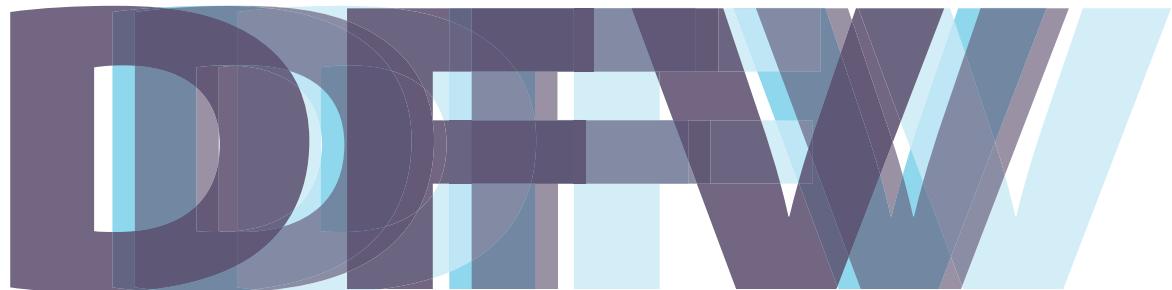


# A GUIDE TO BEST PRACTICE FOR WORKPLACE POLICY



LGBTI DOMESTIC & FAMILY VIOLENCE

**A Pride in Diversity Publication 2018**

Content was developed by Pride in Diversity in  
collaboration with Norton Rose Fulbright Australia

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## **Sponsorship**

We thank IBM, who have been the sponsor of our annual publication for the last seven years. Without their support, the printing of this publication would not be possible.

## **Acknowledgements**

We thank Norton Rose Fulbright Australia for leading the development of this content as a pro bono project in support of Pride in Diversity and our member organisations.

This publication is the result of an entire team of subject matter experts in the field of DFV, and in the law – their contributions were significant and invaluable. We acknowledge, in particular, the work of Amelia Britton, Jacques Jacobs, Joanna MacKenzie, Gemma Livingston, Rebecca Eibsich and Brooke Grealy from Norton Rose Fulbright Australia; Kai Noonan, ACON; Moo Watson-Baulch, DVNSW; and Jan Breckenridge, Mailin Suchting, Marion Brown and Tim Wong from the Gendered Violence Research Network, UNSW.

Pride in Diversity acknowledges the traditional owners of country throughout Australia and their diversity, histories, knowledge and continuing connection to land and community. We pay our respects to all Australian Indigenous peoples and their cultures, and to elders of past, present and future generations.

## **Disclaimer**

This best practice Guide is a starting point for organisations looking to implement a new, or amend an existing, DFV policy to ensure that it is inclusive of the LGBTI community. However, as each organisation is different it is recommended that organisations seek appropriate advice when preparing DFV policies. Nothing in this Guide is intended to constitute legal advice.

## **About Pride in Diversity**

Pride in Diversity is Australia's national NFP employer support program for all aspects of LGBTI workplace inclusion. We were established by ACON to assist in the reduction of stigma, social isolation, homophobia and discrimination in the workplace thereby improving the mental health and wellbeing of LGBTI employees.

## **Our terminology**

This Guide utilises the acronym LGBTI (Lesbian, Gay, Bisexual, Transgender, Intersex). We acknowledge the limitations of this acronym and that not all people will identify with the labels within. We understand terminology can be contentious but also understand the importance of consistent language. We use the acronym as a representative term for our community.

We recognise that there is a diversity of identities within our community and that no one term or acronym is capable of encompassing them all. We do not in practice, education, service delivery or intention exclude any one identity or person from within our community.

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# LGBTI DOMESTIC & FAMILY VIOLENCE: A GUIDE TO BEST PRACTICE FOR WORKPLACE POLICY



## A WORD FROM OUR PUBLICATION SPONSOR



IBM Australia is again extremely proud to sponsor the latest publication from Pride in Diversity, on the important topic of domestic and family violence, and the consequences within the workplace.

This is consistent with IBM's long term commitment to all aspects of a diverse workforce to reflect our society, our clients and our workforce. A foundation principle of our company has been "Respect for the Individual" and our competitive strength is the quality and innovation of people. By supporting the diverse communities within our workforce, we have become a stronger and more competitive company.

IBM was the inaugural Australian Workplace Equality Index (AWEI) Employer of the Year and we were a founding member of Pride in Diversity. Around the world, we are determined to stand with our employees on key issues that impact their well-being, and therefore their contribution to the organisation.

