted perpetrators of domestic and family violence.

Workplaces will have four weeks to complete the anonymous survey, which will also assist the NSW Government to identify ways to partner with the corporate sector in supporting victim-survivors.

Ms Goward said that tackling domestic and family violence is a major commitment of the NSW Government and requires a whole-of-community response to be effective.

"This particularly applies to the workplace, which is why I am encouraging participation in this survey from a range of industries," Ms Goward said.

"We hope the results of this survey will allow us to gauge the current state of play in the workforce when it comes to supporting those affected by domestic and family violence."

An optional workplace survey on domestic and family violence policies was discussed at the first meeting of the Minister's Corporate Leadership Group last year.

The Group, comprising of six corporate and business leaders, meets to discuss issues relating to domestic and family violence and explore solutions to address these problems, including opportunities for the NSW Government and the corporate sector to work in partnership.



Establishing the Corporate Leadership Group is a NSW Government commitment under the *NSW Domestic and Family Violence Blueprint for Reform 2016-2021*.

For more information, see the *Blueprint*:

https://www.women.nsw.gov.au/violence_prevention/blueprint

MEDIA: Amy Dale | 0418 910 598

APPENDIX 4

Dear [participant],

As the Minister for the Prevention of Domestic Violence I would like to take this opportunity to thank those of you who have already taken the time to provide a response to the DFV support systems and the Workplace survey. For those who have not yet responded this is a reminder that the final date for provision of your survey response is **Thursday 15th March 2018** and the link to the survey is https://www.surveymonkey.com/r/DFV_and_the_Workplace.

We appreciate the time provided by your organisation to complete the survey. The impact and consequences of domestic and family violence (DFV) are far reaching and extend beyond the immediate acts of violence. Domestic and family violence can have long-term effects on health and well-being that that can impact the individual in all areas of their life, including at work. It is important for government to gain an understanding of the supports that are provided to persons who are affected by domestic and family violence. This is an issue that impacts us all – if not personally, as a member of the community.

A reminder that the information from the survey will be collated into a single database and all participating organisations will be allocated an individual numeric identifier. The name of the organisation will not accompany the survey responses in the data set.

The dataset will be held in a password protected secure electronic environment.

All data reported will be in aggregated form and no individual organisation will be able to be identified in the reported results.

The aggregated results of the survey will be made available to all participants for review and comment prior to any public distribution.

ⁱ NSW Government, *It Stops Here. Standing together to end domestic and family violence* (November 2011)

ⁱⁱ Ibid.

ⁱⁱⁱ NSW Government, *NSW Domestic and Family Violence Blueprint For Reform 2016-2021: Safer Lives for Women, Men and Children* (August 2016).

^{iv} Royal Commission into Family Violence, *Summary and Recommendations* (March, 2016), p. 74

^v Australian Bureau of Statistics, *Personal Safety, Australia, 2005 (Reissue)*, Cat. No. 4906.0, 35. At:

[www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4906.0Main+Features12005%20\(Reissue\)?OpenDocument](http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4906.0Main+Features12005%20(Reissue)?OpenDocument) (viewed 12 October 2011).

^{vi} Workplaces respond to domestic and sexual violence: A National Resource Centre, 'Impacts of violence on the workplace'. At <http://www.workplacesrespond.org/learn/the-facts/impact-of-workplace-violence> (viewed 14 July 2014); Adrienne Cruz & Sabine Klinger,

Gender-Based Violence in the World of Work: Overview and Selected Bibliography, International Labour Office, Working Paper 3/2011 (2011), pp 13 and 15.

^{vii} Ludo McFerran, *Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey* (2011), p 17.

^{viii} Ludo McFerran, *Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey* (2011), p 10.

^{ix} Domestic Violence Workplace Rights, and Entitlements Project, *Domestic, Violence and the Workplace Employee, Employer and Union Resources* (2011).

^x See, for example, Commonwealth, *Parliamentary Debates*, Senate, 23 January 2013, 27-36 (Anna Davis, National Alliance of Working Women's Centres; Shabnam Hameed, Australian Domestic and Family Violence Clearinghouse; Gaby Marcus, Australian Domestic and Family Violence Clearinghouse; Fiona McCormack, Domestic Violence Victoria; Ludo McFerran, Australian Domestic and Family Violence Clearinghouse). At

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id:%22committees/comm sen/8eb3bdec-c603-4d2d-9564-674c7bd7b5c2/0000%22> (viewed 14 July 2014); Senate Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, *Report on the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012* (2013) [3.51]-[3.60]. At

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/antidiscrimination2012/report/index (viewed 14 July 2014).

^{xi} Male Champions of Change, *Playing our part: Lessons Learned from Implementing Workplace Responses to Domestic and Family Violence*. (Nov 2016)

^{xii} BOCSAR analysis: Cohort of ALL POIs proceeded against for a recorded incident of DV assault in 2013

^{xiii} SA Government, Department for Communities and Social Inclusion, *Domestic Violence Workplace Policy: Staff Guidelines* (March, 2012)

^{xiv} While it is mandatory for corporations with 100+ employees to complete the survey, a number of corporations with more than 50 but less than 100 employees provided a response to the WGEA. The responses of these corporations have been included in the NSW analysis.



Family &
Community
Services

Domestic and Family Violence Leave (DFV) in NSW

Findings from a survey of selected corporations in NSW

June 2018



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1 The case for paid DFV leave

Domestic and family violence (DFV) includes any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. It is usually manifested as part of a pattern of controlling or coercive behaviour.ⁱ

Behaviours that may constitute DFV include physical violence, sexual assault and other sexually abusive or coercive behaviour, economic abuse and emotional or psychological abuse.ⁱⁱ

An effective DFV system needs commitment and action across all parts of government working in close partnership with non-government organisations, the private sector and the broader community.ⁱⁱⁱ

Workplaces are an important site for intervening to prevent and respond to DFV, especially as DFV can have negative effects on the employment of those who experience such violence, which can in turn compound its overall effects.^{iv}

Within the Australian population of women who have experienced violence, or are currently experiencing violence, the Australian Bureau of Statistics (ABS) estimates that between 55 per cent and 70 per cent are currently in the workforce.^v That is, approximately 800,000 women, or around one in six female workers. This means a significant number of Australian workplaces will be impacted by women's experiences of DFV.

Some common costs and impacts of DFV on the workforce include:

- Decreased staff performance and productivity;
- Increased staff turnover and absenteeism; and
- Negative impact on the organisation's reputation and image.^{vi}

The 2011 National Domestic Violence and the Workplace Survey found that nearly half of respondents who reported experiencing DFV disclosed that the violence had affected their ability to get to work.^{vii} The main impact of violence was on work performance with 16 per cent of those who had experienced DFV reporting being distracted, tired or unwell and 10 per cent needing to take time off work.^{viii}

Further, women who experience DFV are more likely to have lower personal incomes, a disrupted work history, frequently have to change jobs at short notice and are very often employed in casual or part time work.^{ix}

There is also a growing body of evidence which shows that those who have experienced DFV often experience discrimination related to their experience of violence, particularly in the workplace.^x These women may be discriminated against, for example, as a result of taking time out of work (sick leave or carers leave) or because they temporarily have lower levels of productivity due to the violence they are experiencing.

The consequences of DFV to an employee are significant. The financial implications which may be faced include relocation costs and workplace disruption in order to attend to the consequences of the violence.^{xi} Such implications can be both severe and prolonged given that the average time to finalise a DFV related case is 4.1 months.^{xii}

Paid work is critical in providing financial stability to women to enable them to make informed decisions about their safety and to recover from the effects of the violence experienced. The workplace also plays a key role in supporting women and providing the flexibility required to enable them to take action against violence whilst maintaining their employment.^{xiii}

1.1 The current debate

In 2016, the Victorian Royal Commission into Family Violence identified the workplace as an important site for intervening to prevent and respond to DFV.

In 2016, the Australian Council of Trade Unions (ACTU) submitted a claim to the Fair Work Commission (FWC) that the four-year review of modern awards includes the addition of 10 days paid DFV leave.

Paid DFV leave was discussed at the 9 December 2016 COAG meeting where it was agreed that the issue would be considered at the first COAG meeting following the FWC decision.

On 3 July 2017, the FWC rejected the ACTU's claim for the inclusion of 10 days paid DFV leave in modern awards. However, the FWC did reach a preliminary view that employees should be able to access unpaid DFV leave.

The FWC then offered parties the opportunity to provide submissions on the issue of paid DFV leave. Submissions closed in October 2017.

On 26 March 2018, the Full Bench of the FWC handed down its decision on the four yearly review of modern awards—family and domestic violence.¹

The Full Bench decided to provide five days' unpaid leave per annum to all employees (including casuals) experiencing domestic and family violence. This leave will be available if the employee is dealing with the impact of domestic and family violence and it is impractical for them to do so outside their ordinary hours of work.

