



Not Now. Not Ever. *Together*

# DOMESTIC AND FAMILY VIOLENCE

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## WORKPLACE POLICY GUIDE

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A Domestic and Family Violence Workplace Policy Guide to assist in writing and implementing a policy addressing domestic and family violence in the workplace.



**Queensland**  
Government

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Department of Department of Child Safety, Youth and Women  
Locked Bag 3405, Brisbane QLD 4001

[www.csyw.qld.gov.au](http://www.csyw.qld.gov.au)

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# 1. PURPOSE OF THIS GUIDE

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The purpose of this guide is to provide corporate and community organisations with guidance on developing a domestic and family violence workplace policy.

The Queensland Government is facilitating this work as a signature action of the *Third Action Plan of the Domestic and Family Violence Prevention Strategy 2019–20 to 2021–22* to help establish a significant shift in community attitudes and behaviours to help end domestic and family violence in Queensland.<sup>1</sup>

By using this guide to develop a domestic and family violence workplace policy, corporate and community organisations are likely to have greater capacity to:

- › provide a safe workplace for all employees
- › ensure all employee disclosure of domestic and family violence are treated confidentially and seriously
- › ensure that people experiencing domestic and family violence are not disadvantaged during the recruitment process, or through their employment conditions
- › respond to any risks associated with domestic and family violence incidents that occur within the workplace
- › ensure that all employees understand their roles and responsibilities in relation to domestic and family violence policies and procedures.<sup>2</sup>

# 2. DEFINITION OF DOMESTIC AND FAMILY VIOLENCE IN QUEENSLAND

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The *Domestic and Family Violence Protection Act 2012* defines domestic and family violence as often an overt or subtle expression of a power imbalance, resulting in one person living in fear of another, and usually involves an ongoing pattern of abuse over a period of time.

Domestic and family violence can have serious impacts on people who experience it, including physical, emotional and psychological harm, and can result in death.<sup>3</sup>

Domestic and family violence can take many forms ranging from physical, emotional and sexual assault through to financial control, isolation from family and friends, threats of self-harm or harm to pets or loved ones, constant monitoring of whereabouts or stalking.<sup>4</sup>



### 3. THE GENDERED NATURE OF DOMESTIC AND FAMILY VIOLENCE

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The majority of people who experience domestic and family violence in Queensland are women. This is not to say that women cannot be the perpetrators of fear and violence upon male victims. Any domestic and family violence, regardless of who the victim and perpetrator are, is unacceptable. The statistics detailed in the *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland* report, reveals, however, that the most common pattern of domestic and family violence is committed by men against women.

Domestic and family violence can affect anyone, regardless of age, gender or socio-economic status; however, evidence has proven domestic and family violence is gendered.

This policy template acknowledges the experiences of all domestic and family violence victims, however, in order to ensure adequate and appropriate responses to domestic and family violence, it is necessary to recognise the nature and patterns of domestic and family violence and the extent and severity of its impact primarily on women.<sup>5</sup>

### 4. DOMESTIC AND FAMILY VIOLENCE IS A WORKPLACE ISSUE

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The impact of domestic and family violence can affect the wellbeing, productivity and performance of people in the workplace, and can result in higher levels of workplace stress, the use of personal/sick leave and staff turnover. In some cases, employees experience the direct impact of domestic and family violence in their workplace in the form of threatening phone calls, emails and confrontation by the perpetrator at a workplace address.

Workplaces therefore have an important role to play in raising awareness about domestic and family violence, and creating a workplace culture and environment that promotes non-violent, equitable and respectful gender relations.

A workplace domestic and family violence policy is an important component of an overall workplace strategy for responding to domestic and family violence and ensuring a safe environment and respectful workplace culture.

The Fair Work Act also provides an entitlement allowing employees to seek support to manage domestic and family violence.



## 5. PURPOSE OF A DOMESTIC AND FAMILY VIOLENCE WORKPLACE POLICY

The purpose of a family violence policy is to determine a commitment to providing a workplace in which family violence is not tolerated or excused, as well as a commitment to managing the impact it has on employees and their participation in the workplace.

