

References

This document is a compilation of the source references used to develop the PowerPoint presentation by Rhonda Whitfield - "Family Violence: building awareness of controlling behaviour". As part of the Lunch and Learn initiatives by Human Resources at Fed Uni, this was presented on Friday 21 August, 2020 by webinar to a Federation University audience of more than 50 staff .

These notes accompany the PowerPoint file named: "*Family violence webinar 21 08 2020_RHONDA WHITFIELD_Federation Uni Lunch and Learn Series*". That file also has notes in the note's pages, to each slide.

Australian Government - Australian Law Reform Commission

Family Violence in the workplace and in the home or other places of work.

19/12/2011

The ALRC has formed the view that family violence may, in some cases, pose a risk to the physical and psychological health and safety, not only of employees who are victims of the violence, but also of co-workers and other third parties.

The class of persons to whom a duty is owed to 'workers', including among others, employees, subcontractors, outworkers, apprentices, students and volunteers.¹

Moreover, the primary duty of care is not limited to the workplace. Rather, the laws apply to work activities wherever they occur and so apply 'as much to the home as they do to the workplace'.¹³

Violence while working from home

<https://www.alrc.gov.au/publication/family-violence-and-commonwealth-laws-improving-legal-frameworks-alrc-report-117/18-occupational-health-and-safety-law-2/family-violence-a-work-health-and-safety-issue/>

Employer responsibilities – news/articles

'No longer a private matter': Employer held responsible for family violence

by Caitlin Fitzsimmons

June 7, 2020

The NSW Supreme Court has ruled an employer can be held responsible for family violence when staff work from home, thrusting the issue onto the workplace agenda. The decision was the final appeal over a workers' compensation claim by the children of a woman killed by her de facto partner while working from home.

<https://www.smh.com.au/business/workplace/no-longer-a-private-matter-employer-held-responsible-for-family-violence-20200605-p54zy1.html>

<https://www.abc.net.au/news/2020-08-06/work-from-home-domestic-violence-employers-compensation/12519232>

Managing Domestic Violence in a Work at Home World: The Struggle Can Be Real

10 April, 2020

Amanda Vutsinas

“Over the past few weeks, as the economic and social pressures and fear have grown, **we have seen a horrifying surge in domestic violence,**” said United Nations Secretary General, Antonio Guterres.

If domestic violence, relationship tension, substance abuse, or mental illness are mixed in, **the order to stay “safe at home” may not provide the safest environment.**

So, what happens when the struggle is real?

When the abused no longer has a place to go to get space from their abuser, the potential for domestic violence escalation increases.

However, **employees need to know that just because they are not working on their employer’s premises, does not mean they are not alone in dealing with this matter.** Just because they are a victim, does not mean they are without assistance.

<https://www.securitymagazine.com/articles/92085-managing-domestic-violence-in-a-work-at-home-world>

<https://www.workplacesrespond.org/>

Addressing family violence in the workplace – Worksafe Victoria

Workplaces can be places of safety and support for people experiencing family violence.

Definitions of Family Violence,

Family violence can be behaviour by a person towards a family member that can include:

- physical abuse
- sexual abuse
- emotional or psychological abuse
- economic abuse
- threats
- coercion
- controlling or dominating another family member and causing them to feel fear for their safety or wellbeing or for the safety and wellbeing of another person
- behaviour by a person that causes a child to hear, witness or otherwise be exposed to the effects of family violence

Describes supportive workplaces and the benefits being:

- Higher retention rates
- Higher morale of workers
- Increased productivity

The following is a list of some of the family violence risk scenarios that could occur in the workplace:

- Perpetrator 'entering' the workplace by using email or telephone to contact the victim survivor.
- Perpetrator attending the workplace and verbally or physically attacking a victim survivor.
- The perpetrator verbally or physically attacking the victim survivor in circumstances where both parties work together.
- The perpetrator making threats to the workplace or co-workers of an employee who is a victim survivor.

- An employee who is a victim survivor having a reduced ability to work safely due to injury or distraction caused by family violence.
- Reduced mental and physical wellbeing of an employee who is a victim survivor.
- Employee's ability to work safely affected due to distraction caused by being a perpetrator of family violence.
- Perpetrator using work resources to plan or commit family violence.
- The perpetrator presenting outside work premises to intimidate, threaten or assault an employee who is a victim survivor.

<https://www.worksafe.vic.gov.au/addressing-family-violence-workplace>

COVID 19 Pandemic and Family Violence

State puts \$20m into family violence programs

By Noel Towell

August 17, 2020

The Victorian government will pump another \$20 million into efforts to keep family violence offenders away from their victims, as demand for perpetrator services soars during the COVID-19 crisis.

The government says the pandemic has increased the complexity of the family violence problem, with fewer victims reporting abuse during lockdown periods but more perpetrators, or potential offenders, self-reporting and seeking help.

Minister for the Prevention of Family Violence Gabrielle Williams says much of the money will go towards programs to move up to 1500 perpetrators out of their family homes and keep potential victims safe.

The minister said the approach not only prevented violence but kept perpetrators "visible to the system" and subject to monitoring by authorities.

<https://www.theage.com.au/national/victoria/state-puts-20m-into-family-violence-programs-20200817-p55ml1.html>

New reports of family violence spike in COVID-19 lockdown, study finds

By Tammy Mills

June 8, 2020

- Monash University surveyed 166 practitioners about family violence during the COVID-19 pandemic.
- 59 per cent said the frequency of violence against women had increased.
- Half said the severity of violence increased as well.
- 42 per cent said more victims were coming forward for the first time.
- Perpetrators are using the pandemic to inflict new forms of violence and control.

More women are coming forward for the first time to report family violence, according to Victorian research that shows COVID-19 lockdowns have worsened the potential for abuse in many homes. In what researchers believe to be Australia's first published study measuring the early impacts of the crisis on domestic violence, Monash University surveyed 166 family violence victim support practitioners across Victoria during a four-week period from the end of April into May. With the families being stuck at home, with even the playgrounds in our area roped off, this has been a tinderbox in many households and has made the circumstances for many women unbearable," one practitioner said.

- Almost 60 per cent of practitioners said the COVID-19 pandemic had increased the frequency of violence against women.
- Half of respondents said the severity of violence had increased.
- The number of first-time family violence reports had gone up for 42 per cent of practitioners surveyed.
- Practitioners themselves were struggling working from home, which was "wreaking havoc" on their boundaries and mental health.

<https://www.theage.com.au/national/victoria/new-reports-of-family-violence-spike-in-covid-19-lockdown-study-finds-20200607-p55096.html>

<https://www.monash.edu/arts/gender-and-family-violence/research-projects/covid-19-and-gender-based-violence/media-coverage-of-monash-covid-19-research>

Why the Increase in Domestic Violence During COVID-19?

COVID-19 has triggered common factors associated with domestic violence.

By Maclen Stanley JD, Ed.M.

May 09, 2020

Stark uptick in reports of domestic violence and abuse (more commonly referred to in clinical settings as "intimate partner violence" or "IPV") has recently received national (and even global) attention.

New estimates from the United Nations Population Fund suggest that three months of quarantine will result in a 20 percent rise in IPV throughout the world. In total, the report predicts at least 15 million additional cases of IPV will occur as a result of COVID-19 lockdowns.

The question still remains, though: why?

Plentiful research exists demonstrating several key factors associated with IPV, including during times of natural disaster and crisis. By examining this literature, we can better understand why today's lockdown measures appear to be fuelling increased instances of IPV.

Isolation, Stress, Economic Anxiety and Joblessness, Alcohol and Lack of Resources (shelters/refuges.)

Isolation

With workplaces closed, visits to family and friends discouraged, and even public parks off-limits, social isolation has become government-sanctioned.

Unfortunately, social isolation is one of the most common tactics employed by perpetrators of IPV. By isolating victims from friends, family, and any outside contact, abusers are able to assert control over the victim's entire environment. Social isolation can lead to the normalization of abuse and allow abusers to more easily engage in gaslighting techniques.

Severe and persistent isolation can cause victims to rely solely on their abusers to define a sense of reality, which feeds into a cycle of abuse that is very difficult to escape.

Stress

Another factor commonly associated with IPV is stress. Natural disasters and crises catalyse immense stress responses that often correlate with increases in IPV. As mentioned above, one study examining interpersonal violence in the wake of Hurricane Harvey found that stress associated with the disaster was related to higher rates of IPV both during and after the hurricane. A similar report following the 1989 Exxon Valdez oil spill in Alaska found that disaster-related stress was associated with a nearly threefold increase in IPV.

With regard to the COVID-19 pandemic, stressors abound. In many ways, disease outbreaks can foster a type of stress more insidious than that of other disasters. Namely, pandemics ignite the unknown. During most disasters such as hurricanes or earthquakes, we know whether or not we've been personally impacted. Although these events can be extraordinarily stressful, there is at least an established time boundary from which we can begin to assess damage and eventually move forward. But with viral pandemics, we are often left in an ongoing state of risk and worry, triggering an overexposure of the stress hormone cortisol. Elevations in stress hormones have long been associated with increased aggression.

