

After the Charter

**How funds are addressing
domestic violence**



Forward

By Sandra Buckley, CEO

Women in Super launched the Domestic Violence Charter in 2016 when, in an effort to generate real action, we invited Rosie Batty, domestic violence advocate and Australian of the Year, to be our National Road Show speaker. Rosie's presentation propelled us to initiate discussions with the industry and ultimately led to the introduction of the Domestic Violence Charter – the first such initiative launched by an industry sector to address these issues. It followed extensive consultations with domestic violence organisations, union representatives and superannuation fund Human Resource Managers and to date has been signed by 31 superannuation funds, industry associations and service providers.



Since that time, thinking around domestic and family violence has continued to evolve. A simile that has stuck with me compares awareness of domestic violence in the workplace to that of mental health awareness ten years ago.

I believe thinking in our sector has progressed further than this would suggest, but it's an apt comparison. About a decade ago, talking about mental illness was almost taboo, particularly in the workplace. Yet as it became increasingly clear how many people it affects, employers, and society more broadly, became aware of the issues and started to lift that taboo and put strategies in place to help.

We wanted to revisit the Charter to see what changes signatories had made since 2016 and what impact those changes are having in their workplaces. Some organisations have gone well beyond the letter of the Charter and you will read about some of those welcome additions in the report below.

I'm happy to say the signatories to the Charter have lived up to its message, with all respondents having implemented family violence policies, including paid family violence leave, though I note that a handful of organisations were front-runners who had these policies before signing up.



One detail that surprised me is that nearly half the organisations report no employees accessing their new policies. With one in six women and one in sixteen men having experienced physical or sexual violence at the hands of a current or former intimate partner since the age of 15¹, statistics would tend to indicate domestic violence would affect people in all organisations. Two-thirds of women affected by domestic violence are in paid employment² and around one in ten women took some time off work due to violence from a current partner, and one in five due to violence from a previous partner.³

There may be many reasons for this – including the fear of confidentiality breaches, feelings of shame, a lack of knowledge that the resources exist or even, of course, that no staff are affected by domestic violence. While statistics about take-up rates of domestic violence leave are hard to come by, anecdotally it might appear that workplaces which talk openly about their policies, undertake training and encourage conversations among staff about the issues may be those where employees feel most empowered to access the policies designed to help them.

Finally, it is a long-standing tenet that a major key to eliminating violence against women and family violence more broadly, is the promotion of gender equality in society and in workplaces.

There is no doubt much further to go, but I am proud that the Women in Super Domestic Violence Charter signatories hold gender equality as a core belief and continue to push against the factors that may continue to hold women back in 2019.

Sandra Buckley CEO

About this report:

We sent the survey to our 31 signatories and received 27 submissions. This report compiles those results, with information from follow up discussions where appropriate.

¹ https://www.aihw.gov.au/getmedia/b180312b-27de-4cd9-b43e-16109e52f3d4/aihw-fdv4-FDSV-in-Australia-2019_in-brief.pdf.aspx?inline=true

² <http://www.dvworkaware.org/>

³ <https://d2rn9gno7zhxqg.cloudfront.net/wp-content/uploads/2019/03/06233844/Paid-DFV-Leave-Evidence-Summary-ANROWS.pdf>



What's new

2019 saw ground-breaking employment laws come into effect in New Zealand⁴ giving employees who are victims of family violence the right to:

- ten days paid domestic violence leave per year, separate from all other forms of leave
- ask for short-term flexible working
- not be treated badly at work because they might be affected by domestic violence.

Employers who break this law are subject to fines of up to \$20,000.

New Zealand is the first country in the world to follow the Philippines, which in its Anti-Violence Against Women and Their Children Act of 2004 allowed for ten days paid family violence leave, though it is unclear whether this law is widely known or accessed.

In Australia, The Australian Parliament passed a law in 2018 to amend the National Employment Standards⁵ to give all employees the right to five days' unpaid family violence leave per year.