¹ Fair Work Commission [2018] FWCFB 1691, 26 March 2018, available at <https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb1691.htm>.

The entitlement will:

- be available *in full* at the commencement of each 12-month period, rather than accruing progressively during a year of service
- not accumulate from year to year
- be available *in full* to part-time and casual employees (i.e. not pro-rated).

A modern award is a document which sets out the minimum terms and conditions of employment on top of the National Employment Standards (NES). Modern awards came into effect on 1 January 2010. Modern awards apply to all employees covered by the national workplace relations system.

Personal/carer's leave cannot currently be accessed for domestic and family leave purposes under the current NES. In the March 2018 decision, the FWC decided it did not have jurisdiction to extend the meaning of 'personal/carer's leave' to include leave for the purpose of dealing with domestic and family violence. The FWC proposes to revisit this issue, together with the issue of paid domestic and family violence leave, in June 2021 after the model term has been in operation for three years. The FWC will also consider whether any changes are necessary to the model term for unpaid leave.

The FWC accepted submissions on the drafting of the final form of the model term, which closed on 1 June 2018, with submissions in reply due on 15 June 2018. A further mention/conference has been scheduled for 21 June 2018 to discuss with interested parties if further proceedings are required, including another submission process.

1.2 NSW Government Corporate Leadership Group

The NSW Corporate Leadership Group (CLG) was established in 2017 as a NSW Government initiative under the NSW Domestic and Family Violence Blueprint for Reform 2016-2021.

The CLG aims to drive collaboration between Government and the private sector in efforts to address and reduce DFV. Membership includes six leaders from diverse industries who aim to drive broader social change by championing gender equality issues and DFV awareness initiatives within their workplaces. The CLG is chaired by the Hon Pru Goward, Minister for Family and Community Services, Minister for Social Housing, Minister for the Prevention of Domestic Violence and Sexual Assault.

An outcome of the first CLG meeting, held October 2017, was that the NSW Government should undertake a survey NSW Corporations to ascertain the extent to which the private sector has engaged with the provision of DFV related leave to staff, with reference to both victims and perpetrators of DFV.

In response, WNSW developed a survey for distribution to a sample of NSW organisations to determine whether they had formal policies and/or strategies in place to support employees who have experienced DFV or employees who have been accused of perpetrating DFV, and the extent to which they are being accessed by employees.

This work builds on the annual research undertaken by the Workplace Gender Equality Agency (WGEA) which provides a comprehensive snapshot of Australia's workplace gender equality performance. The WGEA is an Australian Government statutory agency charged with promoting and improving gender equality in Australian workplaces. The WGEA works collaboratively with employers to help them improve gender performance and support compliance with reporting requirements under the *Workplace Gender Equality Act 2012*.

The *Workplace Gender Equality Act 2012* requires non-public sector employers with 100 or more staff (relevant employers) to submit a report to the Workplace Gender Equality Agency between 1 April and 31 May each year for the preceding 12 month period (1 April – 31 March reporting period). Relevant employers are required to report annually to the Agency on both a workplace profile and a reporting questionnaire, structured around six standardised gender equality indicators. This process provides data that effectively represents an **annual Census** of all private businesses in Australia that have 100 or more employees.

The WGEA questionnaire includes two questions relating specifically to DFV:

- *Do you have a formal policy and/or formal strategy to support employees who are experiencing family or domestic violence?*
- *Other than a formal policy and / or formal strategy, do you have any support mechanisms in place to support employees who are experiencing family or domestic violence?*

2 Analysis of WGEA 2016-17 reporting data for NSW

The WGEA annual report provides aggregated state and territory data. To gain a better understanding of DFV leave in NSW Women NSW also undertook an analysis of the WGEA's 2016-17 reporting data for NSW.

2.1 Method

Women NSW downloaded publicly available information relating to the 2016-17 financial year for a total of 1,838 NSW corporations that had 50 or more employees from the WGEA website.^{xiv} Organisation name was omitted for privacy reasons; however information pertaining to the organisation's industry classification (19 categories) and the total number of employees was retained.

Organisation responses to the two DFV leave related questions were analysed.

Question 12: Do you have a formal policy and/or formal strategy to support employees who are experiencing family or domestic violence?

Question 13: Other than a formal policy and / or formal strategy, do you have any support mechanisms in place to support employees who are experiencing family or domestic violence?

2.2 Results

The following results relate to the 1,838 NSW corporations that had 50 or more employees during the 2016-17 financial year.

The three industry classifications with the highest representation in the NSW sample were professional, scientific and technical services (n=233, 12.7%), health care and social assistance (n=231, 12.6%) and manufacturing (n=228, 12.4%). The industry classifications with the lowest representation were electricity, gas, water and waste services (n=15, 0.8%), public administration and safety (n=11, 0.6%) and agriculture, forestry and fishing (n=9, 0.5%),

Just over two-thirds (67.2%) of the organisations had 50–499 employees, around 15% each had 500-999 and 1000-5,000 employees and 2% had more than 5000 employees.

2.2.1 Measures in place to support employees experiencing DFV

Less than half (43.8%) of the corporations reported having a formal policy and/or strategy in place to support employees experiencing family or domestic violence (DFV).

Of those that did not have a formal policy and/or strategy in place, 7.8% said DFV related leave was included in the award/industrial or workplace agreement; 12.6% specified they were not aware of the need; 10.6% stated they had insufficient resources/expertise to develop them; and one in 10 said the development of a formal policy/strategy was underway. Over half (53.3%) of the organisations that did not have a formal policy and/or strategy in place did not provide information as to why this was the case.

The industries with the highest proportion of organisations that had a formal policy and/or strategy in place were financial and insurance services (54.2%), electricity, gas, water and waste services (60.0%) and rental, hiring and real estate services (62.2%). The industries with the lowest proportion of organisations that had a formal DFV leave policy and/or strategy in place were public administration and safety (18.2%), arts and recreation services (31.4%), wholesale trade (32.7%), agriculture, forestry and fishing (33.3%) and retail trade (33.3%).

When examined in relation to organisation size, it was found that more organisations with higher numbers of employees had formal DFV leave policies and/or strategies in place. Just over one-third of organisations with 50-499 employees reported having a formal policy and/or strategy compared with 78.6% of organisations with 10,000 employees.

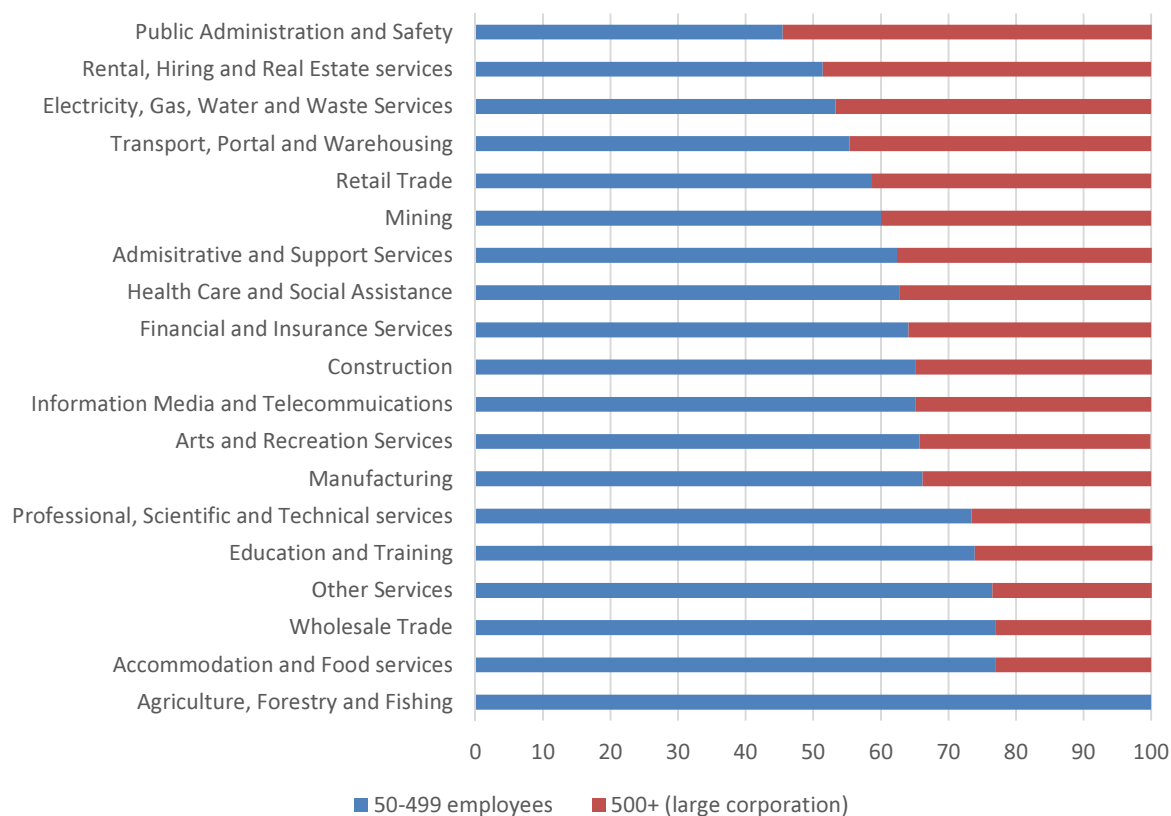
2.2.2 Industry type by employee numbers

Figure 1 compares industry type by number of employees for organisations with 50-499 employees with organisations with 500 or more employees. The industries represented by organisations with 10,000 or more employees were accommodation and food services; education and training; financial and insurance services; health care and social assistance; administrative and support services; retail trade; and transport, postal and warehousing.