I also commend Norton Rose Fulbright Australia for their contribution to this timely and topical publication.

**JILL BYE**  
**HR Director for Australia & New Zealand**  
**IBM**

## A WORD FROM OUR CONTRIBUTOR



Everyone, regardless of their gender, culture, sexual orientation or relationship arrangement, has the right to be safe from violence and abuse – and nowhere more so than within our families and intimate relationships. And yet while the issue of domestic and family violence has rightly been in the spotlight in recent years, there has been little focus on domestic and family violence within the LGBTI community.

As business leaders, we have a responsibility to make sure all our employees feel safe, valued and supported. That is why every business needs a domestic and family violence policy that is inclusive of LGBTI colleagues, uses gender neutral language and acknowledges some of the unique challenges faced by the LGBTI community.

We are proud to have an LGBTI-inclusive domestic and family violence policy at Norton Rose Fulbright Australia, and delighted to work with ACON and Pride in Diversity to create this useful Guide for businesses across the country. By empowering ourselves through education, we can work together to break down the barrier of silence around this important issue and ensure that all our people get the understanding, compassion and support they deserve.

**WAYNE SPANNER**  
**Managing Partner**  
**NORTON ROSE FULBRIGHT AUSTRALIA**

## A WORD FROM PRIDE IN DIVERSITY



Over the last few years, the issue of domestic and family violence has moved to the forefront of Australia's conscience. A series of truly tragic cases have put the spotlight not just on the victims and perpetrators, but also on the consequences to families and the community. It has led to a broader comprehension of the diverse types of domestic violence and control that may occur. This, in turn, has led to a discussion about the impact on workplaces, especially on employee productivity, contribution and safety.

Across the country, employers recognise that they have a responsibility to help protect their employees and also to adopt practices and processes that support victims of domestic violence. Many employers are now implementing Domestic and Family Violence (DFV) policies and both the WGEA (Workplace Gender Equality Agency) and AWEI (Australian Workplace Employer Index) currently recognise these policies as best practice initiatives.

However, much of the community discussion has been focused on heterosexual, cis gendered domestic violence, particularly between a male perpetrator and female victim. Recognising this, Pride in Diversity partnered with our member, Norton Rose Fulbright Australia to produce a publication that assists employers to understand some of the unique challenges faced by LGBTI people, especially in reporting domestic violence and accessing mainstream support services. The publication also provides some very useful guidance on how to write or amend a DFV policy to ensure that it is inclusive of LGBTI people.

We would like to thank Norton Rose Fulbright Australia for their contribution to this publication. A special thanks also to IBM, sponsor of this publication, without whose generous support, this would not be possible. I would also like to thank members of our team who have worked on this publication; Elaine Czulkowski for project managing and Finlay Long for the publication design.

We hope you find this to be a valuable resource.

**MARK LATCHFORD**

**Associate Director**

**PRIDE IN DIVERSITY**

# FOREWORD



While it is commonly acknowledged that the majority of intimate partner violence is perpetrated by heterosexual cisgender men against their cisgender female partners, there is a need to acknowledge the prevalence of domestic and family violence (DFV) in other communities.

There are a number of Australian studies which show LGBTI people experience DFV at similar (if not higher) rates than heterosexual cisgender women. For transgender and gender-diverse people, that number is disproportionately higher still.

According to government reports, LGBTI people make up at least 11% of the Australian population. This Guide does not address an issue that only affects a small minority of people; it addresses an issue that touches the lives of a significant number of Australians in all workplaces.

Within LGBTI communities, simply by virtue of the composition of LGBTI relationships there are a higher proportion of men who are victims of DFV and women who use violence against their partners. The notion of there being male victims and female perpetrators of DFV (for example) does not fit within the existing and predominant framework for understanding DFV, which centres on the idea that men perpetrate violence against women.

The existence of DFV amongst LGBTI communities tends to be forgotten across all levels – government, policy, socially and in the provision of services. The outcome of being forgotten is that the issue becomes invisible; people in the LGBTI community fall through the cracks and are ultimately left to suffer alone and without support. People affected include your colleagues and employees.

This Guide aims to highlight this disparity and to equip employers with the knowledge of certain considerations, which can be used to avoid some of these pitfalls when creating workplace DFV policies.

In 2015, following a number of high-profile murder cases and Rosie Batty being named Australian of the Year, DFV entered Australia's mainstream consciousness. Since then, we've seen a surge in media reporting on the issue, new government reports and policies, and even increased funding for the DFV sector. As a result, laws have changed, services have grown and we have seen an increase nationally in both the reporting of DFV and survivors of DFV seeking help and support.