Community attitudes

The National Community Attitudes towards Violence against Women Survey (NCAS) was developed in 1995 on the back of a 1987 survey. The report of 2017's survey 'Are we there yet?'⁶ is both encouraging and concerning. While an increasing majority of Australians support gender equality and a vast majority reject attitudes of violence against women, a disturbing trend is emerging. 'While most Australians (64%) recognise that mainly men, or men more often, commit acts of domestic violence, the percentage who recognise this has dropped 7 percentage points since the 2013 NCAS. This decline has been occurring since 1995, when 86% recognised this fact. In 2009, recognition was down to 74% and it dropped a further 3 percentage points to 71% in 2013.'⁷

⁴ <https://www.employment.govt.nz/assets/Uploads/tools-and-resources/documents/40d89abf29/domestic-violence-victims-protection-act-factsheet.pdf>

⁵ <https://www.fairwork.gov.au/leave/family-and-domestic-violence-leave>

⁶ http://ncas.anrows.org.au/wp-content/uploads/2018/12/ANROWS_NCAS_Summary_Report.pdf

⁷ ibid



Other concerning findings:

- 1 in 3 Australians are unaware a woman is more likely to be sexually assaulted by someone she knows rather than a stranger (a greater proportion than in 1995),
- 1 in 5 believe domestic violence is a natural reaction to stress and
- 2 in 5 believe women make false sexual assault claims to punish men.

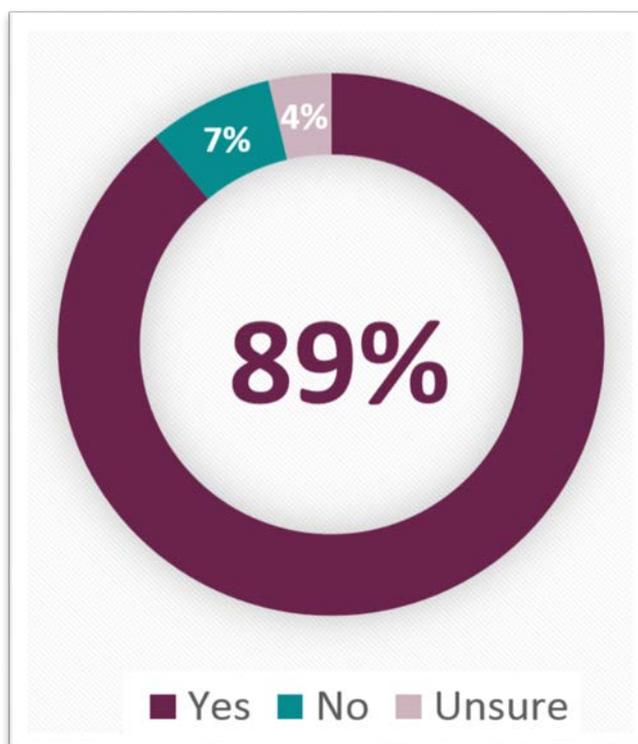
It is clear there is a 'backlash' effect making an impact. It's also a reminder that the road to ending violence and achieving gender equality is a long one, especially considering 2 in 5 Australians believe women exaggerate how unequally they are treated.

It underscores the need for constant communication of and discussion around the issues surrounding intimate partner and family violence.