The five industry groups with the highest proportion of organisations with 50-499 employees (excluding the generic “other services” category) were agriculture, forestry and fishing; accommodation and food services; wholesale trade; education and training and professional, scientific and technical services. Of these, the agriculture, forestry and fishing were amongst the industries with the lowest proportion of organisations that had a formal DFV leave policy and/or strategy in place.

The five industry groups with the highest proportion of organisations with 500 or more employees were public administration and safety; rental, hiring and real estate services; electricity, gas, water and waste services, Transport, Postal and warehousing and retail trade. Of these, the public administration and safety and retail industries were amongst the five industries with the lowest proportion of organisations with a formal DFV policy and/or strategy and the rental, hiring and real estate services and electricity, gas, water and waste services were amongst the industries with the highest proportion of organisations with a formal policy and/or strategy.

Figure 1: Industry type by number of employees, 50 to 499 or 500 or more staff, % of organisations in each industry



2.2.3 DFV leave policies and employee gender

Table 1 details national information relating to industry category and proportion of female employees². The Health Care and Social Assistance industry has the highest proportion of female employees (78.3%). Just under half of the NSW organisations in this industry (47.6%) had a formal DFV policy or strategy in place for employees. In comparison, women only made up 11.7 per cent of the total workforce in the Construction industry, but 42.4 per cent of organisations in that industry had a formal DFV policy/strategy.

Organisations in the Public Administration and Safety industry (which includes security organisations) had the lowest proportion of DFV policy or strategies in place for employees. However, women made up 49.2 per cent of their workforce. In contrast, the largest proportion of organisations that have a DFV policy/ strategy were in the Rental Hiring and Real Estate services industry (47.6% of their workforce are women).

There is no clear association between industry type and the proportion of organisations that have a DFV policy/ strategy in place for employees experiencing DFV. Research into DFV specific leave may benefit from undertaking further work to understand the drivers behind the development and implementation of DFV specific leave policies and/or strategies. Some of the issues for consideration in relation to this issue are the relationship between

² WGEA data brief derived from ABS Labour Force data, figures as of February 2016.

corporate emphasis on corporate social responsibility, the public versus private nature of the corporation and organisation size and resource availability.

Table A. Industry type by proportion of total female employees and proportion of organisations in each industry type that have a DFV policy/ strategy in place

Industry	% of total female employees	Industry rank by total female employees	% of organisations in each industry type that have a DFV policy/ strategy
Rental Hiring and Real Estate services	47.6	8	62.2
Electricity, Gas, Water and Waste Services	22.4	16	60.0
Financial and Insurance Services	55	3	54.2
Information Media and Telecommunications	37.6	12	52.3
Accommodation and Food services	54.7	4	49.2
Other Services	45.8	10	49.0
Transport, Postal and Warehousing	21.7	17	47.7
Health Care and Social Assistance	78.3	1	47.6
Professional, Scientific and Technical services	42.5	11	45.9
Administrative and Support Services	48.9	7	42.6
Construction	11.7	19	42.4
Education and Training	70.9	2	39.9
Manufacturing	27.3	15	38.6
Mining	13.7	18	35.0
Retail Trade	54.6	5	33.3
Agriculture, Forestry and Fishing	30.9	13	33.3
Wholesale Trade	30.1	14	32.7
Arts and Recreation Services	46.7	9	31.4
Public Administration and Safety	49.2	6	18.2

WGEA 2016. Gender composition of the workforce: by industry. Derived from ABS Labour Force Survey Detailed Quarterly dataset (catalogue 6291.0.55.003).

<https://www.wgea.gov.au/sites/default/files/Gender%20composition-of-the-workforce-by-industry.pdf>

2.2.4 Support mechanisms

Four in five organisations (n=1,487) reported having at least one mechanism in place to support employees who experience family or domestic violence. Industries with a lower proportion of organisations that had at least one DFV support mechanism were agriculture, forestry and fishing (55.6%) and retail trade (62.7%). Industries with a higher proportion of organisations that had at least one DFV support mechanism were public administration and safety (90.9%), financial and insurance services (92.4%) and electricity, gas, water and waste services (93.3%).

The most common support mechanism provided to staff experiencing DFV was an employee assistance program (EAP), with 71.9% of all organisations (n=1,311) reporting having an EAPs program in place. The next most common support mechanisms provided were flexible work arrangements (60.5% of all organisations) and access to unpaid leave (59.2%).

Less than one in ten organisations provided paid domestic violence leave contained in an enterprise/workplace agreement (8.9%) or access to unpaid domestic violence leave contained in an enterprise/workplace agreement, while 10.2% of all corporations provided access to paid domestic violence leave not contained in an enterprise/workplace agreement.

Industries with a higher proportion of organisations with an EAP and flexible work arrangements (Figure 1) included electricity, gas, water and waste services (93.3% & 93.3%), financial and insurance services (89.3% & 74.8%), information, media and telecommunications (82.6% & 73.3%), and rental, hiring and real estate services (81.1% & 81.1%). The mining industry (90.0%) and public administration and safety (81.8%) had high proportions of EAP but lower proportions of flexible working arrangements in place.

The electricity, gas, water and waste services sector also had higher than composite averages of the proportion of organisations that provided employees who experience DFV access to unpaid leave, DFV paid leave both as part of, and outside of, a workplace agreement and unpaid DFV leave (Figure 2). The finance and insurance and rental hiring and real estate sectors had higher than average proportions of organisations that provided unpaid leave and paid DFV leave not in a workplace agreement; whilst the education and training sector provided higher proportion of organisations with paid DFV leave as part of a workplace agreement and unpaid DFV leave. The agriculture, forestry and fishing industry were over-represented by organisations that provided paid DFV leave not in a workplace agreement.

Figure 1: Proportions of organisations, by industry, with mechanisms (EAP and FWA) in place to support employees who experience family or domestic violence