This national attention directed toward the issue of DFV makes it a critical time for the issue of DFV in LGBTI relationships to also be addressed. Once we lift the veil of invisibility from hiding the existence of DFV in LGBTI relationships, we can begin to directly and indirectly address the needs of LGBTI people affected by DFV through a range of activities including policy development, research, service provision, advocacy and health promotion.

For employers, it is important for you to understand the full extent and nature of DFV experienced among diverse communities in Australia, particularly the LGBTI community. In this Guide, the workplace relevance of DFV is explored and in addressing those issues, it is important not to ignore the experience of LGBTI staff who are just as likely to be affected by DFV.

**KAI NOONAN**  
**Coordinator, Domestic and Family Violence Projects**  
**ACON**



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# 1. UNDERSTANDING DOMESTIC & FAMILY VIOLENCE

## INTRODUCTION

There is an increasing awareness of the serious impact that domestic and family violence (DFV) has on individuals, families and communities alongside the cost of DFV to Australian society more generally.

Domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship. While there is no single definition, the central element of domestic violence is an ongoing pattern of behaviour aimed at controlling a partner through fear, for example by using behaviour which is violent and threatening. In most cases, the violent behaviour is part of a range of tactics to exercise power and control over partners and family members, and can be both criminal and noncriminal. Family violence is a broader term that refers to violence between family members, as well as violence between intimate partners.<sup>1</sup>

Throughout this Guide we used the term DFV as that is the preferred term in Australia. However it is important to note that this term is potentially unsuitable for LGBTI people due to its inferences of cohabitation and traditional concepts of relationships. The term 'intimate partner violence' (IPV) might be more accurate for LGBTI relationships, however this term would exclude violence outside of intimate relationships, such as that which can occur between family members.

DFV can affect people of all cultures, religions, ages, genders, sexes, sexual orientations and socio-economic backgrounds. It does not discriminate. And, it does not cease to exist once an employee enters the workplace.

Many employers are now recognising DFV as a workplace issue which if not addressed, can have serious health & wellbeing implications not only for those personally impacted by DFV but also, indirectly, on others that may be privy to, or concerned about what is or may be taking place; be it through HR, management, suppliers, customers, friends and/or workplace colleagues. In addition, there is a growing recognition of the escalating incidental workplace costs associated with DFV including that of lost productivity, absenteeism and not taking adequate steps to ensure a safe workplace for those impacted or privy to any DFV that may be taking place.

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<sup>1</sup> Morgan, A., Chadwick, H., *Key issues in domestic violence*, Research in Practice No. 7, Australian Institute of Criminology (2009), <<https://aic.gov.au/publications/rip/rip07>>.

In Australia, there has been increasing recognition of and efforts to address the impact of domestic violence on women in paid work. This has resulted in an increasing number of domestic violence clauses in awards and collective agreements that provide paid time off and other workplace protections.

While prevalence of DFV suggests a high number of employees are currently impacted by DFV, there are still very few resources for employers wishing to develop policies in this area and even fewer resources available to employees themselves.

While addressing DFV as a workplace issue through the development of DFV policies and guides is still considered an emerging area of practice within Australia; it has been identified as an area of best practice and differentiation for organisations and acknowledged as such by:

- The Workplace Gender Equality Agency (WGEA) where a DFV policy is a pre-requisite for the Employer of Choice for Workplace Gender Equality Citation; and
- The Australian Workplace Equality Index (AWEI) developed by Pride in Diversity where it recognises employers for having LGBTI inclusive DFV policies contributing to the overall score for LGBTI Inclusive Employer recognition.

Despite the fact that LGBTI communities experience similar, if not higher rates of DFV to that of the general population and are less likely to report DFV to the police or seek support from mainstream services,<sup>2</sup> the majority of policy work that does exist in this area often ignores LGBTI populations failing to address some of the significant issues and unique challenges faced by this segment of employee population.

Pride in Diversity has developed this Guide to help address this issue. It consolidates evidence based research and practical information from experts in DFV while providing guidance for, and considerations relevant to, the development of policies. It incorporates some of the unique experiences and challenges faced by LGBTI people and highlights some of the unique dynamics of LGBTI relationships that may not be apparent to employers but that are important to consider in a diverse and inclusive workforce.

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<sup>2</sup> NSW Government, *It Stops Here: Standing together to end domestic and family violence in NSW* (2014), 8.