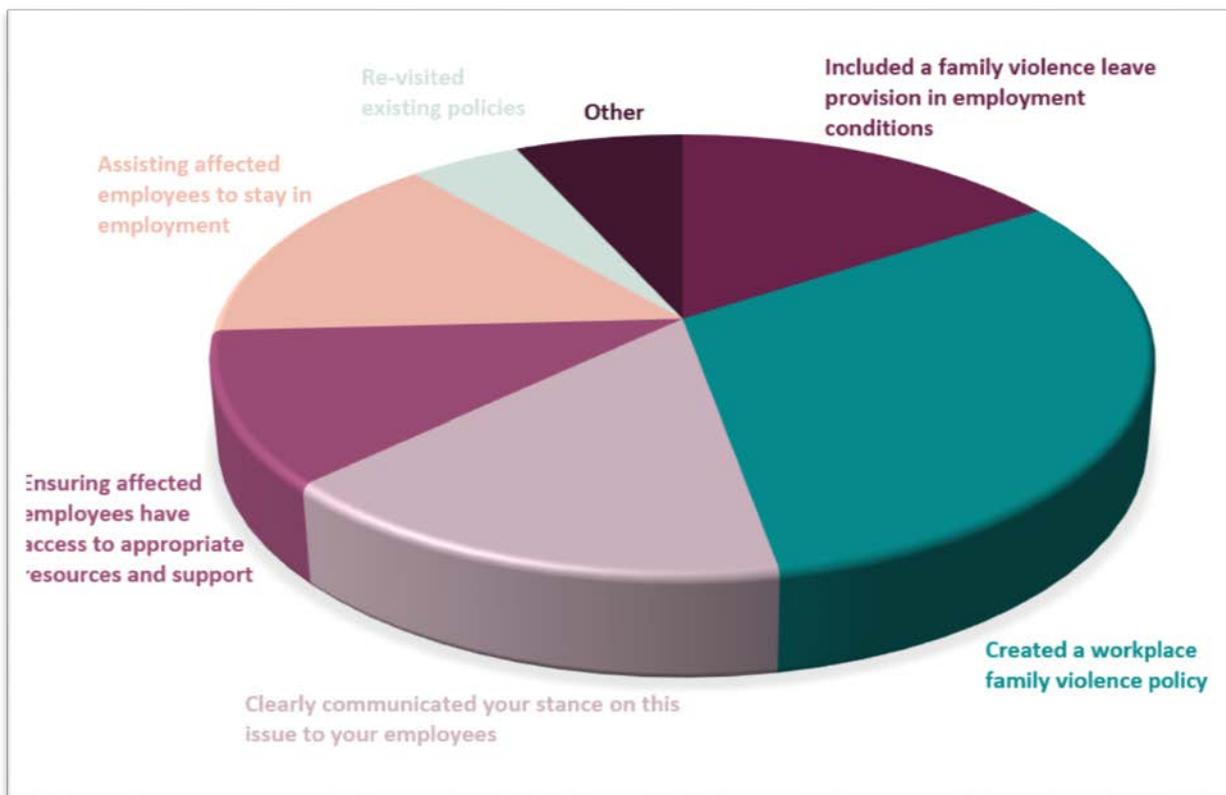
Survey Responses

Q1. Since your organisation signed the Charter, has it made any changes to its processes in the workplace regarding family violence?

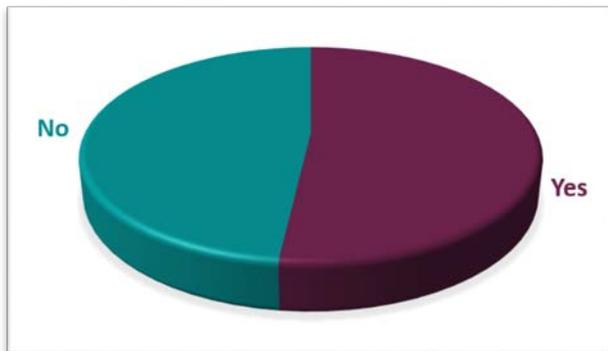
Note: two organisations marked 'no' to this question as they had policies in place before signing the Charter. The 'unsure' organisation was unsure whether their policies predated the Charter, and on further research, it discovered they did.



Q2. Which changes have your organisation made?



Q3. If your organisation introduced a family violence provision in employment conditions, is it being accessed by employees?



If yes, have you been surprised by the level of take-up?

“I haven’t been surprised by the level of take-up as we have been managing this matter up to now anyway and our support to employees on matters outside work is well-regarded (and well-known) by our employees.”

“Naturally, it would be the ideal that no-one needs this. We’ve had people utilise the leave, but not significant numbers.”

“Surprised but glad we could assist.”

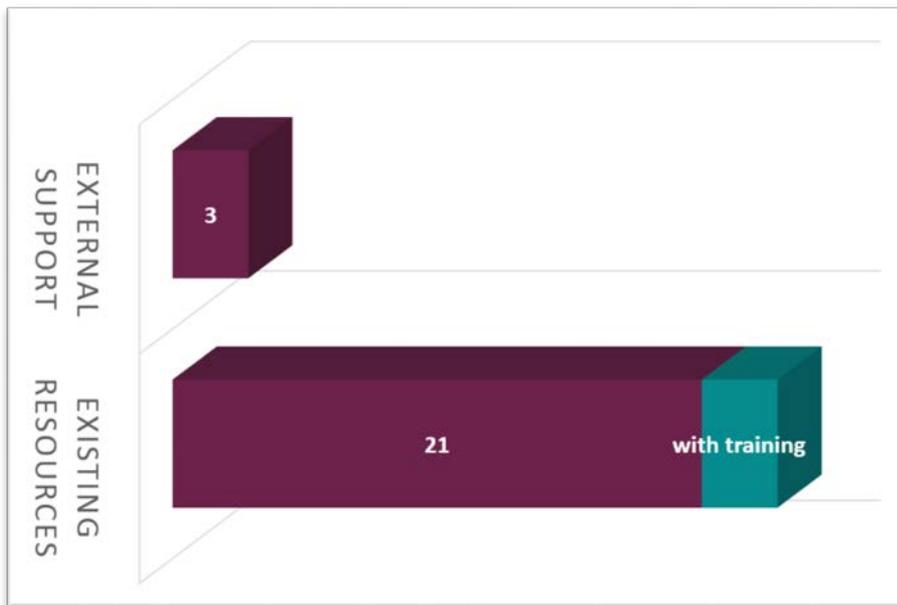
“Unfortunately, not surprised given the domestic violence statistics.”