The purpose of a workplace domestic and family violence policy is to:

- › make a clear statement of your organisation's intentions to provide a supportive environment and raise awareness among employees about family violence and the impacts it has on people in the workplace, and how to support co-workers

- › create a safe working environment that promotes gender equity and models non-violent and respectful relationships
- › guide responses to employees who are affected by domestic and family violence
- › create a supportive environment that will encourage people experiencing domestic and family violence to seek support.<sup>6</sup>

Having an effective response to domestic and family violence in the workplace that provides support for victims can mean the difference between staying in an abusive situation and taking action to address it.<sup>7</sup>

### Procedure considerations

- › How will you promote this policy to employees to ensure everyone is aware of it?
- › What other activities will your organisation implement to create a working environment/culture that promotes gender equity and models non-violent and respectful relationships?<sup>8</sup>

## 6. RESPONDING TO DISCLOSURES OF DOMESTIC AND FAMILY VIOLENCE

It is recommended that employees experiencing domestic and family violence be encouraged to raise the matter with their immediate supervisor, a manager, a member of the Human Resources (HR) team, or a designated domestic and family violence officer.

However, they may feel more comfortable disclosing their experience to a peer or close colleague, therefore, it is important that all employees are provided with information and training on how to respond to a disclosure, and are aware of their responsibilities in these situations.

Employees affected by domestic and family violence can access free and confidential services through their employee assistance programs. Managers can also access the program to seek advice on supporting staff affected by domestic and family violence.

Employees are not expected to counsel their colleagues, but refer them to the appropriate networks for support and counselling.<sup>9</sup>



## Procedure considerations

- › How will you ensure all employees have an understanding of their role and responsibilities in implementing this policy?
- › Will you include information on this policy in your induction and orientation processes, or develop mandatory employee training?
- › Will you establish specific domestic and family violence officer roles?
- › Will you develop resources to support employees to respond to disclosures of domestic and family violence (for example, a staff portal or intranet page)?<sup>10</sup>

## Maintaining employee confidentiality

Domestic and family violence issues should always be discussed in a safe confidential place. It is important that the privacy of employees experiencing domestic and family violence is strictly maintained, and that disclosures of domestic and family violence are only provided to other employees (such as managers or HR staff) as required, and only with the consent of the employee experiencing the violence.

In addition, it is important that information pertaining to a disclosure of domestic and family violence is kept strictly confidential and is not recorded on the employee's personnel file without their permission (with the exception of recording domestic and family violence leave). If an employee chooses to record information about their domestic and family violence experience, it is important that only information that relates to the workplace is documented, as this information could be used if a domestic and family violence issue is brought before the courts.

Domestic and family violence incidents involving children may need to be reported to a relevant authority, in line with relevant legislation. This should be undertaken in consultation with the employee experiencing violence as well as a specialist family violence service.

## Documenting employee disclosures of domestic and family violence

It is recommended that only the following information be recorded and stored securely and confidentially on an appropriate data management system:

- › the date and time discussions occurred
- › the details of domestic and family violence incidents as relevant to the workplace
- › the details of support your organisation has provided to the employee, including referral options, workplace safety planning and information provided.
- › whether a referral has been made to justice services, for example, the police or child protection.<sup>11</sup>