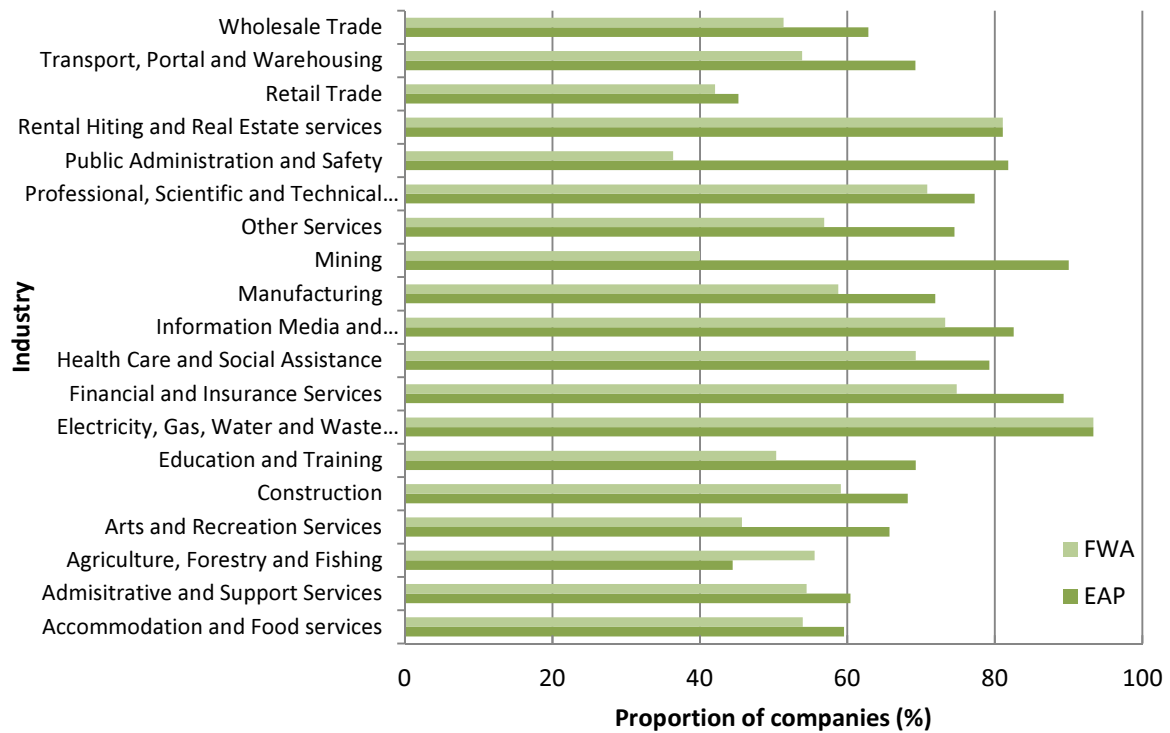
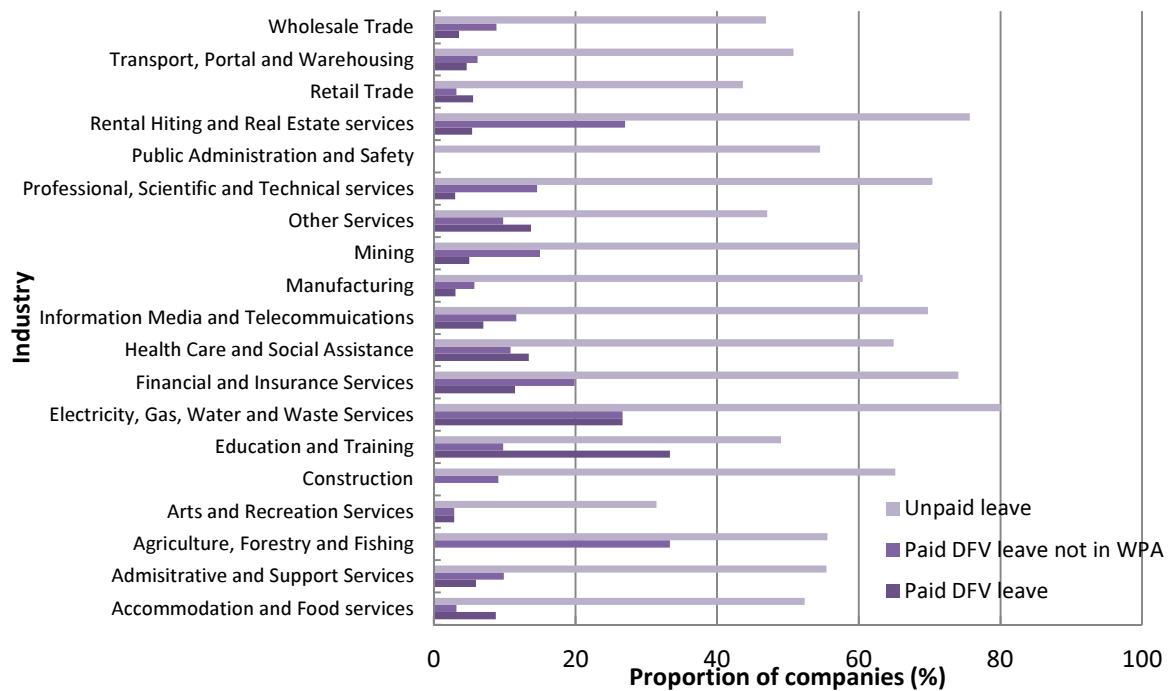
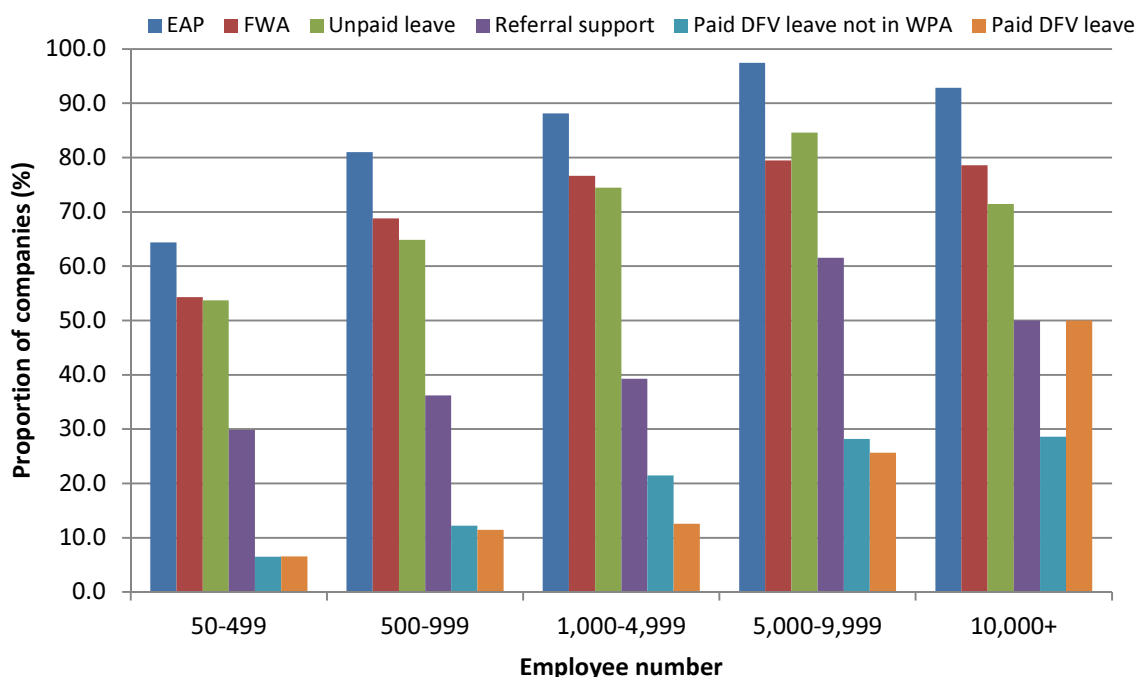


Figure 2: Proportions of organisations, by industry, with mechanisms (leave entitlements) in place to support employees who experience family or domestic violence



When examining provision of support mechanisms by employee number, in general, the proportion of organisations providing EAP, flexible work arrangements, unpaid leave and paid DFV within and not in a workplace agreement increased with increasing employee number (Figure 3).

Figure 3: Proportions of organisations, by employee number, with mechanisms in place to support employees who experience family or domestic violence



2.3 Summary

Although less than half of the organisations reported having a formal policy and/or strategy in place to support employees of DFV, 80% provided at least one form of a DFV support mechanism to their employees. Most frequently, this support mechanism was in the form of an EAP. The mechanisms available to employees varied by industry sector, with real estate and rental hiring, finance and insurance and electricity, gas, water and waste services sectors generally being over-represented by the proportion of organisations within their sectors providing support mechanisms. The level of support provided increased with the increasing number of employees within the organisation.

3 NSW Government survey of NSW organisations

Under the Domestic and Family Violence Blueprint for Reform 2016-2021 the NSW Government is committed to supporting victims of domestic and family violence (DFV) and to holding perpetrators of domestic and family violence accountable for their actions. Given the prevalence of DFV in the community, the provision of DFV related support in the workplace is critical to achieving these outcomes.

Building on the work of the WGEA, the purpose of the NSW Government survey was to better understand DFV policies and supports in the private sector for employees who experience DFV and to explore options that employers have available to persons who perpetrate such violence. By agreement with the Corporation Leadership Group, the survey was distributed to a sample of large private corporations.

3.1 Method

A total of 123 New South Wales based organisations were selected for inclusion in the research sample based on their ranking on the Australian Financial Review, ASX 100 or desktop search of the 'Top 100 organisations in NSW'. An additional seven organisations were included at the request of the office of the Minister due to them employing a large number of NSW residents, bringing the total sample number to 130. The head office of all but three of the organisations included in the sample is located in New South Wales.

The 130 identified organisations were invited by the Minister for Prevention of Domestic Violence and Sexual Assault to participate in an online survey. See Appendix 2.

The survey was developed by Women NSW with reference to the WGEA survey and through a literature search of workplace responses to domestic violence.^{3,4,5,6} The survey items and structure were peer reviewed FACS Insights Analysis and Research (FACSAIR). The survey was piloted and minor amendments were made to item wording. The survey included questions about policies and strategies in place to support employees who are victims of DFV or who perpetrate DFV; evidentiary proof requirements required to access DFV policies and strategies; questions about how staff are made aware of DFV related policies; and the uptake of available DFV policies and strategies by victims of DFV and perpetrators of DFV. See Appendix 1.

³ UN Women National Committee Australia (2017). Taking the first steps: Workplace responses to domestic and family violence.