Economic Anxiety and Joblessness

One specific type of stressor has been given significant attention in the context of IPV: economic anxiety. Indeed, plentiful research has shown that IPV is more likely (and more severe) in households that are economically distressed. For example, studies from the 2008 recession found that increases in unemployment claims correlated with a greater number of reported cases of IPV. Today, the COVID-19 pandemic has caused unprecedented job loss at levels comparable to the Great Depression.

Many researchers believe that a perceived threat to the masculine identity undergirds the relationship between economic anxiety and IPV (e.g., Dutton & Browning, 1988; Totten, 2003). One qualitative study interviewed 33 men attending a domestic violence program and found that threats to masculine identities played a significant role in the occurrence of IPV (Anderson & Umberson, 2001).

When masculinity is threatened (for example, by job loss and the perceived failure to "provide"), abusers respond with violence in order to regain a sense of power and control in their relationships.

Alcohol

Alcohol is also widely considered to be a key predictor of IPV, primarily due to its disinhibitory effect on aggression. As the nation has sheltered at home, sales of alcohol have skyrocketed, with some sales rising as much as 243 percent.

Again, this trend mimics past experiences with natural disasters and crises—in the wake of Hurricane Katrina, alcohol consumption rose sharply. For relationships already marred with violence and abuse, alcohol adds fuel to the fire, particularly when coupled with the isolation and stress discussed above.

Lack of Resources

Finally, a lack of resources can also contribute to IPV. Although most court systems remain open for emergency matters such as granting restraining orders, reports suggest that some of these cases are being delayed. Legal services for victims have also been affected, with many legal aid organizations and advocates (upon which victims heavily rely) now being forced to work remotely. It is also possible that some judges will be reluctant to hold violent abusers in jail due to the increased risk of COVID-19 infections in state facilities.

Shelters are facing their own challenges. While shelters typically serve as a safe haven for victims seeking reprieve from abuse, they are now experiencing health concerns and closures due to their often dorm-like, group living arrangements. Even when these shelters are able to remain open, victims might be reluctant to expose themselves to high volumes of people in close quarters.

<https://www.psychologytoday.com/au/blog/making-sense-chaos/202005/why-the-increase-in-domestic-violence-during-covid-19>

DOMESTIC VIOLENCE, ISOLATION AND COVID-19

As COVID-19 puts pressure on many families, the domestic violence statistics are alarming. Now is the time for people using violence to get help

By Professor Kelsey Hegarty and Dr Laura Tarzia, University of Melbourne

What people are searching for on the internet can tell a story.

The New South Wales Attorney-General Mark Speakman reported that [Google searches on domestic violence are up by 75 per cent](#) since the first recorded COVID-19 cases in the state (NSW.)

This is alarming given that before the pandemic, Australia's domestic violence statistics have been described as a "national scourge" with [one in four Australian women experiencing physical violence](#) since the age of 15.

While the global COVID-19 crisis is unprecedented, it's left many victims of domestic and family abuse inside their homes with their abuser – all day, every day – as people isolate to prevent the spread of the virus.

[Movement restrictions](#) mean we are confined, with all but essential movement curtailed. While for many of us this has meant working from home and staying indoors, for women and children experiencing domestic violence, it can make it even harder to get help.

Australian GPs are also warning of an impending increase in domestic violence after [reports that incidences tripled in parts of China](#) during the country's isolation period, and [American media coverage](#) of men threatening to lock women out of the house so they get sick.

In response, the Federal Government announced [an initial \\$A150 million](#) to support Australians experiencing domestic, family and sexual violence as a result of coronavirus.

While predicting outcomes is extremely difficult, it is almost certain that COVID-19 will have unintended consequences for women and children living with family violence.

Research tells us that [family violence already isolates victims](#) from their family and friends as part of psychological violence – one of the tactics used by perpetrators. While many women may have worked out various strategies to get around this, as our world gets smaller, they may not be able to do so anymore.

These victims may not be able to seek help or respite by physically leaving the house.

We also know that [financial stress and unemployment are risk factors](#) for domestic violence, so as [more Australians experience job loss and money worries](#), this could mean a spike in incidents of abuse and violence.

And while many women are very aware of the warning signs of escalation and work toward handling them, the [main issue now is how to escape a violent or potentially violent situation](#).

<https://pursuit.unimelb.edu.au/articles/domestic-violence-isolation-and-covid-19>

Domestic violence on the rise during pandemic

By Anthony Galloway

July 13, 2020

Almost one in 10 Australian women in a relationship have experienced domestic violence during the coronavirus crisis, with two-thirds saying the attacks started or became worse during the pandemic.

A survey by the Australian Institute of Criminology (AIC) also reveals more than half of women who had experienced physical or sexual violence before the COVID-19 crisis said the violence had become more frequent or severe since the start of the pandemic.

The AIC research shows 4.6 per cent of all women – and 8.8 per cent of women in a relationship – experienced physical or sexual violence from a current or former cohabiting partner between February and May.

For 33 per cent of these women, it was the first time they had experienced physical or sexual violence in their relationship.

The survey of 15,000 Australian women in May provides the most detailed information in the world about the prevalence and nature of domestic violence experienced by women during the pandemic.

Previously, police data from Victoria and NSW has shown no major increase in reports of domestic violence during COVID-19, but E-Safety Commissioner Julie Inman Grant has said abusers may be trapping their victims at home and limiting their access to phones or computers.

Support services have also reported an increase in both male and female victims seeking help after domestic violence

One in three women who experienced domestic violence or coercive control said that, on at least one occasion, they wanted to seek advice or support but could not because of safety reasons.

"The women surveyed have experienced very high rates of physical, sexual and emotional abuse during the initial stages of the COVID-19 pandemic in Australia, and many have been unable to seek help,".

Under the Morrison government's new package, more than \$3 million will be delivered to 23 service providers across every state and territory, with 93 locations nationwide. According to government figures, about 6000 people use these services and the extra funding could support 2000 more women and children.

<https://www.smh.com.au/politics/federal/domestic-violence-on-the-rise-during-pandemic-20200712-p55b8q.html>

Global toolkit to help front-line workers combat scourge of domestic violence

By Lisa Visentin

May 13,

Minister for Foreign Affairs Marise Payne says front-line workers have become a critical source of contact for women experiencing domestic violence during the COVID-19 pandemic.

With the crisis triggering an increase in reports of domestic violence around the world, the federal government will launch a new toolkit to help front-line workers identify signs of technology-based abuse.

The information pack is aimed at an overseas audience and will be distributed to 70 international agencies, including UNICEF, as well as to more than 100 overseas domestic violence organisations.

Ms Payne, who is also the federal Minister for Women, said the resource was an "important tool" for helping women to maintain social connections during the pandemic.

"Front-line workers — including social workers, doctors, nurses and other healthcare professionals — may be the only external contact a victim has during this COVID-19 pandemic," Ms Payne said.

The toolkit is designed to spread awareness about the ways in which perpetrators can use smart devices to exert control over their victims, such as using fitness apps, smartwatches, or car dashboard cameras to track a person's whereabouts.

Australia's eSafety Commissioner Julie Inman Grant, whose agency developed the toolkit, said stay-at-home orders in many countries may have made it more difficult for women to seek help. "Women may become more isolated and limited in how they can get help because they are being directly monitored whilst their devices, email and social media accounts are compromised," Ms Inman Grant said.

She said the eSafety office, which was formed in 2015, was uniquely positioned to create a global resource on technology-based domestic abuse.

"We are the only regulatory agency in the world solely focused on promoting the online safety of its citizens," Ms Inman Grant said.

"Technology-facilitated abuse is present in 98 per cent of all domestic and family violence cases."

The agency said Canada, Germany, Spain, the UK and US had all experienced increased cases of domestic violence and demand for emergency shelter since March.

The toolkit advises front-line workers to look for signs of abusive monitoring or stalking by a partner, such as data usage spikes on a woman's phone or the battery draining quicker than expected.

It recommends they help women set up private email accounts, encourage them to use 'incognito' mode when browsing the internet, and warn them to be careful about who they accept as online friends.

<https://www.smh.com.au/politics/federal/global-toolkit-to-help-front-line-workers-combat-scourge-of-domestic-violence-20200511-p54ru4.html>

Family violence rates have increased during the coronavirus pandemic: How can general practice respond?

29 June 2020

By Dr Jeannie Knapp, GP and Primary Health Care Improvement GP Adviser, North Western Melbourne Primary Health Network.

COVID-19 lockdown conditions have unfortunately increased the likelihood of family violence. Increased isolation, often with the abuser, and being away from support and help-seeking networks can increase the risk of abuse. The pressures of being stuck at home together with little respite puts

additional pressure on families. Increased financial distress and unemployment can also be triggers, as can increased alcohol use.

Reports indicate that family violence rates have increased worldwide during the lockdown. Speaking to the ABC's Rachel Clayton, St Vincent's Hospital's chief social worker, Lisa Braddy said presentations to the hospital related to family violence had more than doubled in the first quarter of 2020 compared to 2019.

"We have seen a decrease in overall emergency department presentations, but family violence disclosures have increased considerably since the same time last year in terms of proportions and figures," Ms Braddy said.

While to date there is no data specific to general practice, if emergency department presentations have increased then presentations to general practice may also increase. There have been reports that incidences tripled in parts of China during the country's isolation period.