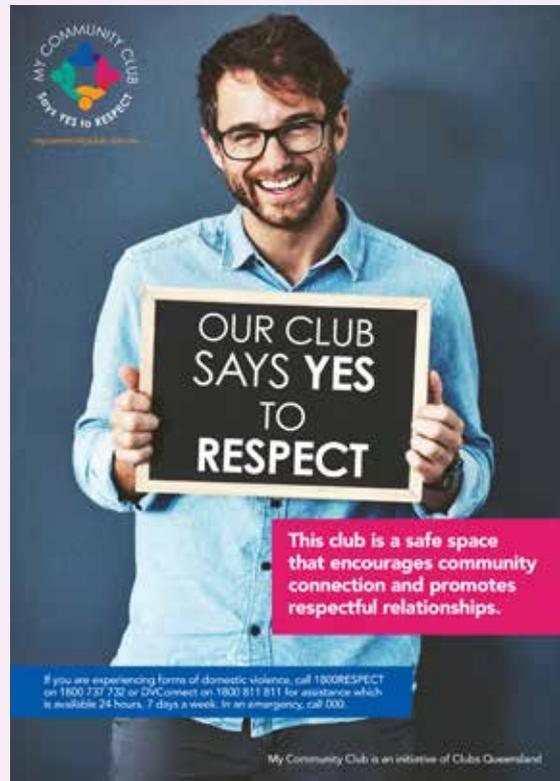
## Procedure considerations

- › Do your current HR and other information management systems ensure employee confidentiality?
- › What changes do you need to make to your HR and information management systems to improve employee confidentiality?
- › What processes will you implement to ensure employee consent to share information is obtained?
- › Will you develop a template to guide the consistent and appropriate documentation of employee domestic and family violence disclosures?
- › What processes will you put in place to support secondary consultation with a specialist domestic and family violence service?<sup>12</sup>

## CLUBS QUEENSLAND

Clubs Queensland represent more than 1,100 community clubs and their 2.4 million members, have launched a state-wide campaign to address domestic and family violence, the program 'My Club Says YES to Respect' campaign.

This campaign includes bystander education for club staff to help them know how to react when they witness or suspect violence, it provides information on places to call for help and making material about support services easily accessible, such as posters on the back of toilet cubicles. The campaign is dedicated to encouraging and supporting community connections designed to promote positive relationship behaviours in our communities and ensure that respect is embedded in each clubs culture.



## 7. PROVIDING SUPPORT TO EMPLOYEES EXPERIENCING DOMESTIC AND FAMILY VIOLENCE

It is important that organisations make all reasonable efforts to create a safe and supportive workplace for employees experiencing domestic and family violence.

Is it also essential that employees who disclose their experience of domestic and family violence are listened to, believed and given complete control over how to manage their situation, including accessing the support options available to them. Organisations should provide support to the employee regardless of whether or not they plan to take the matter further, for example making a formal report to police or engaging with a domestic and family violence support service.

In addition to providing a safe and supportive environment, organisations can support employees in the following ways:

- › providing information on the Employee Assistance Program (EAP)
- › providing information on the domestic and family violence resources and support services available externally
- › providing information on the organisation's domestic and family violence leave options (refer to Section 8) and supporting employees to access it
- › supporting changes to duties and responsibilities when requested
- › supporting changes such as relocation, change of hours and change of contact details in order to increase their safety
- › supporting them to develop a workplace safety plan, in consultation with a specialist family violence service.

### Procedure considerations

- › What activities will you undertake to create and promote a workplace that is safe and supportive for employees experiencing domestic and family violence?
- › Does your EAP provider have the skills and experience to respond to domestic and family violence disclosures?
- › Does the service agreement with your EAP provider include a clause on having the skills and experience to respond to domestic and family violence disclosures?
- › Who will be responsible for maintaining a list of external support services and resources for employees experiencing domestic and family violence?
- › Will you develop organisational specific resources to support employees experiencing domestic and family violence (for example, an employee portal or intranet page)?
- › How will resources and support services be promoted and made available to employees?<sup>13</sup>



## 8. DOMESTIC AND FAMILY VIOLENCE LEAVE OPTIONS

People experiencing domestic and family violence are likely to require time away from the workplace. Domestic and family violence leave provisions ensure that employees are supported to take time off, for reasons including:

- › to seek medical or legal assistance
- › to attend appointments, including with various support services and health professionals
- › to attend court appearances
- › to relocate to new accommodation
- › to make safety arrangements
- › to take action relating to the wellbeing of their children.

All employees (including part-time and casual employees) are entitled to five days unpaid domestic and family violence leave each year. The entitlement to unpaid domestic and family violence leave comes from the National Employment Standards.<sup>14</sup>

While the specific provisions for domestic and family violence vary across corporate and community organisations, the Queensland Government recommend organisations include a provision of a minimum 10 days paid leave (in addition to other leave entitlements), in their leave policies and/or enterprise agreements.<sup>15,16</sup>

It is also recommended that this leave be made available on a needs basis, and therefore granted as a single day, consecutive days or as a fraction of a day, and without requiring pre-approval.