## 1. UNDERSTANDING DOMESTIC & FAMILY VIOLENCE

This Guide has been divided into the following sections:

**This Section:** **Understanding Domestic & Family Violence**

In this section, we aim to provide an overall understanding of DFV, and the cost of DFV to employers and society as a whole. In addition, we will discuss why DFV is a workplace issue and provide you with some workplace recommendations.

**Section 2:** **DFV within the LGBTI Community**

Here we look at the prevalence of DFV within the LGBTI community, the types of DFV that LGBTI people face (including those that are unique to the LGBTI community) and the challenges faced by LGBTI people in reporting DFV and accessing mainstream services for help.

**Section 3:** **Prevention in the workplace**

This section looks at how a workplace can use its influence to promote positive cultural change through planned and targeted prevention initiatives that aim to prevent violence in the workplace and an employee's personal life. It also looks at creating a workplace that is safe for LGBTI people to make disclosures of DFV.

**Section 4:** **Responding to DFV in the workplace.**

This section looks at how to potentially recognise DFV and respond to disclosures. This part also looks at some myths about LGBTI DFV that create barriers to disclosures and support.

**Section 5:** **LGBTI Inclusive DFV Policies**

Here we provide you with the tools that you need to establish an LGBTI inclusive DFV policy. While we do not provide a pro-forma for a policy document itself (a policy document will vary greatly amongst employers and sectors), we do provide you with guidance on what to include within a DFV policy and how you can ensure that these inclusions are LGBTI inclusive.

**Appendices:** In addition, at the back of this Guide we have provided the following:

- Appendix A: Glossary of Terms & Definitions
- Appendix B: LGBTI External Support Agencies
- Appendix C: Protection Orders

It is hoped that employers will use this Guide to:

- Address why it is imperative for DFV to be addressed at an organisational level alongside the need for a DFV policy and ideally, additional guides/resources for managers, teams, employees and other key stakeholders
- Obtain a better understanding of the unique challenges faced by LGBTI people regarding the issue of DFV
- Understand and communicate why a policy/resources needs to respond to DFV in a way that is inclusive of LGBTI employees, recognising the unique challenges and barriers that this population faces
- Create a workplace that actively promotes non-violence and encourages the visibility and support of healthy LGBTI relationships
- Obtain guidance on how to develop a new or amend an existing DFV policy to ensure that it is inclusive of LGBTI people, and provide support by specifically recognising and addressing identified barriers/challenges that LGBTI people face
- Source LGBTI inclusive external support agencies that are specifically equipped to assist DFV victims who identify as LGBTI

As the predominant focus of data collection has been on violence perpetrated by an intimate partner, much of this Guide focuses on intimate partner violence as opposed to family violence. However, where possible, we have made mention of violence that exists in all family structures.

## TERMINOLOGY USED WITHIN THIS GUIDE

A glossary of terms has been provided within Appendix A of this publication, however the following terms have been used consistently throughout this publication and as such, are worth noting:

- Partner:** In addition to the standard definition of partners, including those that are same-sex, our definition for this publication acknowledges a variety of non-traditional relationships, including: polyamorous, non-monogamous and non-gendered relationships.
- Domestic:** The word 'domestic' in the term 'domestic violence' specifically refers to intimate (close romantic though not necessarily sexual) relationships with partners or ex-partners including those by marriage, defacto or other romantic relationships such as girlfriend, boyfriend, lover.
- Family:** A broader term which extends to parents, step-parents, siblings, children, step-children, extended families (uncles, aunts, grandparents, cousins), carers, housemates and 'chosen family' for LGBTI people.
- Perpetrator:** Refers to the person or persons who are using violence and holding power and control over the other.
- Victim:** Refers to the person subject to the DFV or experiencing the negative side effects of DFV regardless of whether the DFV consists of criminal or non-criminal acts.



### PRACTICE NOTE

In this Guide, the terms 'victim' and 'perpetrator' are used as they are easy to understand and are used widely by the general population. It's important to note that when speaking with someone who has experienced or may be experiencing DFV, these terms may be shaming or confronting. More general terms such as 'a person who uses violence/abuse' and 'a person affected by violence/abuse' are likely to be more appropriate and less stigmatising. Other terms include 'a survivor of violence/abuse' or 'someone who has experienced violence/abuse'.



## PREVALENCE OF DFV IN AUSTRALIA

Under international human rights law, it is well established that DFV is a violation of human rights<sup>3</sup> with grave, far-reaching repercussions for victims, survivors and their families.