⁴ Workplace Gender Equality Agency Public reports <https://www.wgea.gov.au/report/public-reports>

⁵ <https://www.arts.unsw.edu.au/research/gendered-violence-research-network/gendered-violence-work/research-publications/>

⁶ <https://www.workplacesrespond.org/resource-library/modelpolicy/>

Contact details for each organisation were determined through online searches or by telephone. Where possible the email address of the Chief Executive (CE) / Managing Director / General Manager or their assistant was obtained. Other alternatives included obtaining the email address of a Human Resources contact or a generic email contact. The survey was distributed via email by the office of the Minister on 14 February 2018 marked to the attention of the identified Senior Executive. The survey was accompanied by a letter of introduction from the Minister that detailed the purpose and significance of the survey (Appendix 2) and a link to the survey which was hosted by Survey Monkey.

A media release from the Minister's office accompanied the survey distribution (Appendix 3). All responses were anonymous. Reminder emails were sent to the organisations on 28 February 2018 and 12 March 2018 thanking those who had already responded and encouraging those who were yet to participate to do so by 15 March 2018 (Appendix 4). Due to there being a low response rate as at 15 March an extension of one week was given and the survey response timeframe which ultimately closed at 5pm on 22 March 2018.

3.2 Limitations

The survey results need to be interpreted with consideration of the following limitations:

The distribution of the WNSW survey closely followed the distribution of the mandatory WGEA workplace. All but four of the organisations WNSW invited to participate were required to report to the WGEA. This may have resulted in survey fatigue and contributed to the low response rate.

While the target group was a sample of large NSW corporations, with only 33 responses the findings are not representative of large NSW corporations. Nor can the findings in relation to 33 organisations only be comparatively analysed against those reported by the WGEA.

Given the voluntary nature of the responses, it is likely that the findings are skewed towards organisations that do have DFV related policies and strategies in place. Corporations that do not have them are less likely to respond. This is reflected in the respective number of organisations in the respondent sample that did (n=29) and did not (n=4) have formal DFV related policies or strategies in place.

While the WNSW survey was NSW based, it is not possible to ascertain whether the information reported by the respondents pertained to NSW only or if it was Australia wide. This has the greatest implications for the survey sections that requested information about the number of employees who had accessed available DFV leave options.

3.3 Survey Results

A total of 130 organisations were identified to participate in the survey, seven of which were unable to be contacted. Of the 123 organisations that were contacted, WNSW received a response from 33 organisations. This equates to a response rate of 26.8 per cent. The number of survey results allows only for basic descriptive analysis to be undertaken as the small number of respondents precludes undertaking any proportional or comparative analyses.

Eight of the responding organisations did not provide information about their industry representation. The 25 organisations that did represent a range of industries:

- Banking/finance/insurance, n=5
- Professional services, n=4
- Health care/social assistance, n=4
- Construction, n=2
- Sporting/recreation, n=2
- Technology/telecommunications, n=2
- Education/learning, n=1
- Food/beverage, n=1
- Electricity/energy, n=1
- Manufacturing/trade, n=1
- Retail trade, n=1
- Travel/leisure, n=1

3.3.1 Victims of Domestic and Family Violence

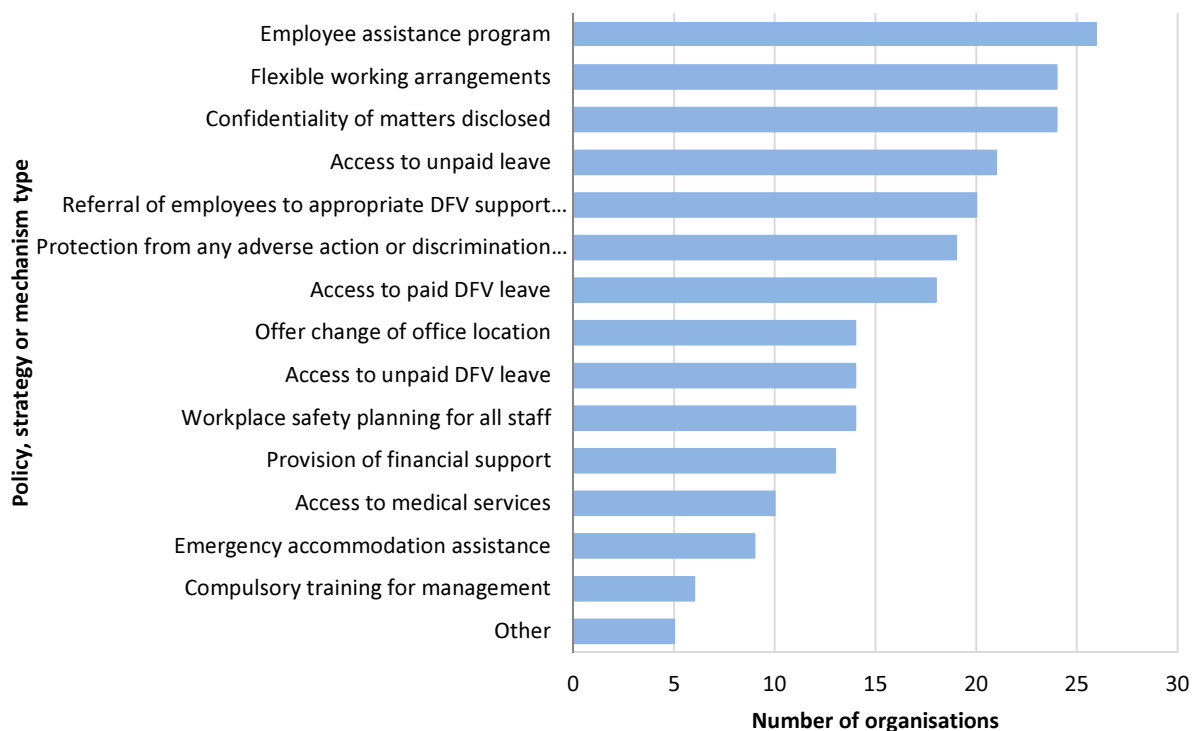
3.3.1.1 Organisations with formal policies and/or strategies

A total of 29 of the 33 responding organisations reported having a formal policy or strategy in place to support employees who experienced DFV. Of the 29:

- 26 provided DFV assistance as part of their employee assistance program (EAP);
- 24 provided flexible work arrangements (FWA);
- 21 provided access to unpaid leave;
- 20 referred employees to appropriate DFV support services;
- 18 provided access to paid DFV leave (contained in an enterprise/workplace agreement); and
- 14 provided access to unpaid DFV (contained in an enterprise/workplace agreement).

Twenty-four organisations reported that they maintained confidentiality of matters disclosed and 19 reported providing protection from any adverse action or discrimination based on the disclosure of DFV.

Figure 4: Types of policies, strategies or measures offered by organisations to support employees who experience DFV



For most of the responding organisations, the formalising of DFV related assistance for employees who had experienced violence is a relatively recent occurrence. Of the 29 organisations that had a formal policy or strategy only two reported having had them in place for longer than 5 years, and nine for the past 3-4 years. Twelve of the organisations had introduced the formal policy or strategy within the past 1-2 years and three reported that they had introduced their formal policy or strategy within the last 12 months.

Sixteen of the 29 organisations did not require employees to produce evidence that they had been victim to DFV. Six organisations require a medical certificate and five require a psychologist/allied health report. Four organisations reported requiring one or more of the following as a source of evidence - a police report, statutory declaration or court documentation. Some organisations also noted that while the production of evidence was not necessarily mandatory, it could be requested at the manager's discretion or that provision requirements could be assessed on a case-by-case basis.

Events such as 'White Ribbon Day' were most commonly used by organisations to raise awareness of workplace DFV policies, strategies and measures (reported by 16 respondents). This was followed by education materials in the office (reported by 12 respondents) and in some cases, through compulsory DFV awareness or education programs (six respondents) or through intranet/web-based policies (6 respondents).

Note that these figures are not necessarily mutually exclusive and a single organisation may use all methods to raise awareness.

Organisations that provided paid DFV specific leave were asked how many days were allowed per annum. Six organisations reported providing more than 10 days on an annual basis, nine provide up to 10 days, and seven provide up to five days paid leave.

If formal DFV policies or strategies were in place, the survey asked respondents to indicate the number of employees that had sought DFV related assistance under the policy or strategy in 2017.

- Twenty-five of the 29 organisations that had formal DFV policies or strategies reported staff having accessed them during 2017. During this period 14 of the 25 organisations provided DFV specific support to 1-5 employees, and 11 provided support to 11 or more employees.
- The most commonly provided form of support was paid DFV leave. Eighteen organisations reported providing paid DFV leave to female staff members (on average 6 per organisation) and 15 to male staff members (on average 1 per organisation).
- Eight organisations reported granting unpaid DFV related leave to staff in 2017.
- A total of 14 organisations reported granting flexible work arrangements to 16 female employees, equating to an average of one per organisation. There were only two organisations that reported granting flexible work arrangements to male victims of DFV, each to one employee.