If an employee exhausts their minimum 10 days paid domestic and family violence leave and requires further time away from work, it is recommended that they be supported to access other paid leave options, such as personal leave and annual leave before being required to take leave without pay.

### Procedure considerations

- › How many paid leave days will you provide to employees experiencing domestic and family violence?
- › Will employees supporting a person experiencing domestic and family violence be eligible to access specific domestic and family violence leave, or another form of leave?
- › To what extent will you support extended periods of leave without pay?<sup>17</sup>

## 9. DOMESTIC AND FAMILY VIOLENCE TRAINING AND EDUCATION

It is recommended that organisations provide ongoing training to all employees on:

- › the causes, impacts and indicators of domestic and family violence
- › responding appropriately to a disclosure of domestic and family violence
- › understanding how to appropriately identify and respond to a disclosure of domestic and family violence
- › understanding how to refer for domestic and family violence support within the organisation.

It is recommended that managers, HR staff and designated domestic and family violence officers be provided with training and supervision on:

- › referring an employee experiencing domestic and family violence to appropriate support services
- › providing support to employees on attendance and performance at work
- › supporting employees to put a Workplace Safety Plan in place
- › accessing support for their own self-care (recognising the impact that domestic and family violence can have on their own wellbeing).<sup>18</sup>

### Training resources

- › The Australia's CEO Challenge organisation provides domestic and family violence learning solutions and tools for workplaces to create an impact that matters. More information can be found here <https://australiasceochallenge.org/workplace-learning-solutions>
- › Domestic and Family Violence Work Aware (DV Work Aware) is a program of the National Working Women's Centres that has been developed to raise awareness and promote best practice responses to issues of domestic and family violence in the workplace. More information can be found here <https://www.dvworkaware.org/training/>
- › The Motivating Action Through Empowerment (MATE) Program raises awareness of the level of abusive behaviour in our culture as well as the subtler issues that support a harmful and abusive environment. MATE have a number of training programs available. More information can be found here <https://matebystander.edu.au/training/>

### Procedure considerations

- › What specific training packages does your organisation require?
- › Will aspects of domestic and family violence be included as mandatory employee training?
- › Does your organisation have the skills and experience internally to deliver this training?
- › If you require external training, which organisation will you engage to provide this training?
- › Will your organisation actively support employees to attend training that is provided in your region?
- › How will your organisation ensure adequate funding if allocated to meeting the domestic and family violence training needs of your employees?
- › In what other ways can you support the domestic and family violence professional development needs of your employees (e.g. resources, supervision)?<sup>19</sup>



McCullough Robertson ensure they have a culture that values a safe and healthy work environment as far as practically possible. McCullough Robertson have a number of Workplace and Diversity policies including their Family and Domestic Violence policy.

This policy outlines their guiding principles and the practical support that will be provided to their staff who have experienced domestic and family violence including the flexibility and consideration of each situation.

McCullough Robertson's approach is to educate across all levels within their business about the realities of domestic and family violence by providing training and information sessions from domestic and family violence experts. Their approach to education and awareness stretches across the legal

community and into the broader community and have been responsible for sponsoring a dedicated information session with the Women Lawyers Association of Queensland and Pride in Law on the topics of domestic and family violence within the LGBTI+ community.

McCullough Robertson are also a significant contributor to the CEO Challenge organisation both through training and awareness and also through their key fundraising activity Darkness to Daylight.



## 10. EMPLOYEES WHO COMMIT ACTS OR THREATS OF DOMESTIC AND FAMILY VIOLENCE

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Responding to employees who use or may use violence and abuse need to be handled appropriately and sensitively. Holding employees accountable for their behaviour is fundamental in a variety of contexts, and misbehaviour in the workplace has direct consequences.