### **DFV in Australia**

Intimate partner and family violence against women and children is now recognised to be a serious and widespread problem in Australia, with enormous individual and community impacts and social costs.<sup>4</sup> In the general population, women experience family, domestic and sexual violence at much higher rates than men. Men are more likely to experience violence in a public space from strangers who are also men. Women, however, are more likely to know the perpetrator, who is most likely a man, and the violence usually takes place in their home.<sup>5</sup>

### **Those impacted by DFV**

DFV can occur between family members and people who are or have been in an intimate relationship including but not limited to:

- Intimate: spouses, partners, ex-partners and lovers
- Parents and children
- Other family members, including step-parents and step-children, aunts, uncles, grandparents and siblings
- People and their carers
- Chosen families for LGBTI people who are estranged from their families of origin because they identify as LGBTI (though the law may not recognise this as DFV)

<sup>3</sup> CEDAW Committee, *General Recommendation No. 19: Violence against Women*, UN Doc. A/47/38, (1992), [7].

<sup>4</sup> Our Watch, *Understanding Violence – Facts and Figures* (2018), <https://www.ourwatch.org.au/Understanding-Violence/Facts-and-figures>.

<sup>5</sup> Australian Bureau of Statistics (ABS) 2017, *Personal Safety, Australia, 2016*, ABS cat. No. 4906.0. ABS, Canberra.

## WHY DFV IS A WORKPLACE ISSUE

With more than half of the entire Australian population in the workforce,<sup>6</sup> this puts the workforce in a unique and influential position to play a significant role in promoting cultural change and responding to employees effected by or using violence.

DFV does not stop the moment an employee walks into their place of work. Often people involved in DFV (perpetrators and victims) are in paid employment, therefore the place of work can not only be a place of refuge for DFV victims but can also be a place of ongoing abuse and perpetration. DFV can also be responsible for many of the incidental workplace costs identified in this Guide, all of which provide substantive reasons for the adoption of a DFV Policy and supporting processes.

By outwardly taking a stand against and providing responses to DFV, an organisation can demonstrate its commitment to its stated values and corporate social responsibility initiatives. In addition, it will be helping to maintain productivity, cohesion of teams, retain loyal staff, provide a safe and inclusive workplace, mitigate risk, reduce the impact of DFV, enhance an organisation's reputation both internally and within the wider community and importantly, help to address a social issue within Australia that so desperately needs addressing.

DFV is a workplace issue for the following reasons:

### The Health and Economic Impact

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.<sup>7</sup>

In a report published by PwC it was estimated the economic cost of intimate partner violence against females in 2014-15 to be \$12.6 billion, an average cost of \$27,000 per victim.<sup>8</sup>

There is no equivalent data for LGBTI communities. However as intimate partner violence is as prevalent in LGBTI relationships as in non-LGBTI relationships, then by extension we can assume that both the health and economic impact of violence is high for LGBTI people as well.

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<sup>6</sup> ABS 2018, *Labour Force, Australia, July 2018*, ABS cat. No. 6202.0. ABS, Canberra.

<sup>7</sup> VicHealth, *The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence* (2004), 8.

<sup>8</sup> PwC Australia, *A high price to pay: The economic case for preventing violence against women* (November 2015), 14 <<https://www.pwc.com.au/pdf/a-high-price-to-pay.pdf>> (**PwC Australia: A High Price to Pay**).

**Some common costs and impacts to employers include:**

- Decreased staff performance and productivity
- Increased staff turnover and absenteeism
- Negative impact on the organisation's reputation and image <sup>9</sup>

Government also carries substantial DFV-related costs through the provision of health, administration and social welfare services.<sup>10</sup> While the high cost of DFV nationally is evident, the localised incidental costs to any one workplace must also be taken into consideration and in itself, sets a strong business case for work in this area. Having DFV policies and supporting processes in place makes good business sense. Some of these localised incidental costs of DFV are outlined over the following pages.

## **Work Performance and Productivity**

Research into the workplace implications of DFV has demonstrated how much DFV can undermine the working lives of both victims and survivors. The 2011 National Domestic Violence and Workplace Survey found that the main workplace impact of violence was on work performance. 16% of victims and survivors reported being distracted, tired or unwell while at work with 10% needing to take time off work.<sup>11</sup> Further, women who experience DFV were more likely to have lower personal incomes, a disrupted work history, often forced to change jobs at short notice and were very often employed in casual or part time work.<sup>12</sup> If victims do not feel comfortable talking about DFV with their employer, the reason for their decreased productivity and performance may be misconstrued leading to performance management or dismissal. Available and adequate support could help mitigate against this.