When reviewing this information it is important to consider that this reflects the number of staff who notified their workplace of their DFV victimisation. There is no way of knowing the number of staff who request leave (paid or unpaid) or who request changes to working arrangements as a consequence of DFV victimisation.

3.3.1.2 Organisations without formal policies and/or strategies

Of the organisations that did not have any formal policies, strategies or measures in place to assist employees who had experienced DFV, two indicated that that an employee assistance program existed but not a specific policy regarding DFV. One organisation stated that they were currently developing a DFV specific policy and another organisation stated that DFV had never been an issue at their workplace.

The latter statement is a cause for concern and indicates a need to develop workplace DFV education campaigns. Domestic and family violence is a high incident crime that takes place across the state regardless of age, gender, location and socio-demographic status. The likelihood that not a single employee of that organisation has ever been a victim of DFV is extremely low.

3.3.2 Perpetrators of Domestic and Family Violence

3.3.2.1 Organisations with formal policies and/or strategies

Sixteen organisations of the 33 responding organisations indicated they had either a formal or strategy in place to support employees who perpetrate DFV. Most commonly, this was through an existing employee assistance program although 12 organisations indicated they referred employees to domestic violence assistance services including behaviour change programs and 11 provided employees with flexible working arrangements.

Ten of the 16 organisations reported that all matters disclosed were treated confidentially and six reported that employees who perpetrated DFV were able to access paid DFV leave through a workplace agreement.

As was the case in relation to formal DFV related policies and strategies for victims, the introduction of formal policies and strategies for DFV perpetrators are a relevantly recent occurrence. Two of the 16 organisations reported having had the DFV perpetrator policies or strategies in place for five or more years, two for 3–4 years, 11 for the last 1–2 years and two had introduced them within the last 12 months.

Ten organisations did not require the employee to provide evidence to access DFV related work provisions; three required a medical certificate; three a court order; two a police report; and two a statutory declaration.

Eight of the 16 organisations that reported having provisions for perpetrators of DFV provide paid DFV leave. In one organisation the allowance is 10 days or more, in one it is up to 10 days and in three organisations the allowance is less than five days.

3.3.3 Corporate responsibility

The survey included a question to ascertain the perception of the organisations in relation to what their role is if an employee perpetrates DFV. Only 15 of the 33 organisations who responded to the survey provided a response to this question. Nine of the 15 indicated that it was their role to provide support and one that it was to take disciplinary action. No further information was provided in relation to what the disciplinary action would be. Other responses indicated that organisations undertake a review DFV perpetrator related issues on a case by case basis or to ensure that the victim is safe.

The survey asked whether the organisation would take action in relation to an employee pending the outcome of criminal proceedings resulting from allegations of domestic violence. Ten of the 15 organisations that responded to the question indicated that no action is taken against the alleged offender.

Nine organisations indicated that they had processes in place in cases where a DFV victim and (alleged) perpetrator work together. Five reported they would reassign the victim/perpetrator, four that they would refer the victim and/or perpetrator to an EAP,

counselling or other support service, one that they would have the perpetrator stood down with pay. One organisation reported that perpetrator's employment would be terminated if they work together with the DFV victim. There were only two organisations in which an employee who was an alleged or convicted perpetrator applied for assistance or support.

Table 1 details the policies or strategies corporations had in place for victims only and policies or strategies in place for both victims and perpetrators of DFV. The three strategies/policies most commonly provided to both victims and perpetrators were EAPS, referrals to appropriate domestic violence support services and flexible working arrangements. Most reported that confidentiality of DFV related matters was a formal policy of their organisation.

3.3.4 Supports and services provided to victims and perpetrators

While more organisations reported having formal policies and strategies for victims of domestic violence than did for perpetrators of domestic violence, the range of supports offered to both were the same. Table 1 details the number of organisations providing supports to victims and perpetrators, by type of support. The third column details organisations that provided the same supports for their employees regardless of whether they were a victim of DFV or a perpetrator.

Table 1: Number of organisations providing supports by support type and by status of the employee

Type of policy, strategy or measure	For victims only	For perpetrators only	Victim & perpetrator
Employee assistance program (EAP) including access to a psychologist or counsellor	26	15	14
Referral of employees to appropriate domestic violence support services for expert advice (including behaviour change programs)	20	12	12
Flexible working arrangements	24	11	10
Confidentiality of matters disclosed	24	10	9
Access to paid domestic and family violence leave (contained in an enterprise/workplace agreement)	18	6	5
Protection from any adverse action or discrimination based on the disclosure of domestic and family violence	19	4	4
Access to unpaid domestic and family violence leave (contained in an enterprise/workplace agreement)	14	4	3
Provision of financial support (e.g. advance bonus payment or advanced pay)	13	3	2
Workplace safety planning	14	1	1

3.3.5 Monitoring policy and procedural effectiveness

Twenty-four provided a response regarding whether there were policies in place to facilitate the monitoring of the use and effectiveness of the DFV supports they had in place. Four indicated that they did not currently have monitoring strategies in place. Three reported difficulties relating to monitoring the uptake and effectiveness of their DFV measures, two of which also acknowledged this as a gap and reported having an agenda in place to address it.

It was noted that a major barrier to monitoring the extent to which DFV related leave is used by employees is due to them potentially using existing flexible working arrangements (FWA) to manage DFV situations without reporting the situation to their work place. As it is not a requirement to provide a reason to access FWA, the number of employees who take leave to deal with DFV may go unrecorded. Another issue is that the recording of DFV-related leave in HR systems is visible to potential future managers and may amount to a breach of confidentiality arrangements. In response to such limitations in their systems, one organisation reported that they are currently developing an internal dashboard to monitor progress of their DFV employee supports and another that they were using generically worded special leave time-codes for DFV-specific leave that can be accessed only by senior staff. For these organisations, feedback is received from employees who accessed DFV support anecdotally or through a confidential interview.

Other measures reported by organisations include regular or periodic reporting on those who accessed DFV support by supervisors, human resources and DFV action/safety working groups. Four organisations stated that they had formal action groups where human resources, employee relations, committee, union or health and safety groups measure and review their policies and processes. The result of these groups is to ensure continuous improvement and best practice of their DFV measures, to review the use of DFV services including leave provisions and maintaining confidentiality. Feedback from staff and supervisors who have used DFV policies, along with education campaigns and tests for the level of awareness of DFV-related policies are other measures mentioned by organisations.

Organisations were also asked how effective they believed their current DFV leave supports were. Fourteen of the 24 responding organisations indicated that their current supports were effective to very effective. These organisations also indicated that the supports that they offer had been positively received by staff. Two of these organisations reported having undertaken consultation with experts and peer organisations which gave them confidence that their policies represent best practice.

Flexibility in the implementation of formal DFV supports was highlighted as being essential by three organisations. While formal DFV policies stipulate leave allowances, two responding organisations indicated that management had discretionary powers to allow DFV leave to employees on an as-needs basis in order to meet the individual needs of an employee, even if this meant providing additional leave.

Some respondents reported the belief that DFV leave allowances were being underutilised by employees due to fear of disclosing in the workplace and to the stigma associated with identifying as a DFV victim. Three organisations questioned the effectiveness of their policies on this basis.

The survey sought to find out what, if any, changes to existing policies, strategies or measures were being undertaken or considered. Seven responding organisations reported efforts being made to raise employee awareness and engagement through DFV specific training and education. Three organisations reported that they are investigating updating support provisions to include perpetrators. One organisation is reported being in the process of formalising flexible work arrangements for staff.

3.4 Summary

Building on questions from the WGEA report and other research this research sought to better understand existing DFV policies and supports in the private sector for both employees who experience DFV and employees who perpetrate domestic related violence.

A sample of 130 NSW based corporations were invited to participate in the survey. A total of 33 organisations chose to respond. The low response numbers require that the results be interpreted with caution.

Of the 33 organisations that responded to the survey 29 had some form of formal policy, strategy or mechanism in place to support employees who experienced DFV. Mostly, this is through an EAP, a similar result to that reported by the WGEA. An encouraging finding was that in addition to this, many also provided flexible work arrangements and/or referred employees to appropriate DFV support services. Around two-thirds of the respondent sample provided access to unpaid leave. Few however provided access to paid or unpaid DFV leave (contained in an enterprise/workplace agreement).


Fifteen organisations also supported employees who perpetrate DFV through the provision of formal policies, strategies or measures. Again, this was mostly through an EAP, referrals to domestic violence assistance services (such as behaviour change programs) and flexible work arrangements. However, specific DFV support was less often provided for perpetrators of DFV than it was for victims.