With 65 per cent of Queenslanders in the labour force, all workplaces have a significant role to play in promoting cultural change and responding to employees using violence.

Queensland's *Domestic and Family Violence Prevention Strategy 2016–2026* seeks for 'Queensland's workplaces and workforces to challenge attitudes on violence and effectively support people affected', while also ensuring 'perpetrators stop using violence and are held to account'.

### What obligations does your workplace have?

Both employers and employees have a range of legal rights and responsibilities which must be considered when managing domestic and family violence issues.<sup>20</sup>

The sources of obligations include:

- › Code of Conduct (where applicable)
- › relevant legislation (including workplace health and safety, workers' compensation, discrimination, privacy, industrial relations)
- › enterprise bargaining agreements and awards
- › common law rights and obligations
- › workplace-specific policies and procedures.

If an employer has evidence an employee may be using violence and/or abuse and it satisfies a civil standard of proof, then they can and should consider taking appropriate action. The action needs to be considered in a number of contexts, including the spectrum of behaviour, organisational reputation and workplace impacts, and may include:

- › monitoring the situation
- › referral to support services (e.g. counselling)
- › contacting external agencies (such as the police)
- › temporary adjustments to the workplace or operations
- › disciplinary action.

### When might disciplinary action be appropriate?

Sometimes, domestic and family violence may come directly into the workplace, and there are clear grounds for an employer to take action, including dismissal. For example, an employee assaulting another person in the workplace is clearly misconduct and/or a criminal offence. The person who use or may use violence and abuse in personal relationships should be made aware that there may be negative workplace consequences for their behaviour.

However, there may be circumstances in which it may be appropriate for a workplace to take disciplinary action against an employee because of conduct occurring outside of the workplace, in an employee's personal relationships.

If you become aware of alleged use of domestic and family violence occurring outside the workplace, to justify disciplinary action the employer must be able to establish that a link can be made between the conduct and the individual's employment. Taking adverse action in relation to an employee's employment may be appropriate if there is a connection between the alleged use of domestic and family violence and employment because:

- › the conduct is likely to damage the relationship between the employer and the employee
- › the conduct damages the employer's interests
- › the conduct is incompatible with the employee's duty as the employee.<sup>21</sup>



### Procedure considerations

- › How will you ensure all employees are aware of their responsibilities to report an act or threat of domestic and family violence that occurs from or at the workplace?
- › What processes will you put in place to ensure employees are able to appropriately and confidentially report an act or threat of domestic and family violence that from or at the workplace.
- › What disciplinary procedures will you implement to manage employees who commit acts or threats of domestic and family violence or at your workplace?
- › What processes will you put into place to consider the victim's needs for safety and support when implementing disciplinary procedures to manage an employee who commits acts or threat of domestic and family violence.<sup>22</sup>

## 11. TEMPLATE REVIEW AND MONITORING

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It is recommended that this policy be reviewed and updated every three years.

## 12. RELATED LEGISLATION, POLICIES AND PROCEDURES

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- › *Domestic and Family Violence Protection Act 2012*
- › Not Not, Not Ever, Putting an end to domestic and family violence in Queensland report
- › Domestic and Family Violence Prevention Strategy 2016–2026
- › Third Action Plan of the Domestic and Family Violence Prevention Strategy 2019–20 to 2021-22
- › Corporate and Community Organisation Engagement Framework 2019–2022
- › Domestic and Family Violence Prevention Corporate and Community Organisation Engagement Action Plan and Toolkit
- › Domestic and family violence — a workplace approach to employees who use or may use violence and abuse: A resource for all Queensland workplaces.
- › Workplace Equality and Respect Standards and Implementation Guide (Our Watch).



At Rio Tinto Safety is the number one priority and our commitment to zero harm doesn't end when our people leave work each day. Rio Tinto recognises that workplaces can and do make a difference.

We know that domestic and family violence is prevalent – with a workforce of our size and demographics, it is likely we have people who are affected in many of our locations. We accept that workplaces can influence the behaviour of our community by reinforcing or challenging beliefs. Rio Tinto's journey began over a decade ago and involves a comprehensive internal approach and extensive external outreach.