Health practitioners are the professionals most often told about family violence, even more so than police. Studies show abuse is associated with depression, anxiety, other psychological disorders, drug and alcohol abuse, sexual dysfunction, functional gastrointestinal disorders, headaches, chronic pain and multiple somatic symptoms. Sexual abuse has also been linked with chronic pelvic pain.

How to manage disclosure: Referral or connection to specialist services should be offered if disclosure occurs.

If a patient does disclose, they may not yet be ready to access services. In this case, it is important to validate their experience with statements such as:

- Everyone deserves to feel safe at home.
- You don't deserve to be hit or hurt, and it is not your fault.
- I am concerned about your safety and wellbeing.
- You are not alone. I will be with you through this, whatever you decide. Help is available.

An initial assessment should also be made of the patient's safety. This may be as simple as checking if it is safe for the patient (and their children) to return home. A more detailed risk assessment can be done at a subsequent visit and include questions about escalation of abuse, the content of threats, and direct and indirect abuse of any children.

<https://nwmpnhn.org.au/news/family-violence-rates-increased-coronavirus-lockdown-can-general-practice-respond/>

New reports of family violence spike in COVID-19 lockdown

By Tammy Mills

June 8, 2020

KEY POINTS

- Monash University surveyed 166 practitioners about family violence during the COVID-19 pandemic.
- 59 per cent said the frequency of violence against women had increased.
- Half said the severity of violence increased as well.
- 42 per cent said more victims were coming forward for the first time.
- Perpetrators are using the pandemic to inflict new forms of violence and control

More women are coming forward for the first time to report family violence, according to Victorian research that shows COVID-19 lockdowns have worsened the potential for abuse in many homes.

In what researchers believe to be Australia's first published study measuring the early impacts of the crisis on domestic violence, Monash University surveyed 166 family violence victim support practitioners across Victoria during a **four-week period from the end of April into May**. With the families being stuck at home, with even the playgrounds in our area roped off, this has been a tinderbox in many households and has made the circumstances for many women unbearable," one practitioner said.

- Almost 60 per cent of practitioners said the COVID-19 pandemic had increased the frequency of violence against women.
- Half of respondents said the severity of violence had increased.
- The number of first-time family violence reports had gone up for 42 per cent of practitioners surveyed.
- Practitioners themselves were struggling working from home, which was "wreaking havoc" on their boundaries and mental health.

<https://www.theage.com.au/national/victoria/new-reports-of-family-violence-spike-in-covid-19-lockdown-study-finds-20200607-p55096.html>

Gender-based violence and help-seeking behaviours during the COVID-19 pandemic :Responding to the 'Shadow Pandemic' - Queensland

<https://www.monash.edu/arts/gender-and-family-violence/research-projects/covid-19-and-gender-based-violence/media-coverage-of-monash-covid-19-research>

Family violence perpetrators using COVID-19 as 'a form of abuse we have not experienced before'

Exclusive by [Mary Gearin](#) and [Ben Knight](#)

29 March 2020

As a rise in family violence due to the coronavirus crisis is set to strain an already critically overstretched social support system, some abusers are reportedly using COVID-19 as a psychological weapon.

Liz Thomas, the chief executive of social services organisation Wayss that helps family violence victims in Melbourne's south-east, told the ABC she had received six reports in the past week of men using the coronavirus to threaten and coerce women.

"Perpetrators have actually used COVID-19 as a form of abuse, telling their partner that they have the virus therefore they can't leave the house.

"Inviting people into the house where the woman is self-isolating, saying that the visitor has COVID-19 and he's going to infect them.

<https://www.abc.net.au/news/2020-03-29/coronavirus-family-violence-surge-in-victoria/12098546>

See over page for Where to get Help

Where to get help

Commonwealth Government - Help is Here

The *Help is Here* campaign provides information on support services available to anyone affected by domestic and family violence, to help them access the support they need, when they need it.



For urgent medical or police help free call Triple Zero (000).

If you are self-isolating or required to isolate, but are in immediate danger, you can leave your house. Contact a [domestic violence support service](#) for advice about continuing to isolate in a safe place.

The national sexual assault, family and domestic violence counselling service for anyone in Australia who has experienced, or is at risk of, family and domestic violence or sexual assault. 24 hours, 7 days a week.



PHONE: 1800 737 732 (24 hours)

MensLine Australia is a telephone and online counselling service for men with emotional health and relationship concerns, including issues of violence.



PHONE: 1300 789 978 (24 hours)

<https://www.dss.gov.au/women/help-is-here-campaign>

- Women's Crisis Line: 1800 811 811
- Men's Referral Service: 1300 766 491
- Lifeline (24-hour crisis line): 131 114
- Relationships Australia: 1300 364 277

Domestic Violence Resource Centre Victoria

A State-wide (Victoria) resource centre supporting workers and families to help stop family violence

<https://www.dvrcv.org.au/>

Virtual Workshops

Recognise, respond and refer

Domestic and Family Violence Response Training (DV-alert) is designed to build capacity in frontline workers within universal services for whom family violence is not a core function of their role.

Learn how to:

- recognise the signs of domestic and family violence
- respond with appropriate care
- refer effectively to support services

<https://www.dvalert.org.au/>

Our Watch – national organisation – change the story

Our Watch is a national leader in the primary prevention of violence against women and their children in Australia.

Change the story is a framework for a consistent and integrated approach to preventing violence against women.

<https://www.ourwatch.org.au/>

The multiple aspects of violence: Family violence, domestic violence

Gendered Violence – Uni NSW – Gendered Violence Research Network (GVRN)

What is Gendered Violence?

Gendered violence is an expression of power and control over individuals or groups because of their gender.

It's a broad term that encompasses domestic, family and sexual violence, and includes sexual harassment, sexual assault, stalking, intimate partner violence, and violence among household members, extended families and kinships. Gender-related violence, gender-based violence (GBV), sexual and gender-based violence (SGBV) and violence against women (VAW) are other commonly used terms in this field. More recently, terms such as gendered misconduct and sexual misconduct have also been used.

However, while it's clear that women and children are disproportionately affected, we use 'gendered violence' with the acknowledgement that men, women, elders and youth can be victims and perpetrators. In addition, we acknowledge that gendered violence can be experienced by lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

Gendered violence is not limited to physical or sexual violence. It can include a range of behaviours used to intimidate, coerce, harass and control another person, including financial abuse.

Training and advisory services for the workplace

With 1 in 3 women globally being victims of gendered violence* and 2.2 million Australians having experienced physical and/or sexual violence from a partner in the past year**, it's vital we understand the real-life implications of this experience along with how to recognise, respond and prevent Gendered Violence in our local communities.

The Gendered Violence & Organisations program developed by GVRN offers tailored training and specialised advisory services for employers wanting to address gendered violence in their workplace.

Using innovative and evidence-based schemes, our programs and services have helped make an impact on organisations throughout Australia and beyond.

* Australian Institute of Health & Welfare, 2019

** World Health Organisation, 2017

<https://www.arts.unsw.edu.au/our-research/research-centres-institutes/gendered-violence-research-network>

What is family violence?

Here are some examples of family violence relationships:

- **Intimate partner abuse:** violent behaviour used by a current or former spouse or partner against the other spouse or partner.
- **Dating abuse:** violent behaviour used by a casual partner against the other partner.
- **Child abuse:** violent behaviour or mistreatment towards a child or young person by a parent or caregiver. Under Victorian law, exposing a child to any form of family violence is also a reportable child abuse offence – so if a person is abusive towards their spouse in front of their child or children, child abuse has occurred.
- **Elder abuse:** violent behaviour or mistreatment towards an older person by a partner or family member, often including financial abuse, controlling behaviours and/or negligence.
- **Parental abuse:** violent behaviour towards a parent by an adolescent child or dependant.

<https://www.safesteps.org.au/understanding-family-violence/what-is-family-violence/>

Family violence across all communities

Because family violence can occur in any culture, it is also important that its definition recognises and reflects the perspectives and realities of all communities, including culturally and linguistically diverse (CALD) communities and Indigenous communities.

The Victorian Indigenous Family Violence Taskforce has defined family violence as: 'An issue focused around a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities. It extends to one-on-one fighting, abuse of Indigenous community workers, as well as self-harm, injury and suicide.'³

The effects of family violence experienced by people from CALD communities, including recent arrivals, are compounded by a range of factors associated with the experience of migration and resettlement, as well as systemic barriers to seeking and obtaining help. The impact of family violence on CALD victims who do not have permanent residency is particularly severe because they have very limited or no access to support and can be at greater risk of coercion and control by sponsoring spouses and other family members.

In addition to forms of family violence experienced in all communities, there are some specific forms of family violence experienced by women in some CALD communities—for example, forced marriage, female genital mutilation, and dowry-related violence. These forms of abuse are not readily recognised as constituting family violence.⁴

The Victorian Commission has recommended the definition of family violence include forced marriage and dowry-related abuse as statutory examples of family violence in the Family Violence Protection Act.

The effects of family violence are broad, impacting on the individual experiencing abuse, children who are exposed to the violence and the wider community.