Most organisations surveyed reported that their DFV policies and strategies were developed quite recently at less than five years. Further research into understanding the drivers behind the introduction and implementation of DFV policies would facilitate the development of DFV leave guidelines for businesses.

Employee awareness of DFV policies, strategies or measures was encouraged mainly through 'White Ribbon' type events and/or education material in the office. The take-up rate of DFV related leave was however reported as being low. A major reason for this was identified as being due to the stigma associated with being involved in DFV – both as a victim and a perpetrator. This suggests a need for more concerted effort to educate staff about DFV in the workplace to encourage use of DFV leave supports by staff.

Measuring the effectiveness of existing DFV policies, strategies and measures is a challenge for organisations that were surveyed. Monitoring effectiveness while protecting the confidentiality of those involved in DFV from other staff, or developing internal systems that maintain privacy and identification of employees using DFV support (aggregated or otherwise) was identified as an issue for organisations. Therefore there is scope to develop guidelines to better assist organisations that have or plan to support employees experiencing DFV.

The incidence of domestic and family violence in the community is considerable which means that a significant proportion of the working population are impacted by DFV at any given time. The extent to which people impacted by domestic and family violence are provided with support in the workplace has the potential to have a significant positive effect on their wellbeing. With the study's limitations taken into consideration, the results provide valuable insight into the current provision of DFV related leave supports in the workplace. Further work needs to be undertaken to understand the drivers behind the introduction of formal policies and processes, how best to educate and encourage employees to utilise the supports and to establish mechanisms that will better assist workplaces to develop and



implement good practice measures to support employees who are victims or perpetrators of domestic and family violence.

APPENDIX 1

Survey Items

VICTIMS

Q1. Does your organisation have any formal policies, strategies or measures in place to support employees **who experience** domestic and family violence (DFV)?

YES

NO → skip to Q1 (n)

Q1 (a) What policies, strategies or measures does your organisation have in place to **support employees who experience DFV**? Select all applicable answers

Employee assistance program (including access to a psychologist or counsellor)

Compulsory training for management

Workplace safety planning

Referral to external DFV support services

Access to paid domestic and family violence leave (contained in an enterprise/workplace agreement)

Access to unpaid leave (contained in an enterprise/workplace agreement)

Confidentiality of matters disclosed

Protection from any adverse action or discrimination based on the disclosure of domestic and family violence

Flexible working arrangements

Provision of financial support (e.g. advance bonus payment or advanced pay)

Offer change of office location

Emergency accommodation assistance

Access to medical services (e.g. doctor or nurse)

Other (provide details): ____

Q1 (b) For how long have these DFV support policies, strategies or measures been in place?

Less than 1 year

1-2 years

3 -4 years

5 or more years

Q1 (c) What **evidence are employees affected by DFV** required to provide in order to access DFV related work provisions? (Select all those that apply)?

None

Medical certificate

Psychologist / Allied health report

Police report

Statutory declaration

Court documentation

Other (please specify)

Q1 (d) In your organisation, how many days of **paid DFV** leave are available per annum to **employees who experience DFV**?

Up to 5 days

Up to 10 days

More than 10 days

None

Q1 (e) How are employees made aware of DFV policies, strategies or measures in your organisation? Select all that apply.

There are no formal DFV awareness strategies in place for staff

Through compulsory DFV awareness-raising and education programs

Through education material displayed within the office

Through events such as 'White Ribbon Day'

Other (please provide details)

Q1 (f) In your organisation in 2017, how many employees sought DFV-related assistance or support?

None → skip to (k)

1 – 5

6 – 10

11 or more

Q1 (g) How many employees in your organisation who **experienced** DFV were granted **paid** DFV specific leave in 2017?

Number of female employees _____

Number of male employees _____

Unknown _____

Q1 (h) How many employees in your organisation who **experienced** DFV were **granted flexible work arrangements** in 2017?

Number of female employees _____

Number of male employees _____

Unknown _____

Q1 (i) In 2017, were any employees who experienced DFV **granted unpaid leave**?

Yes

No → skip (to Q2 k)

Q1 (j) What was the **average number of unpaid leave days granted** to employees who experienced DFV?

Up to 5 days

Up to 10 days

More than 10 days

Unknown

Q1 (k) What processes and procedures are in place **to monitor use and effectiveness** of DFV policy, strategy or mechanisms for employees who experience DFV?

Free text

Q1 (l) Based on monitoring and evaluation of policies, strategies and measures and/or employee up-take of DFV support provisions, **how effective** would you say the current DFV policies, strategies and measures are for employees who experience DFV?

Free text

Q1 (m) What, if any, **changes** to existing policies, strategies or measures are being implemented or being considered for implementation to support employees who experience DFV?

Free text

Q1 (n) Please specify why no formal DFV policy, strategy or measure is in place in your organisation to **support employees who are victims of DFV**. Select all that apply:

DFV is not a priority workplace issue

DFV is an award/industrial or workplace agreement issue

Our organisation has insufficient resources and/or expertise to develop DFV related policies, strategies or measures

Our organisation is currently developing DFV specific policies, strategies or measures

Other – please specify (open ended question)

PART B DFV PERPETRATORS

Q2. Does your organisation have any policies, procedures or measures in place to support employees who **perpetrate** domestic and family violence?

YES

NO (will skip to f)

(b) What policies, strategies or measures are in place in your organisation to **support employees who perpetrate DFV**? Select all applicable answers

Employee assistance program (including access to a psychologist or counsellor)

Access to paid domestic and family violence leave (contained in an enterprise/workplace agreement)

Access to unpaid leave (contained in an enterprise/workplace agreement)

Confidentiality of matters disclosed

Referral of employees to appropriate DFV support services - including men's behaviour change programs)

Protection from any adverse action or discrimination based on the disclosure of domestic and family violence

Flexible working arrangements to attend court and/or DFV related services

Provision financial support (e.g. advance bonus payment or advanced pay)

Offer change of office location

Other (provide details): ____

Q2 (c) For how long have the policies, strategies or measures to support employees who **perpetrate** DFV been in place?

Less than 1 year

1 – 2 years

3 – 4 years

5 or more years

Q3 (d) What evidence do **employees who perpetrate or are alleged to have perpetrated DFV** have to provide in order to access DFV related work provisions?

- None
- Medical certificate
- Police report
- Statutory declaration
- Court order
- Other (please specify)

Q2 (e) In your organisation, how many days of **paid** DFV leave are available per annum to **employees who perpetrate DFV**?

- Up to 5 days
- Up to 10 days
- More than 10 days
- None

Q2 (f) Please specify why no policies, strategies or mechanisms **to support employees who perpetrate DFV** are in place in your organisation. → end

- DFV is not a priority workplace issue
- DFV is an award/industrial or workplace agreement issue
- Our organisation has insufficient resources and/or expertise to develop DFV related policies, strategies or measures
- Our organisation is currently developing DFV specific policies, strategies or measures
- The organisation does not support perpetrators of DFV
- Other – please specify (open ended question)

Q2 (g) What is the **role of your organisation in relation to employees who perpetrate DFV**?

- Provide them with support
- Take disciplinary action
- Other (please specify)

Q2 (h) Does your organisation take action in relation to employees **pending** the outcome of criminal proceedings for (alleged) perpetrating DFV?

Yes

No → skip to (i)

Q2 (i) Please provide details of actions taken pending the outcome of criminal proceedings for (alleged) perpetrating DFV

Stood down with pay

Stood down without pay

Terminated

Employee resigned

Reassigned to another role

Other _____

Q2 (j) Does your organisation have a process(es) in place for managing situations where the DFV victim and (alleged) perpetrator **work together**?

Yes

No → skip (l)

Q2 (k) Please provide details of the process(es) that are in place where a DFV victim and (alleged) perpetrator work together.

Perpetrator is stood down with pay

Perpetrator is stood down without pay

Perpetrator is terminated

Victim &/or perpetrator are reassigned

Victim &/or perpetrator are referred to counselling, EAP or other support services

Other _____

Q2 (l) In your organisation in 2017, how many employees **who were an alleged or convicted perpetrator of DFV sought assistance or support?**

None → skip (q)

1 – 5

6 -10

11 or more

Q2 (m) How many employees in your organisation who **alleged / perpetrated** DFV were granted **paid** DFV specific leave in 2017?

Number of female employees _____

Number of male employees _____

Unknown _____

Q2 (n) How many employees in your organisation who **alleged / perpetrated** DFV were granted **flexible work arrangements** in 2017?

Number of female employees _____

Number of male employees _____

Unknown _____

Q2 (o) In 2017, were any employees who were an **alleged / perpetrator** of DFV granted **unpaid** leave?

Yes

No → skip (p)


Q2 (p) What was the **average number of unpaid leave days** granted to employees who were alleged / perpetrator of DFV?