“Yes, I have been surprised at the level accessed and by the level of disclosure at every single level of the organisation.”

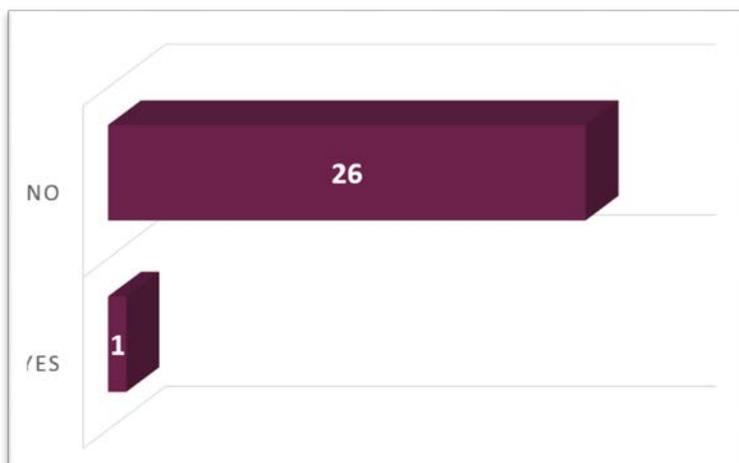
Q4. If you have communicated your policy and stand against family violence to your employees, how did you do that? (eg. team meetings, email, etc.)



Q5. Was implementing these changes possible with your existing resources, or did you hire extra people to deal with them?



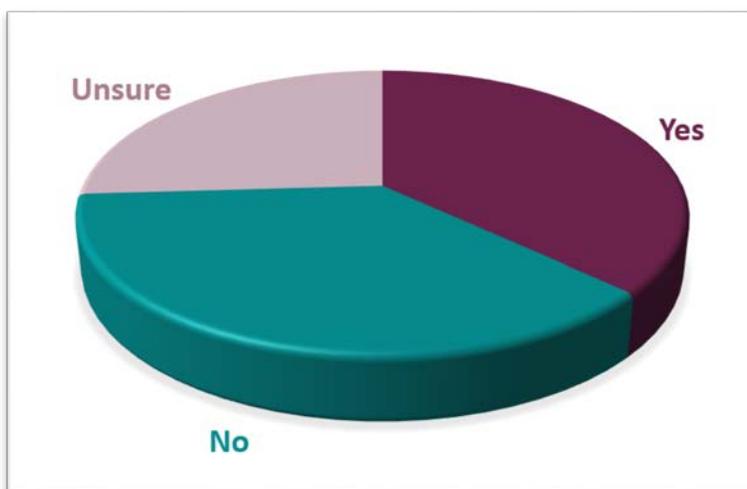
Q6. Have any unforeseen consequences followed from changes you have put in place?



“It has continued to reinforce ourselves as a ‘good’ employer by our employees.”

“Our employees were incredibly proud of this work and our support on this issue. There were many comments in our annual engagement survey and we still get positive feedback from our people.”

Q7. Has your organisation given any consideration to how it might assist fund members or others who are experiencing or have experienced family violence?