1. From *DV Vic Code of Practice (2006)*
2. From the *Family Violence Common Risk Assessment Framework Practice Guides, Version 2 (2012)*
3. From the *Department of Victorian Communities (2003)*
4. From the *Victorian Royal Commission into Family Violence Summary and Recommendations (2016)*

The signs of Violence – from The Look Out Organisation

Sexual assault includes rape, incest, child abuse, and unwanted sexual behaviour, for example, unwanted kissing and touching. It also includes behaviour that does not involve actual touching. For example, forcing someone to watch pornography or masturbation is also sexual assault.¹

Sexual offences committed within a current or ex-intimate partner relationship or family/family-like relationship is defined as 'family violence' under the Family Violence Protection Act 2008 (FVPA).

The sexual offence within this setting is most likely to have occurred within a broader context of power, intimidation and control within the relationship, which is the nature of family violence.²

Sexual assault is generally defined as a sexual activity that a person has not consented to, and it can refer to a broad range of sexual behaviours that make the victim feel uncomfortable, frightened or threatened.

Sexual assault³ can take various forms, some of which are criminal offences:

- Touching, fondling, kissing
- Being made to look at, or pose for, pornographic photos
- Voyeurism
- Exhibitionism
- Sexual harassment
- Verbal harassment/innuendo
- Rape
- Incest/interfamilial child sexual assault
- Stalking

Someone who is being abused may not openly disclose that they're experiencing violence, but they may show signs that indicate something isn't right in the relationship.

Signs that family violence might be occurring within an intimate partner relationship³:

- She seems afraid of her partner or is always very anxious to please him or her.
- Her partner often orders her about or makes all the decisions e.g. tells her who she can see and what she can do.
- She doesn't have her own ATM card or if she does, she doesn't have the PIN for it.
- She is on a financial allowance. In many instances this will look like an allowance for household items such as groceries but will not include items for her or the children.
- She is being asked to or has already taken on the debt of her partner or is being asked to sign documents taking on responsibility for debts that aren't hers.
- She often talks about her partner's 'jealousy', 'bad temper' or 'possessiveness'.
- She has become anxious or depressed, has lost her confidence, avoids eye contact or has low self-esteem.

- She has physical injuries (bruises, broken bones, sprains, cuts etc). She may give unlikely explanations for these injuries.
- Repeated cancellation of appointments.
- Her children seem afraid of her partner, have behaviour problems, or are very withdrawn or anxious.
- The children don't want to be left alone with her partner.
- After she has left the relationship, her partner constantly calls her, threatens/harasses her, follows her, and comes to her house/workplace.
- After she has left the relationship, her partner speaks badly about her or manipulates the children to see her in a bad light. Her partner makes threats to falsely report her to Child Protection/Child First.

Some signs that elder abuse may be occurring⁴

- The older person seems fearful, worried or withdrawn.
- They seem nervous or anxious with certain people.
- Family and or friends are denied access to the person.
- They no longer go out socially or get involved in activities.
- Unexplained injuries such as bruises, broken bones, sprains, cuts etc.
- Unpaid bills, unusual activity in bank accounts or credit cards.
- Changes to a Will, title or other documents.
- Disappearance of possessions.
- Poor hygiene or personal care.
- Absence of needed health items: hearing aids, dentures, medications etc

Some signs that a child is experiencing or being exposed to family violence:⁵

- Regression (toddlers)
- Complaints about illness (stomach ache or headache)
- Trouble concentrating on tasks
- High levels of general distress or inability to self sooth/regulate
- Difficulty with friendships
- Acting out (the 'naughty' child)
- Withdrawing (the 'quiet' child)
- 'Mean' or violent behaviour towards peers or family members
- Doesn't want to go home
- Inability to nap/sleep disturbances
- Watchful, seems on 'alert'

Some signs that a child or young person may be experiencing or exposed to family violence: ⁵

- stop seeing friends
- change the way they dress
- skip school
- don't communicate, become secretive
- have unexplainable bruising
- get angry and aggressive at friends and family
- put on weight or lose weight
- don't care about their appearance
- put themselves down
- have difficulty concentrating and start getting lower school grades.
- feel unwell with stomach cramps or
- headaches

- have difficulty with friendships
- 'act out' ... or withdraw
- learn that violence can give them control over others

Warning signs that family violence is occurring for children can be hard to recognise because they're similar to the warning signs of other things that aren't related to family violence. Children may show all of these signs, or only a few of them and the common signs will depend on their age.

For older children, warning signs are more often demonstrated through negative or self-harming behaviours, whereas for young children warning signs are more likely to be a bit more generalised.

Of course, as a general rule, if a child's behaviour changes you know something is up – whether it's family violence or not, and a sudden change to habits of behaviour that don't seem developmentally appropriate can be a prompt to ask some questions. When it comes to warning signs in children, they really need to be considered in the context of any warning signs the mother might be presenting. It's important to remember that one or two of these warning signs alone might not be a sign that someone is experiencing violence. But on the other hand, family violence is so hidden that it can be hard to feel 100% sure without asking the person directly.

<https://www.thelookout.org.au/family-violence-workers/new-workers/worker-faqs#2776>

Violence against Older People

Elder Abuse: Some signs that elder abuse may be occurring:⁴

- The older person seems fearful, worried or withdrawn.
- They seem nervous or anxious with certain people.
- Family and or friends are denied access to the person.
- They no longer go out socially or get involved in activities.
- Unexplained injuries such as bruises, broken bones, sprains, cuts etc.
- Unpaid bills, unusual activity in bank accounts or credit cards.
- Changes to a Will, title or other documents.
- Disappearance of possessions.
- Poor hygiene or personal care.
- Absence of needed health items: hearing aids, dentures, medications etc

<https://www.thelookout.org.au/family-violence-workers/new-workers/worker-faqs#2776>

Webinar: an in-depth look at elder abuse data (Wednesday 26/8/2020)

Hundreds of older Victorians contact Seniors Rights Victoria every year because they are experiencing elder abuse.

In over 90% of cases, the perpetrator of the abuse is a family member. More than two-thirds of these family members are an adult son or daughter of the older person.

Together with the National Ageing Research Institute (NARI), Seniors Rights Victoria has examined data collected over seven years of service to consider:

- who experiences elder abuse
- what increases the risk of elder abuse
- what can be done to stop it happening?

<https://www.cotavic.org.au/news-items/media-release-community-alert-on-increase-of-elder-abuse/>

Launch of the report – Seven Years of Elder Abuse Data in Victoria 26/8/2020

<https://www.eventbrite.com.au/e/seven-years-of-elder-abuse-data-in-victoria-tickets-117217194785>

Seniors Rights Victoria have issued an alert highlighting the potential increase of elder abuse in the community as a hidden impact of the COVID-19 emergency.

Research suggests that up to 14 per cent of older people may experience it in the form of physical, emotional, financial, social or sexual abuse.

<https://www.cotavic.org.au/news-items/media-release-community-alert-on-increase-of-elder-abuse/>

Elder Mediation Australasian Network (EMAN website- resources)

<http://elder-mediation.com.au/research-and-publications/>

Elder Mediation International Network (EMIN website – research and publications)

<https://elder-mediation-international.net/research-publications/>

The Aspects of Financial Violence

Financial Abuse full guide –Commonwealth Bank of Australia

<https://www.commbank.com.au/content/dam/commbank-assets/support/docs/financial-abuse-recognise-and-recover.pdf>

<https://www.commbank.com.au/content/dam/commbank-assets/about-us/2019-04/financial-abuse.pdf>

The Perpetrator Perspective

Perpetrators of violence

SUPPORTING MEN TO END FAMILY VIOLENCE

Helping men understand and change their behaviours is an important part of addressing family violence

By Professor Kelsey Hegarty, Professor Cathy Humphreys and Dr Rhian Parker, University of Melbourne

In Australia, one woman a week is murdered by her current or former partner.

Family violence is a ‘wicked problem’, deeply ingrained in our society, with no one simple solution. It damages the social and economic fabric of communities, as well as the mental and physical health of individual women, men, adolescents and children.

<https://pursuit.unimelb.edu.au/articles/supporting-men-to-end-family-violence>

HELPING MEN CHANGE

Men’s use of violence is rooted in common constructions of what it means to be a man.

As help-seeking is often seen as feminine behaviour, it can challenge men’s view of their own masculinity. Because they tend not to directly seek help, helping men using violence change their behaviour is a non-linear process that addresses their values, their relationships and the way they communicate.

Research shows that helping men identify their actions as domestic violence is an important first step towards changing behaviours. Many perpetrators are so conditioned to violence, often as a result of their own upbringings, that they can struggle to recognise what they’re doing, and its impact on their families.

We have worked with men using violence and with No To Violence, the peak body for services, to understand what messaging is needed for men to change their use of violence.

<https://pursuit.unimelb.edu.au/articles/supporting-men-to-end-family-violence>

No To Violence (see over page)

No to Violence works with men who use family violence, and the sector that supports them to change their abusive and violent behaviour.

The result is **BETTER MAN**. It's an online healthy relationship tool that encourages men to recognise that their behaviour as abusive, reflect on the effect of their behaviour on their partners and children and link them to telephone and online resources.

The tool raises awareness about their behaviour through tailored feedback and encourages men to seek help early, before they might have to enter the justice system.

<https://www.ntv.org.au/>

Partnering with Men toolbox on domestic violence

A 10-year study of men as perpetrators of violence and what can be done. Lots of very useful tools on this site.