Up to 5 days

Up to 10 days

More than 10 days

Unknown



Q2 (q) What processes and procedures are in place **to monitor use and effectiveness** of DFV policy, strategy or mechanisms for employees who perpetrate DFV?

Free text

Q2 (r) Based on monitoring and evaluation of policies, strategies and measures and/or employee up-take of DFV support provisions, **how effective** would you say the current DFV policies, strategies and measures are for employees who perpetrate DFV?

Free text

Q2(s) Are you considering changing your DFV policies for employees who perpetrate DFV?

Free text

PART C YOUR ORGANISATION

Q3 (a). How many employees are there in your organisation?

Male Drop down box 1-19; 20-49; 50-99; 100-499; 500-999;
1000-4999; 5000 or more; Zero

Female

Other

Q3 (b). What industry sector is your organisation classified under?

- Agriculture
- Bank / Finance / Insurance
- Construction
- Education / Learning
- Electricity/Energy
- Food / Beverage
- Health care / Social assistance
- Manufacturing / Trade
- Media
- Mining / Industry
- Professional services
- Rental, hiring, real estate services
- Retail trade
- Sporting / Recreational

- Telecom / Technology
- Travel and Leisure

APPENDIX 2

To whom it may concern,

The impact and consequences of domestic and family violence are far reaching and extend beyond the immediate physical acts. Domestic and family violence can have long-term effects on health and wellbeing in all areas of life, including at work.

As the Minister for the Prevention of Domestic Violence and Sexual Assault, I am seeking your assistance to share what support is currently provided to employees in your workplace who are victims of domestic and family violence, as well as what policies apply to those who are alleged or convicted perpetrators.

The following optional online survey is sponsored by the Minister's Domestic and Family Violence Corporate Leadership Group, which was established to drive collaboration between government and the private sector in our efforts to tackle domestic violence.

The survey uses an online format accessed via this link:

https://www.surveymonkey.com/r/DFV_and_the_workplace and will take approximately 10 minutes to complete.

It includes questions about whether your organisation has current policies or practices in place to support victims and/or perpetrators of domestic and family violence.

If your organisation does not have current or pending policies or practices in relation to domestic violence, it is important for us to understand why.

This survey is anonymous. All information from the survey will be collated into a single database, and all participating organisations will be allocated an individual numeric identifier. The name of your organisation will not accompany the survey responses in the data set.

The dataset will be held in a password protected secure electronic environment. All data will be reported in aggregated form and no individual organisation will be able to be identified in the reported results.

The results will be used to help the Government determine what actions would be most useful to support the corporate sector in tackling domestic violence.

The survey will be open until midnight on Thursday, 15 March 2018. Aggregated results of the survey will be made available to all participants.

If you have any questions, please contact Dr Efty Stavrou, Senior Analyst at Women NSW, at efty.stavrou@facs.nsw.gov.au

I appreciate the time taken by your organisation to complete the survey and for your assistance on this very important issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Efty Stavrou', written in a cursive style.

APPENDIX 3

Pru Goward Minister for Family and Community Services, Minister for Social Housing, Minister for the Prevention of Domestic Violence and Sexual Assault

MEDIA RELEASE

Thursday, 15 February 2018

WORKPLACE SURVEY TO TACKLE DOMESTIC AND FAMILY VIOLENCE

A survey of more than 100 workplaces in NSW will examine their policies on domestic and family violence and explore how they can better support victims in their industry.

Minister for the Prevention of Domestic Violence and Sexual Assault Pru Goward says the survey will canvass each workplace's approach to working with both victim-survivors and alleged and convicted perpetrators of domestic and family violence.

Workplaces will have four weeks to complete the anonymous survey, which will also assist the NSW Government to identify ways to partner with the corporate sector in supporting victim-survivors.

Ms Goward said that tackling domestic and family violence is a major commitment of the NSW Government and requires a whole-of-community response to be effective.

"This particularly applies to the workplace, which is why I am encouraging participation in this survey from a range of industries," Ms Goward said.

"We hope the results of this survey will allow us to gauge the current state of play in the workforce when it comes to supporting those affected by domestic and family violence."

An optional workplace survey on domestic and family violence policies was discussed at the first meeting of the Minister's Corporate Leadership Group last year.

The Group, comprising of six corporate and business leaders, meets to discuss issues relating to domestic and family violence and explore solutions to address these problems, including opportunities for the NSW Government and the corporate sector to work in partnership.

Establishing the Corporate Leadership Group is a NSW Government commitment under the *NSW Domestic and Family Violence Blueprint for Reform 2016-2021*.

For more information, see the *Blueprint*:

https://www.women.nsw.gov.au/violence_prevention/blueprint

MEDIA: Amy Dale | 0418 910 598

APPENDIX 4

Dear [participant],

As the Minister for the Prevention of Domestic Violence I would like to take this opportunity to thank those of you who have already taken the time to provide a response to the DFV support systems and the Workplace survey. For those who have not yet responded this is a reminder that the final date for provision of your survey response is **Thursday 15th March 2018** and the link to the survey is https://www.surveymonkey.com/r/DFV_and_the_Workplace.

We appreciate the time provided by your organisation to complete the survey. The impact and consequences of domestic and family violence (DFV) are far reaching and extend beyond the immediate acts of violence. Domestic and family violence can have long-term effects on health and well-being that that can impact the individual in all areas of their life, including at work. It is important for government to gain an understanding of the supports that are provided to persons who are affected by domestic and family violence. This is an issue that impacts us all – if not personally, as a member of the community.

A reminder that the information from the survey will be collated into a single database and all participating organisations will be allocated an individual numeric identifier. The name of the organisation will not accompany the survey responses in the data set.

The dataset will be held in a password protected secure electronic environment.

All data reported will be in aggregated form and no individual organisation will be able to be identified in the reported results.

The aggregated results of the survey will be made available to all participants for review and comment prior to any public distribution.

- ⁱ NSW Government, *It Stops Here. Standing together to end domestic and family violence* (November 2011)
- ⁱⁱ Ibid.
- ⁱⁱⁱ NSW Government, *NSW Domestic and Family Violence Blueprint For Reform 2016-2021: Safer Lives for Women, Men and Children* (August 2016).
- ^{iv} Royal Commission into Family Violence, *Summary and Recommendations* (March, 2016), p. 74
- ^v Australian Bureau of Statistics, *Personal Safety, Australia, 2005 (Reissue)*, Cat. No. 4906.0, 35. At: [www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4906.0Main+Features12005%20\(Reissue\)?OpenDocument](http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4906.0Main+Features12005%20(Reissue)?OpenDocument) (viewed 12 October 2011).
- ^{vi} Workplaces respond to domestic and sexual violence: A National Resource Centre, 'Impacts of violence on the workplace'. At <http://www.workplacesrespond.org/learn/the-facts/impact-of-workplace-violence> (viewed 14 July 2014); Adrienne Cruz & Sabine Klinger, *Gender-Based Violence in the World of Work: Overview and Selected Bibliography*, International Labour Office, Working Paper 3/2011 (2011), pp 13 and 15.
- ^{vii} Ludo McFerran, *Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey* (2011), p 17.
- ^{viii} Ludo McFerran, *Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey* (2011), p 10.
- ^{ix} Domestic Violence Workplace Rights, and Entitlements Project, *Domestic, Violence and the Workplace Employee, Employer and Union Resources* (2011).
- ^x See, for example, Commonwealth, *Parliamentary Debates*, Senate, 23 January 2013, 27-36 (Anna Davis, National Alliance of Working Women's Centres; Shabnam Hameed, Australian Domestic and Family Violence Clearinghouse; Gaby Marcus, Australian Domestic and Family Violence Clearinghouse; Fiona McCormack, Domestic Violence Victoria; Ludo McFerran, Australian Domestic and Family Violence Clearinghouse). At <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id:%22committees/comm sen/8eb3bdec-c603-4d2d-9564-674c7bd7b5c2/0000%22> (viewed 14 July 2014); Senate Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, *Report on the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012* (2013) [3.51]-[3.60]. At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/antidiscrimination2012/report/index (viewed 14 July 2014).
- ^{xi} Male Champions of Change, *Playing our part: Lessons Learned from Implementing Workplace Responses to Domestic and Family Violence*. (Nov 2016)
- ^{xii} BOCSAR analysis: Cohort of ALL POIs proceeded against for a recorded incident of DV assault in 2013
- ^{xiii} SA Government, Department for Communities and Social Inclusion, *Domestic Violence Workplace Policy: Staff Guidelines* (March, 2012)
- ^{xiv} While it is mandatory for corporations with 100+ employees to complete the survey, a number of corporations with more than 50 but less than 100 employees provided a response to the WGEA. The responses of these corporations have been included in the NSW analysis.