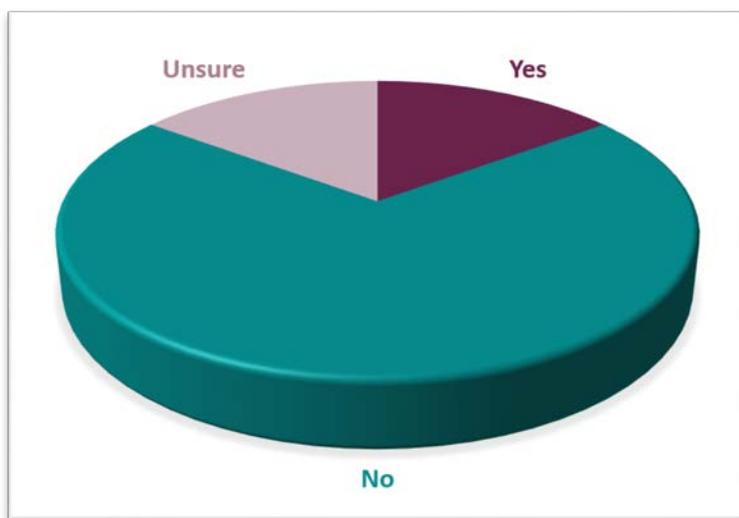
“We have added sensitivity and awareness training to the learning requirements of all staff. This training includes advice on how to spot the signs of a customer being affected by family violence and financial abuse. We have also introduced guidelines for staff to help them help customers in this situation, including referral services to provide additional support.”

“We have discussed pros and cons of allowing access to super on the grounds of domestic violence. Our stance at present is by providing information/education/advice to women so that they learn the importance of financial independence and how to do this.”

“We train our employees in managing difficult circumstances for our members.”

“In the process of further exploring ‘vulnerable’ members and access options.”

Q8. Has your organisation considered ways to provide employment opportunities to those who have been impacted by family or domestic violence?



“We have a partnership with Fitted for Work and employed one of their female participants on a 12 month contract – this could potentially be extended to those impacted by family or domestic violence.”



Digging deeper

A closer look at the responses and the issues they raise

Leave provisions

All signatories have provided paid domestic/family violence leave. Of those respondents who mentioned how much leave is provided, most nominated ten days, one three days and one five days, in both latter cases they are planning to extend that to ten days. One respondent went further after hearing anecdotally that staff thought the leave must be taken in a block and were anxious about using it when they only needed a half-day (to attend medical or court appointments for example). While this assumption was incorrect and the leave could be taken as required, the organisation decided to alleviate the anxiety and removed the cap on domestic family violence leave. To date, this has not resulted in a spike of take-up. The organisation is also extending ten days leave to those requiring time away to support someone impacted by domestic violence, whether it be a family member, friend or colleague.

Confidentiality

A continuing concern for HR managers and staff alike is the need for complete confidentiality. Anecdotal evidence suggests staff in need may not access the leave provisions, for example, because they are concerned the kind of leave they are accessing will not be private. One respondent is tackling this by having 'first responders' throughout the organisation. Staff would approach the first responder, and that person then deals with the 'bureaucracy' – getting leave approved and other necessities dealt without having to disclose who it is for. Other organisations are considering a different 'code' for the leave when filling in leave requests etc. One respondent noted that if the type of leave is shown on a payslip, it might be seen by the abusive partner. This organisation records it manually on the personnel file instead.



Communication and culture

It is almost impossible to overstate how important the culture of an organisation is when it comes to raising domestic violence matters. If a workplace culture doesn't clearly support gender equality and build an inclusive environment, employees may not feel safe in raising their issues and taking leave. As one organisation put it, we need to remove the stigma around domestic violence and break down the barriers around perceptions of who is affected by it, and at the same time make the steps we are taking very clear and publicly available. 'We need to build trust in the workplace that the policy is there to be used and employees supported.'

One respondent urges more communication recognising that domestic violence leave can be taken by men.

Most respondents report they have spread word of their policy through email, staff handbooks, inductions and team meetings, with some using internal social media campaigns, intranet and fundraising activism to add more layers to the message.

Happily, it seems the 'not our business' thinking that dominated workplaces in years gone by has gone, with leaders more inclined to talk openly about why they're implementing the policy.

For larger organisations who report no-one is accessing the policy, another round of communications about the support on offer is appropriate, to make sure employees feel empowered to ask for support and the trust it will be delivered efficiently, confidentially and with humanity.

Training

Several organisations reported they had sent staff members from HR and elsewhere for appropriate training. The clear and sound basis for this is that if there are to be disclosures in the workplace, people need to know how to do risk assessments and how to access services.

"It's not so much the provision of leave, it's the constant reminding of staff that they still have a job, that they won't lose out on a promotion because of this crisis in their personal life."