<http://www.catalystfoundation.com.au/partnering-men-toolbox-domestic-violence/>

Our campuses

- Ballarat
- Ararat
- Wimmera
- Berwick
- Gippsland – La Trobe Valley
- Brisbane

Increases in family violence

Ballarat

<https://www.thecourier.com.au/story/6729878/family-violence-on-the-rise-in-ballarat-during-isolation-police-operation-launched/>

Wimmera

Down in Horsham and up in Ararat

<https://www.mailtimes.com.au/story/6688209/recorded-number-of-family-violence-incidents-drops-in-horsham-up-in-ararat/>

Berwick – City of Casey and Cardinia – has a problem – high incidence

<https://www.casey.vic.gov.au/policies-strategies/family-violence-prevention-strategy>

South East Metro area – violence against women

<https://whise.org.au/resources-and-publications/prevention-violence-against-women/preventing-violence-together-strategy>

La Trobe Valley

https://www.latrobe.vic.gov.au/Community/Community_Groups/Community_Programs/Family_Violence

Brisbane

<https://www.brisbane.qld.gov.au/sites/default/files/documents/2020-06/20200610-brisbane-city-council-domestic-and-family-violence-strategy.pdf>

Berwick (The City of Casey)

The City of Casey experiences **the highest number of family violence incidents across Victoria**, with more than 13 police call outs per day. Sadly, there were 4,631 reports of family violence in 2019 and this is **expected to increase by at least 30 per cent in 2020 due** to the complex and stressful environment the Coronavirus (COVID-19) pandemic has caused.

To help raise awareness of family violence, the City of Casey launched a Family Violence and Gender Equality awareness campaign on social media, to increase understanding around the complexities of family violence and work towards achieving our vision: “for the City of Casey to be a family-friendly city, where women and children feel safe in their homes and neighbourhoods, and live free from family violence”.

There has never been a greater need for services such as The Orange Door service hub to be located in the City of Casey. **The Orange Door is a free service for anyone experiencing or has experienced, family violence; or families who need extra support with the care of children.**

Currently the closest Orange Door services our community can access are based in Frankston or Morwell and other localised support services are in high demand.

An Orange Door in Casey would increase these important services closer to home.

The City of Casey welcomes working with the State Government to establish an Orange Door service hub in an available central venue, to help those in need with housing, health, legal, financial, counselling and essentials. We know this is a complex issue, which is why we need our partners in government and community service agencies to keep working together to ensure the safety of women and children in our community.

<https://www.casey.vic.gov.au/news/family-violence-casey>

<https://www.casey.vic.gov.au/policies-strategies/family-violence-prevention-strategy>

Domestic and family violence in Australia

16% of women (1.5 million) and 5.9% of men (528,800) have experienced physical violence from a partner since they were 15.¹

More than 1 million Australian children are affected by domestic and family violence.²

Around 37% of people seeking help from specialist homelessness services in 2018-19 were experiencing domestic and family violence.³

Domestic and family violence was the main reason why 80,000 people asked for help from specialist homelessness services in 2018-19.⁴

Of the people who asked for help from specialist homelessness services due to domestic and family violence related issues, more than three out of four or 77% were female.⁵

On average, one woman per week is killed by a current or former partner.⁶

On average, one male per month is killed by a current or former partner.⁷

Mission Australia domestic and family violence statistics

In 2018-19:

- 9,737 people Mission Australia worked with disclosed they were experiencing domestic and family violence.⁸

- Another 6,555 people who accessed our services didn't disclose domestic and family violence but were suspected by our staff to be experiencing it.⁹

<https://www.missionaustralia.com.au/domestic-and-family-violence-statistics>

Additional to Family Violence and Domestic Violence

More relevant references...

<https://www.thelookout.org.au/fact-sheet-7-family-violence-statistics>

<https://www.crimestatistics.vic.gov.au/research-and-evaluation/publications/family-violence>

Types of violence

<https://exploringyourmind.com/7-common-types-of-violence-that-we-face/>

A definition of domestic and family violence

Domestic violence refers to violent behaviour between current or former intimate partners – typically where one partner tries to exert power and control over the other, usually through fear. It can include physical, sexual, emotional, social, verbal, spiritual and economic abuse.

Family violence is a broader term that refers to violence between family members, which can include violence between current or former intimate partners, as well as acts of violence between a parent and a child, between siblings, and more. Family violence is the preferred term for violence between Aboriginal and Torres Strait Islander people, as it covers the extended family and kinship relationships in which violence may occur.ⁱ

Behaviour towards victims can include limiting their access to finances, preventing them from contacting family and friends, demeaning and humiliating them, threatening them or their children with injury or death, and acts of physical violence.ⁱⁱ

Both men and women experience violence, and most men are not perpetrators of violence. However, there are gendered patterns in violence perpetration and victimisation. Women are much more likely than men to experience violence from an intimate partner, and with more severe impacts including hospitalisation or death. Understanding gendered patterns is crucial for understanding domestic and family violence and developing effective responses including preventative measures.ⁱⁱⁱ

Know the signs

Domestic and family violence can involve a range of different behaviours. Knowing the signs can help you recognise when violence may be occurring and allow you to take appropriate steps to intervene:

Physical abuse - including direct assaults on the body, use of weapons, driving dangerously, destruction of property, abuse of pets in front of family members, assault of children and forced sleep deprivation.

Emotional abuse - blaming the victim for all problems in the relationship, constantly comparing the victim with others to undermine self-esteem and self-worth, withdrawing all interest and engagement (e.g. weeks of silence).

Sexual abuse - any form of sexual activity without consent, causing pain during sex, assaulting the genitals, coercive sex without protection against pregnancy or sexually transmitted disease, criticising, or using sexually degrading insults.

Social abuse - systematic isolation from family and friends through techniques such as ongoing rudeness to family and friends, moving to locations where the victim knows nobody, and forbidding or physically preventing the victim from going out and meeting people.

Verbal abuse - continual 'put downs' and humiliation, either privately or publicly, with attacks following clear themes that focus on intelligence, sexuality, body image and capacity as a family member, parent or spouse.

Spiritual abuse - denying access to ceremonies, land or family, preventing religious observance, forcing victims to do things against their beliefs, denigration of cultural background, or using religious teachings or cultural tradition as a reason for violence.

Economic abuse - complete control of all monies, no access to bank accounts, providing only an inadequate 'allowance'.

<https://www.missionaustralia.com.au/what-we-do/children-youth-families-and-communities/domestic-family-violence>

What is DV?

<https://www.facs.nsw.gov.au/domestic-violence/about/what-is-dv>

DHHS – Family Violence COVID

<https://www.dhhs.vic.gov.au/family-violence-crisis-response-and-support-during-coronavirus>

Webinar in Sept – First Nations people – free on 9 September 1:00pm



<https://aifs.gov.au/cfca/webinars/responding-family-violence-first-nations-families-support-childrens-social-and-emotional>

Men, CALD Men – Catalyst Foundation

<http://www.catalystfoundation.com.au/>

“PARTNERING WITH CALD MEN TOOLBOX - TOOLS TO BUILD AFRICANAUSTRALIAN MEN AS LEADERS IN THE PREVENTION OF DOMESTIC VIOLENCE”

Indigenous women and girls are 35 times more likely to be hospitalised due to family violence related assaults than other Australian women and girls.

No form of violence in our community is acceptable. While a small proportion of men are victims of domestic violence and sexual assault, **the majority of people who experience this kind of violence are women in a home, at the hands of men they know.** Men are more likely to be the victims of violence from strangers and in public, so different strategies are required to address these different types of violence.

A study commissioned by the Commonwealth in 2009 also shows the enormous economic cost of violence. Domestic violence and sexual assault perpetrated against women **costs the nation \$13.6 billion each year. By 2021, the figure is likely to rise to \$15.6 billion if extra steps are not taken.**

The emotional and personal costs of violence against women cannot be measured: the effects reach all levels of society.

Violence or abusive behaviour is never an acceptable way of dealing with relationship problems. If you are experiencing family and domestic violence, you are not alone – help is available. Where to get specific help

Are you in a crisis?

- Emergency call **000**
- Lifeline **13 11 14**
- 1800RESPECT **1800 737 732**

National sexual assault, domestic violence counselling service

1800 RESPECT (phone: 1800 737 732)

<https://www.1800respect.org.au/>

Victoria

<https://www.dhhs.vic.gov.au/family-violence-crisis-response-and-support-during-coronavirus>

<https://providers.dhhs.vic.gov.au/family-violence>

<https://www.familyrelationships.gov.au/dealing-violence>

<https://www.dvalert.org.au/>

Mental health and wellbeing at Beyond Blue

<https://coronavirus.beyondblue.org.au/>

Effect of violence on children

<https://raisingchildren.net.au/grown-ups/family-life/domestic-family-violence/family-violence-effects>

During pregnancy

<https://www.cope.org.au/expecting-a-baby/staying-well/family-violence-in-pregnancy/>

Perpetrators getting worse in COVID

<https://www.abc.net.au/news/2020-03-29/coronavirus-family-violence-surge-in-victoria/12098546>

Family Violence and Domestic Violence – A workplace issue

<https://humanrights.gov.au/our-work/sex-discrimination/publications/fact-sheet-domestic-and-family-violence-workplace-issue>

(see key facts next page)

Notes from a FACT Sheet located at

<https://humanrights.gov.au/our-work/sex-discrimination/publications/fact-sheet-domestic-and-family-violence-workplace-issue>

Why is domestic and family violence a workplace issue?