Rio Tinto is a White Ribbon accredited workplace and involves the entire leadership in setting the tone on gender equality, inclusivity and domestic and family violence prevention. Rio Tinto have in place a range of support including additional leave, accommodation, financial assistance and referrals for people experiencing violence, and a range of partnerships in communities in which there are mining and resources businesses.



# APPENDIX 1: WORKPLACE SAFETY PLAN

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Domestic and family violence is an issue that can extend to the workplace and affect employee's safety, attendance and performance.

The Risk Assessment and Workplace Safety Plan help managers assess the risks and the level of support needed to assist an employee affected by domestic and family violence. It is one element of a broader suite of government resources that managers may use to support employees affected by domestic and family violence.

The plan considers an individual's circumstances and should be used on a case-by-case basis to:

- › reflect their specific circumstances and needs
- › take into account their role and the workplace environment
- › list the precautions to be undertaken to support their safety
- › identify the changes to their working arrangements to protect them and colleagues
- › include any other information require to ensure their safety in the workplace.

It is recommended organisations delegate a contact person that an employee experiencing domestic and family violence can discuss their situation with and provide updates as their circumstances change. It is important that the delegated person treats the information as confidential, and only discloses to another employee when it is necessary, and always in consultation with the affected employee.<sup>23</sup>



## APPENDIX 2: DOMESTIC AND FAMILY VIOLENCE SUPPORT SERVICES

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### **1800RESPECT — 1800 737 732**

24-hour national sexual assault, family and domestic and family violence counselling line for any Australian who has experienced, or is at risk of, family and domestic and family violence and/or sexual assault.

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### **SEXUAL ASSAULT HELPLINE — 1800 010 120**

(between 7:30am – 11:30pm 7 days)

The Queensland Sexual Assault Helpline offers telephone support and counselling to any Queensland who has, or thinks they may have, been sexually assaulted or abused. It is also for those who are concerned someone they care about might be assaulted or abused.

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### **LIFELINE — 13 11 14**

Lifeline has a national number who can help put you in contact with a crisis service in your state.

Anyone across Australia experiencing a personal crisis or thinking about suicide can call.

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### **DVCONNECT WOMENSLINE — 1800 811 811**

(24 hours, 7 days a week)

Womensline helps women to obtain safe refuge accommodation, confidential counselling and referral to other services.

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### **KIDS HELPLINE — 1800 55 1800**

(24 hours, 7 days per week)

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### **DVCONNECT MENSLINE — 1800 600 636**

(9am to midnight, 7 days a week)

Mensline provides confidential counselling, information and referral to men affected by domestic and family violence.

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### **VICTIM ASSIST QUEENSLAND — 1300 546 587**

Find out about getting financial help.

The Queensland Domestic and family violence Resource Service provides direct support, tips and brochures on how to handle domestic and family violence.

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### **TRANSLATING & INTERPRETING SERVICE — 131 450**

Gain free access to a telephone or on-site interpreter in your own language. Available 24 hours, every day of the year.

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### **NATIONAL DISABILITY ABUSE AND NEGLECT HOTLINE — 1800 880 052**

An Australia-wide telephone hotline for reporting abuse and neglect of people with disability.

Call the free hotline on 1800 880 052.

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### **RELATIONSHIPS AUSTRALIA — 1300 364 277**

Support groups and counselling on relationships, and for abusive and abused partners.

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### **QUEENSLAND INDIGENOUS FAMILY VIOLENCE LEGAL SERVICE (QIFVLS) — 1800 88 77 00**

QIFVLS is a not-for-profit organisation providing free legal advice and counselling services to Aboriginal and Torres Strait Islander peoples.

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### **DV WORK AWARE**

Information for women employees in Queensland affected by domestic and family violence

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### **PENDA**

Download in Google Play or the iTunes App Store

Penda is a free, national app with legal, financial, and personal safety information and referrals for women who have experienced domestic and family violence. It was developed by the Women's Legal Service Qld with funding from Financial Literacy Australia.

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## REFERENCES

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