What about the perpetrators?

A handful of organisations are in the early stages of considering a perpetrator response framework, recognising it is new territory for many Australian employers. The organisations are looking at ways to intervene if company resources (telephone or email, for example) are used as part of any domestic family violence offences. Working with outside experts, they are taking steps to understand how supporting perpetrators in changing their behaviour can be done in line with the priority of helping those impacted by the offenses. Under the policies of at least one organisation, referral pathways for perpetrators are outlined, but the best practice for dealing with perpetrators is so far unclear. The Victorian State Government and Our Watch have offered some guidance in its short paper [Workplace responses to staff who perpetrate violence against women](#).

Make sure your EAP is up to speed

*'When a woman is seeking support for the first time, the initial response is critical. If it isn't handled well, she may be reluctant to seek support again and remains at risk of harm. If the response is handled well, the chances of her building a new safe life in whatever way works for her are high.'*⁸

When an employee reveals they are in a domestic family violence situation, the first port of call is often the Employee Assistance Program. However, EAPs may not all be equipped with the knowledge to deal with domestic violence issues, which may not fall within the bounds of the workplace mental health, bullying and harassment issues they deal with daily.

If a staff member needs to access your domestic violence policies, how do you know the help is appropriate? If a manager contacts the EAP to ask how best to help a staff member who has reported domestic violence issues, is the EAP able to help them work through the issues, knowing what is helpful and what is harmful?

A handful of responders note they have confirmed or requested their EAP is suitably trained to deal with family violence issues. One respondent reported that while their EAP didn't advertise any expertise in family violence, when approached they sent a specialist to a confidential session with the affected staff member and provided on-going, practical support.

⁸ <https://dvvic.org.au/understand/prevention-and-response-to-family-violence/>



Have a conversation with your EAP provider, ask what training they have done around domestic violence, and make sure they are using best practices.

Safety Plan

One respondent included in its policy a provision for relocation services and emergency accommodation for employees.* However, during domestic violence training, it learned that this may not be sufficient, as the time following separation can be the most violent for those leaving perpetrators⁹ and a 'safety plan' should be made. Safety plans are highly individualised but can include things like changing routines, increasing security at the new home and learning how to use tech safely. The respondent in this case puts reporters in touch with an outside provider which helps reporters make safety plans.

*(note, others may be doing this but did not report).

Assisting vulnerable members

The Federal Government's extension of the early release of superannuation on compassionate grounds to victims of family and domestic violence was welcomed by many. Women in Super acknowledges urgent short-term financial support supersedes the need to save for retirement, but early release should be considered as a last resort where other forms of assistance have been inadequate, as it will exacerbate the gender super gap and financial insecurity in retirement.

One respondent reports it is looking into early release as part of a project considering how to identify and assist members in need of support, while others say they are considering other ways to assist members, including long-term financial literacy programs.

One respondent has trained staff to recognise the signs of domestic violence or financial abuse and how to assist customers in that situation with referrals to additional support.

The Victorian Government is currently the only state government to offer flexible support for those escaping family violence, providing up to \$10,000 to cover costs including rent, home

⁹ <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4128.0>



alarms, CCTV, clothing, beds, books, medication and education.¹⁰ If other states followed this lead, it might remove the need for early access to super, allowing it to be spent in retirement as originally planned.

One respondent finances a phone operator at a domestic abuse agency. The organisation also fundraises for the agency and plans to have the agency train its staff members on how to respond when faced with domestic abuse issues.

Other assistance

Aside from relocation services and emergency accommodation, which two organisations specifically mentioned, one has gone further, offering emergency financial support of up to \$2500. It can also arrange changing telephone numbers and email addresses for added security and has provided new handsets when it was feared the employee's existing phone has tracking software installed. One organisation set up an affected employee to work remotely and provided support through a manager who kept in contact while this was in place.

One respondent is considering developing an emergency fund where employees can access their own money via salary sacrifice in an emergency. They would need to apply to access this.

Employers of choice

Several respondents reported that their attention to the issue of domestic violence and the policies they have put in place have been warmly welcomed by their employees, reinforcing their perception that they are working for good employers. One said that it still receives feedback from employees proud their organisation has such commitment.

¹⁰ <https://www.premier.vic.gov.au/flexible-support-for-victims-of-family-violence/>