Domestic and family violence is not just a private or personal issue. When an employee is living with domestic and family violence, there are often very real costs and negative impacts that flow to the workplace.

Health costs: In Australia, intimate partner violence is the leading contributor to death, disability and illness in women aged 15 to 44 years. It is responsible for more of the disease burden in women than many other well-known risk factors, such as smoking and obesity.^[8]

Economic costs: In 2002/03 the cost of intimate partner violence to the Australian economy was estimated at \$8.1 billion. If no preventative action is taken, this cost is projected to rise to \$9.9 billion annually by 2021/22. \$235 million of this \$9.9 billion will be borne by employers and \$609 million will be borne in production-related losses.^[9]

Workplace costs: Within the population of women who have experienced violence, or are currently experiencing violence, the Australian Bureau of Statistics estimates that between 55% and 70% are currently in the workforce^[10] – that is, approximately 800,000 women, or around one in six female workers. This means that a significant number of Australian workplaces will be impacted by women's experiences of domestic and family violence.

Some common costs and impacts include:

- Decreased staff performance and productivity
- Increased staff turnover and absenteeism
- Negative impact on the organisation's reputation and image.^[11]

Impacts on employees: Research into the workplace implications of domestic and family violence has demonstrated how such violence can undermine the working lives of both victims and survivors. The 2011 National Domestic Violence and the Workplace Survey found that nearly half (48%) of respondents who reported experiencing domestic and family violence said the violence had affected their ability to get to work.^[12] The main impact of violence was on work performance - 16% of victims and survivors reported being distracted, tired or unwell and 10% needed to take time off work.^[13] Further, women who experience domestic and family violence are also more likely to have lower personal incomes, a disrupted work history, often have to change jobs at short notice and are very often employed in casual or part time work.^[14]

Case study: *Inga worked for a short time in a small boutique in a regional town. Inga had to go to hospital have a CAT scan because her husband had hit her so hard. She let the owner know about this. He then told her she had to choose between her job and the CAT scan saying, "you can't have both". Inga was later dismissed for very vague reasons.*

Case study: *Sylvia, a community support worker, was experiencing domestic violence from her husband. She was often late for work and the violence was impacting her performance generally. Sylvia was eventually terminated for performance issues (lateness). She left the relationship and obtained a domestic violence protection order against her husband which covered her place of work. In applying for a new job Sylvia's former employer was called for a reference. He revealed her previous performance issues and that her abusive husband had frequently come into the workplace causing problems.*

Domestic and family violence perpetrated in the workplace: The perpetrator of domestic and family violence may go so far as to target the victim or survivor at work. They may do this through emails,

by phone or by turning up at the office in order to try and get the victim/survivor fired or force them to resign. This can be part of an effort to increase control over the victim/survivor— that is, by increasing the victim/survivor’s economic dependency, undermining their self-confidence - or in order to punish them for attempting to leave the violent relationship.^[15]

Case study: *Jean had been promoted to manager after two months at her organisation. Her husband had come into the workplace one day and caused problems. After another incident at home she rang her boss to say she would be in a bit late as she was at the police station reporting a domestic violence incident and had been delayed. He sacked her as he said she was just “too difficult”.*

Why do we need to recognise experience of domestic and family violence as a ground of discrimination?

Victims and survivors of domestic and family violence can face a number of challenges in the workplace.

Discrimination is one such challenge. When experienced, discrimination can compound the harm of the original acts of violence.

There is also a growing body of evidence which shows that victims and survivors of domestic and family violence often experience discrimination related to their experience of domestic and family violence, particularly in the workplace.^[16] 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 that they are experiencing at home.

Discrimination related to the experience of domestic and family violence can take the form of:

- being denied leave or flexible work arrangements that would assist victims and survivors to attend to violence-related matters, such as attending court or moving into a shelter
- having employment terminated for reasons relating to the violence they are experiencing, including a drop in performance or attendance caused by the domestic and family violence, or
- being transferred or demoted for reasons related to the violence.^[17]

There is a sound case for introducing domestic or family violence as a protected attribute within existing anti-discrimination legislation at the federal, state and territory level. Such a protected attribute would recognise that those who are or have experienced domestic and family violence should not be subjected to discrimination as a result of that experience. Introducing domestic and family violence as a protected attribute would offer protection from discrimination not currently available under the SDA.

Under international human rights law gender-based violence, such as domestic and family violence, is recognised as a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.^[18]

Women who experience domestic and family violence are not only at risk of discrimination in the workplace, but in other areas of their lives such as in the provision of goods and services. Research undertaken as part of the Safe at Home, Safe at Work^[19] project suggests that women in or leaving violent relationships often experience discrimination in accessing housing services, particularly rental accommodation.

Case study: *Helena was being supported by a family violence refuge where she had been resident for five months to access a private rental property. The application process was in train with a real estate agency but when the agent discovered that she would be using an Office of Housing issued bond and that she was exiting a family violence refuge she was told that she could no longer apply for tenancy. When questioned about the decision, the real estate agent said that she would not be a reliable tenant. The property was then allocated to a couple.*

The Commission has previously recommended that 'domestic violence' be recognised as a protected attribute, in federal anti-discrimination laws as well as in the *Fair Work Act 2009* (Cth).^[20] Similar recommendations have also been made by the Australian Law Reform Commission^[21] and the Senate Legal and Constitutional Affairs Committee^[22].

What are the benefits of recognising domestic and family violence as a ground of discrimination?

There are a range of compelling reasons to introduce a ground of discrimination concerning domestic and family violence in anti-discrimination legislation, some of which are outlined below:

- ***Creation of a discrimination ground would clarify and strengthen existing discrimination protections***

While there are anti-discrimination laws at each of the state, territory and federal levels, to date, domestic and family violence has not been recognised as a protected attribute in these laws. Additionally, evidence suggests that victims and survivors often face difficulties seeking legal redress under the existing grounds of discrimination in anti-discrimination laws.

The result is that none of the existing state, territory or federal legislative frameworks are sufficient to protect women who are experiencing or who have experienced domestic and family violence from further discrimination.

The inclusion of domestic and family violence as a protected attribute under anti-discrimination laws at the federal, state and territory levels, would help to clarify and strengthen existing discrimination laws, which already provide some limited protection to victims and survivors of this form of violence.^[23]

Current protections and gaps within the existing federal anti-discrimination legislation are found in:

- a. *Sex Discrimination Act 1984* (Cth):**

Many of the protected attributes under the Sex Discrimination Act are listed as 'innate characteristics' (for example pregnancy, sexual orientation or gender identity).

Yet, not all of the characteristics listed as requiring protection fall within this category.

It has long been recognised that people can face discrimination on the basis of attributes that are not physical or innate - for example, as a result of their marital status, relationship status or family responsibilities. The Sex Discrimination Act recognises these protected attributes as grounds of discrimination.

While victims and survivors may be able to make a valid claim under the existing legislation, a gap exists whereby the discrimination experienced by persons who have been subject to domestic and family violence cannot be directly linked to an existing protected attribute.

The introduction of domestic and family violence as a stand-alone protected attribute would, therefore, allow for a more comprehensive form of protection and greater consistency of approach.^[24]

- b. *Disability Discrimination Act 1992* (Cth)**

For victims and survivors of domestic and family violence who have a disability, the Disability Discrimination Act is also of limited use. In addition to requiring that the victim/survivor lives with a disability, it requires that disability be one of the reasons that the person was discriminated against. This means that this Act has limited application where the only reason that a person with a disability is discriminated against is because they are experiencing domestic and family violence.

The introduction of domestic and family violence as a stand-alone protected attribute in this legislation would, therefore, provide specific protection in these circumstances.

- c. *Fair Work Act 2009* (Cth)**

The Fair Work Act provides eligible employees who are experiencing domestic and family violence, or eligible employees who are providing care or support for a family or household member experiencing domestic and family violence, the right to request flexible working arrangements. However, the discrimination that employees can face when they disclose their experience of domestic and family violence often prevents them from accessing this right under the Fair Work Act.

Additionally, there is no right of appeal if this right to request is denied. It therefore follows that women are often unlikely to request this right to work flexibly for fear that they may face discrimination due to the stigma surrounding domestic and family violence, or the misconception that women experiencing violence are unproductive or unreliable.

The introduction of domestic and family violence as a protected attribute under anti-discrimination laws would help to address these existing gaps. It would most likely have the effect that more employees who are experiencing or providing care or support for someone who is experiencing, domestic and family violence, would feel protected from discrimination. Therefore, they would be less likely to fear discriminatory attitudes – and they would be more likely to avail themselves of measures such as the Fair Work Act right to request flexible working arrangements.

- ***Creation of a discrimination ground would decrease social and economic costs of violence against women***

In an ILO report on gender-based violence in work, the authors argued that “economic growth, competitiveness, development and efficiency can only be achieved where barriers to productive and quality employment opportunities are eliminated for both men and women”.^[25]

At the same time, it is known that employment plays a critical role in assisting victims and survivors of domestic and family violence to leave their violent relationships.^[26] Eliminating the discrimination that these victims and survivors can face will therefore improve their ability to access and remain in employment.

Additionally, the costs of domestic and family violence to the Australian economy and to Australian business are exacerbated when victims and survivors are subjected to discrimination (for example where their employment is terminated and costs are incurred in recruiting and training a new employee).

We know that the mental and physical consequences of violence have a negative impact on workplace productivity and performance^[27]. These impacts are potentially further exacerbated when victims and survivors face discriminatory treatment from employers.

So it follows that making discrimination related to domestic and family violence unlawful in the workplace (and in the provision of services, or housing) would thus be an important and positive contributor to achieving workplace equality and wellbeing and, accordingly, enhancing workplace productivity.

- ***Creation of a discrimination ground would serve an educative function***

Including domestic and family violence as a protected attribute under anti-discrimination legislation is likely to:

- enable domestic and family violence to be identified and acknowledged as a legal wrong in need of redress and prevention
- help raise community and business awareness about the impact of domestic or family violence
- increase understanding of the individual and systemic implications of this issue in education, housing, employment and other areas
- facilitate the adoption of measures to eliminate existing, and prevent future, acts of discrimination (eg. where women disclose experiences of domestic or family violence and are dismissed as an ‘unreliable’ staff member)
- facilitate the adoption of policies and procedures to support victims and survivors of domestic and family violence in a range of settings
- assist changes to workplace culture and other environments so they become more supportive of victims and survivors, and
- foster an environment in which victims and survivors can feel free to disclose their violent situations and the impacts with a view to developing effective means of resolution and redress.

• ***Creation of a discrimination ground would complement other strategies***

The introduction of domestic and family violence as a separate ground of discrimination under anti-discrimination legislation would complement other strategies such as:

- the *National Plan to Reduce Violence against Women and Their Children*, which recognises that all governments and the wider community must be involved to reduce (in the short term) and prevent (in the long term) violence against women in Australia^[28]
- emerging workplace-based strategies for addressing domestic and family violence, notably inclusion of domestic and family violence clauses in enterprise agreements, especially in situations where workplace entitlements have been exhausted.^[29]

What can workplaces do to support employees experiencing domestic and family violence?

Workplaces can play a positive role by providing safe and supportive environments for their employees, particularly those employees who are experiencing violence. This can result in strong benefits for the employer, including higher retention rates, higher staff morale, and higher health outcomes for their employees.

There are a range of actions a workplace can take to ensure that they are providing adequate support for victims and survivors of domestic or family violence.

The role of leaders

An important first step is for workplaces to begin a conversation about domestic and family violence - one where employers send a clear message to their employees that:

- domestic and family violence is an issue that affects the workplace
- those experiencing it are not alone
- they should feel confident that disclosing a violent situation will not result in adverse consequences for them or their employment, and that
- bystanders should stand up against violence in the workplace.

Establish clear policies and procedures

- Develop a policy about supporting women who are victims and survivors of domestic and family violence.
- Develop policies for safe workplaces, free from harassment and bullying, which also deal with employees who perpetrate violence in the workplace.
- Ensure these policies and procedures are clearly articulated to staff and that employees are encouraged to make use of them.
- Use the Domestic Violence Policies and Procedures guide ([Annex A](#)).

Make provision for leave or flexible work arrangements

- In their enterprise agreements or awards, workplaces can provide dedicated paid leave for women experiencing domestic and family violence. As of 2013, over one million Australian workers are able to avail themselves of leave and other protections made available through domestic and family violence clauses in their agreement or award conditions.^[30]
- Offer flexible work arrangements, as provided for under the Fair Work Act.

Establish clear roles and responsibilities and build capacity

- Clearly articulate the roles and responsibilities of line managers and senior leadership in supporting victims and survivors and in dealing with perpetrators in the workplace.
- Ensure managers and those responsible for policy implementation and safety planning receive adequate training and support.

Implement an awareness-raising and education programs

- Ensure all staff have an understanding of the impacts of domestic and family violence on individuals and on the workplace.
- Ensure staff receive training on how to recognise signs that a colleague may be experiencing domestic and family violence.

Ensure adequate support is provided for affected employees

- Discuss the short- and longer-term needs and requirements of the affected employee.
- If required, develop a safety plan.
- Ensure ongoing communication and regularly check in with the affected employee.
- Respect privacy and confidentiality.
- Ensure employees are aware of appropriate support services. For example, some Employee Assistance Programs have counsellors trained in domestic and family violence counselling.

Conduct safety planning with affected employees

- Ensure managers receive training in developing a safety plan for women.
- Use the Developing an Effective Safety Plan guide ([Annex B](#)).

Provide referrals and external support

- Ensure those staff required to support other staff (eg. managers) are aware of the appropriate support and referral pathways for women who experience violence and men who perpetrate violence, as well as support available for themselves.
- Use the Information and Referrals guide ([Annex C](#)).

Encourage monitoring and reflection

- Ensure that you monitor and reflect on your progress in this area after you've worked through the above actions.
- Use the Assessing Responses to workplace Domestic Violence Questionnaire ([Annex D](#))
- The *Workplace Gender Equality Act 2012* requires workplaces with 100 or more employees to report annually on whether there is a formal workplace policy or strategy or other measures in the workplace to support employees experiencing domestic and family violence.

Other helpful resources

- Australia's CEO Challenge – Workplace partners against domestic violence: ceochallengeaustralia.org/
- Human Rights Law Centre - Fact sheets on human rights obligations relevant to domestic violence in the thematic areas of [housing](#), [justice](#), [police](#) and [the workplace](#): <http://hrlc.org.au/human-rights-and-domestic-violence-fact-sheets/>
- Safe at Home, Safe at Work - domestic violence workplace rights and entitlements project (UNSW Gendered Violence Research Network) <http://www.dvandwork.unsw.edu.au/>
- VicHealth:
 - Creating Healthy Workplaces Program: www.vichealth.vic.gov.au/Programs-and-Projects/Economic-Participation/Creating-Healthy-Workplaces.aspx
 - Generating Equality and Respect program: www.vichealth.vic.gov.au/Programs-and-Projects/Freedom-from-violence/Local-government-and-community/Preventing-Violence-Against-Women-Demonstration-Site.aspx
- White Ribbon's National Workplace Program: www.whiteribbon.org.au/workplaces

[1] United Nations, *Declaration on the Elimination of Violence against Women*, UN Doc A/Res/48/104, (1993), art 1.

[2] It has been recognised that domestic and family violence violates a wide range of human rights and fundamental freedoms, including the rights to life, not to be subject to torture or to cruel, inhuman or degrading treatment or punishment, equal protection according to humanitarian norms in time of international or internal armed conflict, liberty and security of person, equal protection under the law, equality in the family, the highest standard attainable of physical and mental health, and right to just and favourable conditions of work. See CEDAW Committee, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38 (1992), para 7.

[3] United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc A/34/46 (1979), art 11.

[4] See J Dearden & W Jones, *Homicide in Australia: 2006 – 07 National Homicide Monitoring Program Annual Report*, Australian Institute of Criminology (2008), p 2.

[5] Australian Bureau of Statistics, 4906.0 - Personal Safety, Australia, 2012 (2013).

At: <http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4906.0Main%20Features12012?opendocument&tabname=Summary&prodno=4906.0&issue=2012&num=&view=> (viewed 20 November 2013).

- [6] Australian Bureau of Statistics, 4906.0 - Personal Safety, Australia, 2012 (2013).
At: <http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4906.0Main%20Features12012?opendocument&tabname=Summary&prodno=4906.0&issue=2012&num=&view=> (viewed 20 November 2013).
- [7] Ludo McFerran, National Domestic Violence and the Workplace Survey (2011).
- [8] See VicHealth, The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence (2004), p 8.
- [9] National Council to Reduce Violence against Women and their Children, The Cost of Violence against Women and their Children (2009). At: https://www.dss.gov.au/sites/default/files/documents/05_2012/vawc_economic_report.pdf (viewed 27 July 2015).
- Note: In the 2008/09, the cost of violence against women (including intimate partner violence and non-intimate partner violence) to the Australian economy was estimated at \$13.6 billion. If no preventative action is taken, this cost is projected to rise to \$15.6 billion annually by 2021/22. Of which \$456 will be borne by employers and \$1.2 billion will be borne in production-related losses. National Council to Reduce Violence against Women and their Children, The Cost of Violence against Women and their Children (2009).
- At: https://www.dss.gov.au/sites/default/files/documents/05_2012/vawc_economic_report.pdf (viewed 27 July 2015).
- [10] 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).
- [11] 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.
- [12] Ludo McFerran, Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey (2011), p 17.
- [13] Ludo McFerran, Safe at Home, Safe at Work? National Domestic Violence and the Workplace Survey (2011), p 10.
- [14] Domestic Violence Workplace Rights, and Entitlements Project, *Domestic, Violence and the Workplace Employee, Employer and Union Resources* (2011).
- [15] Ludo McFerran, *National Domestic Violence and the Workplace Survey* (2011).
- [16] 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/commsen/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).
- [17] Australian Human Rights Commission, Submission to the Australian Law Reform Commission Inquiry into Family Violence and Commonwealth Laws: Employment and Superannuation (21 April 2011), para. 47.
At: http://www.humanrights.gov.au/legal/submissions/2011/20110421_family_violence.html (viewed 15 October 2014).
- [18] See CEDAW Committee, General Recommendation No. 19: Violence against Women, UN Doc. A/47/38, (1992), paras 1 and 6.
- [19] Case studies of such discrimination across a range of areas have been provided by Working Women's Centres, Domestic Violence Legal Service NSW, and the ASU Victorian Authorities & Services Branch.
- [20] The Australian Human Rights Commission recommended that federal anti-discrimination legislation and the *Fair Work Act 2009* (Cth) prohibit discrimination on the ground of domestic and family violence. Australian Human Rights Commission, *Consolidation of Commonwealth Discrimination Law – domestic and family violence*, (2012).
At <http://www.humanrights.gov.au/consolidation-commonwealth-discrimination-law-domestic-and-family-violence> (viewed 13 June 2014); Australian Human Rights Commission, Post Implementation Review of the Fair Work Act 2009 (2012). At http://www.humanrights.gov.au/post-implementation-review-fair-work-act-2009#s8_3 (viewed 14 August 2014); Australian Human Rights Commission, Australian Law Reform Commission: Family Violence and Commonwealth Laws: Employment and Superannuation (2011). At <http://www.humanrights.gov.au/legal-research-and-resources-1> 9viewed 14 August 2014)
- [21] Australian Law Reform Commission, Family Violence and Commonwealth Laws - Improving Legal Frameworks Final Report (2011), ALRC Report 117, Recommendation 16-8. At <http://www.alrc.gov.au/publications/family-violence-and-commonwealth-laws-improving-legal-frameworks-alrc-report-117> (viewed 14 August 2014).
- [22] Senate Legal and Constitutional Affairs Committee, Report on the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012 (2013), Recommendation 3.
At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/antidiscrimination2012/report/index (viewed 14 August 2014).

- [23] Australian Human Rights Commission, Domestic Violence as a Ground of Discrimination: Roundtable, Sydney, 3 November 2011.
- [24] Australian Human Rights Commission, Domestic Violence as a Ground of Discrimination: Roundtable, Sydney, 3 November 2011.
- [25] A Cruz & S Klinger, 'Gender-Based Violence in the World of Work: Overview and Selected Bibliography', International Labour Office, Working Paper 3/2011 (2011), p 73.
- [26] See generally R Braaf & I Barrett Meyering, Seeking Security: Promoting Women's Economic Wellbeing Following Domestic Violence (2011).
- [27] A Cruz and S Klinger, Gender-Based Violence in the World of Work: Overview and Selected Bibliography, International Labour Office, Working Paper 3/2011 (2011), p 15.
- [28] Australian Government, National Plan to Reduce Violence against Women and Their Children (2011), p i.
- [29] See for example, University of New South Wales (Academic Staff) Enterprise Agreement 2011, cl 33.4.
At: http://www.hr.unsw.edu.au/services/indrel/UNSW_Academic_Staff_Enterprise_Agreement_2011.pdf (viewed 14 July 2014). For other examples, see Australian Domestic & Family Violence Clearinghouse, 'Domestic Violence Workplace Rights and Entitlements Project: 'Safe at Home, Safe at Work''. See generally Australian Law Reform Commission, Family Violence – Commonwealth Laws: Discussion Paper (2011), pp 542-556. At <http://www.alrc.gov.au/publications/family-violence-and-commonwealth-laws-dp-76> (viewed 14 July 2014).
- [30] Ludo McFerran, Safe at Home, Safe at Work Project, Australian Domestic and Family Violence Clearing House, UNSW, 'When domestic violence becomes a workplace problem', ABC The Drum Opinion 13 February 2013.
At <http://www.abc.net.au/unleashed/4516492.html> (viewed 14 July 2014).

See next page for two easy to use tools

The Duluth models for Power and Control and the Equality tool

The Power and Control Wheel – Duluth Model



DOMESTIC ABUSE INTERVENTION PROGRAMS
 202 East Superior Street
 Duluth, Minnesota 55802
 218-722-2781
 www.theduluthmodel.org

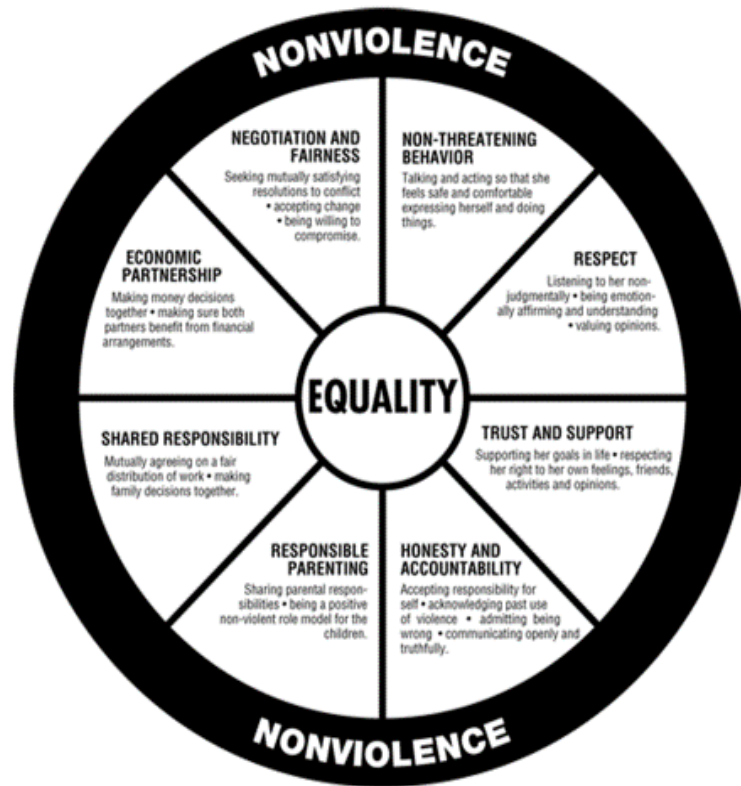
Also see the Equality Wheel – the Duluth model

<http://www.socialworkerstoolbox.com/the-equality-wheel-the-duluth-model/>

<http://www.socialworkerstoolbox.com/the-equality-wheel-the-duluth-model/>

<https://www.theduluthmodel.org/wheel-gallery/>

The Equality Wheel



Best practice guidelines – working with clients affected by domestic violence

<http://www.legalaid.qld.gov.au/About-us/Policies-and-procedures/Best-practice-guidelines/Working-with-clients-who-have-been-affected-by-domestic-violence>

This presentation initially extended to “ Strategies for Finding ways to build empowerment while working from home. Therefore references relating to that topic can be found on the next pages.

Finding ways to build empowerment

Physical

- Mindfulness techniques
- Meditation
- Gratitude Journal.
- Gentle Exercise
- Deep Breathing
- Yoga
- Pilates
- Guided relaxation

Mental

- ONLINE counselling
- Phone counselling
- Uses a stress scale
- Rational Thinking
- Executive brain thinking – consciously decide to switch from old brain (highly reactive fight or flight responses) to using the executive brain functions: calm, reasoned critical thinking and decision making
- Federation University specific online sessions
 - Wellness Wednesday
 - Motivational Mondays
- Read the CBA Financial Guide (PDF)

How to work from home

https://toggl.com/work-from-home/?utm_source=newsletter&utm_medium=email&utm_campaign=202008

Connectedness – and staying connected

https://aifs.gov.au/publications/staying-connected-when-were-apart?utm_source=CFCA+Mailing+List&utm_campaign=7c7b0683a7-EMAIL_CAMPAIGN_2020_03_11_COPY_01&utm_medium=email&utm_term=0_81f6c8fd89-7c7b0683a7-211261341

Sites specific to conflict

High conflict institute (USA)

<https://www.highconflictinstitute.com/>
<https://www.highconflictinstitute.com/bill-eddy>

Conflict resolution HQ (Australian)

Conflict resolution network (Aust) for skills and strategies

<https://www.crnhq.org/>

Rational Thinking

Albert Ellis

<https://www.verywellmind.com/rational-emotive-behavior-therapy-2796000>

<https://www.psychologytoday.com/au/therapy-types/rational-emotive-behavior-therapy>

<http://www.rebtnetwork.org/>

Meditation

Dr Craig Hassad

<https://www.smilingmind.com.au/craig-hassed>

https://www.monash.edu/_data/assets/pdf_file/0004/694192/The-health-benefits-of-meditation-and-being-mindful.pdf

https://www.headspace.com/?utm_source=google&utm_medium=cpc&utm_campaign=10739734522&utm_content=106263832939&utm_term=453990194125&meditation&gclid=EA1aIQobChMI6Ojalq6X6wIVDSQrCh2MHQn2EAAYASAAEgIhkfD_BwE

Positive Psychology

Martin Seligman

<https://www.verywellmind.com/martin-seligman-biography-2795527>

- Digital web links, TED talks, you Tube videos, Apps on App store (Apple) or Google Play store (Android), online workshops
- Print media – books, articles, news, other
- Offline workshops, seminars

Further Study

- Course work – University of Melbourne
- Grade Certificate – QUT/ RMIT
- Grad Diploma Family Violence Prevention - Monash

END NOTES