## **Team Morale, Cohesion**

As well as impacting the victim's productivity and engagement, DFV may impact on other team members by lowering team morale or cohesion. Workers not pulling their weight or those taking frequent unexplained absences can have a significant impact on team members, risking relationships, their overall productivity and ability to work well together.

<sup>9</sup> Australian Human Rights Commission, *Fact sheet: Domestic and family violence – a workplace issue, a discrimination issue* (2014), < <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/fact-sheet-domestic-and-family-violence-workplace-issue>>.

<sup>10</sup> PWC Australia: *A High Price to Pay*, 4.

<sup>11</sup> McFerran, Ludo, *National Domestic Violence and the Workplace Survey* (2011) (October 2011) University of New South Wales, 10.

<sup>12</sup> Domestic Violence Workplace Rights, and Entitlements Project, *Domestic, Violence and the Workplace Employee, Employer and Union Resources* (2011).

## DISCRIMINATION LAW AND THE FAIR WORK ACT

In understanding DFV, it is important for employers to understand the degree to which discrimination law and the Fair Work Act 2009 (Cth) (Fair Work Act) acknowledges and speaks to the issue of DFV within the workplace. This information is current at the time of publication. It is recommended however, that employers keep up to date with any future changes in legislation regarding the protected status of DFV and an employer's right to refuse flexible working arrangements based on an employee's experience of DFV.

The Fair Work Act provides the right to request flexible working arrangements for:

- Eligible employees who are experiencing DFV; and
- Eligible employees who are providing care or support for a family or household member experiencing DFV

Despite this right being in place, the Australian Human Rights Commission has reported that, many DFV victims face workplace discrimination as result of their experience with DFV.<sup>13</sup>

As of 2017, under state and federal discrimination law, DFV is not a protected attribute, so whilst an employee may experience discrimination in the workplace as a result of their experience (whether it be aligned to denial of request for flexible working arrangements or similar accommodations), they cannot use DFV as a protected attribute under discrimination law (although if relevant, they can place claims under other protected attributes).

The Australian Law Reform Commission has recommended that DFV be recognised as a protected attribute in federal anti-discrimination law and under the Fair Work Act.<sup>14</sup> This would provide victims of DFV with some protection from direct and indirect discrimination by virtue of their status as a DFV victim and would impose an obligation on employers to make reasonable adjustments to accommodate victims of DFV. Depending upon the employee's particular circumstances, reasonable adjustments may include (for example) reviewing and adjusting performance requirements of the employee's role or providing the employee with flexible working arrangements.

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<sup>13</sup> Australian Human Rights Commission, *Domestic Violence Discrimination and the Consolidation of Commonwealth Anti-Discrimination Laws* (2011).

<sup>14</sup> Australian Law Reform Commission (**ALRC**), *Family Violence and Commonwealth Laws – Improving Legal Frameworks*, ALRC Report 117 (2011).

## 2. DFV WITHIN THE LGBTI COMMUNITY

In this section, we will cover:

- The prevalence and experience of DFV in LGBTI Communities
- Factors impacting the experience of DFV in LGBTI Communities
- Barriers LGBTI people face in reporting DFV and accessing mainstream services
- Types of DFV unique to LGBTI communities

**LGBTI DFV is defined as:**

- DFV in a same-sex relationship (including relationships where one or more people involved have a transgender experience)
- DFV involving a bisexual person regardless of the gender of their partner
- DFV involving a transgender person/people in opposite sex relationships
- DFV involving a person who has intersex variations or gender-diverse within the context of partner relationships and broader family networks
- DFV directly experienced by LGBTI people from family members and/or carers
- DFV experienced by LGBTI people within their families of origin
- DFV experienced by an LGBTI person from their 'chosen family' although violence from a 'chosen family' member may not be recognised in the same way by police and service providers or under the law.<sup>15</sup>

### THE PREVALENCE & EXPERIENCE OF DFV IN LGBTI COMMUNITIES

In 2012, a report from the Australian Human Rights Commission estimated that up to 11 in every 100 Australians are of a diverse sexual orientation, sex or gender identity. Furthermore, the reported number of same-sex couples identified in Australian census data has more than tripled between 1996 and 2011,<sup>16</sup> with a further 39% increase between 2011 and 2016.<sup>17</sup>

<sup>15</sup> Dr Philomena Horsley, *Submission to the Victorian Royal Commission into Family Violence, Family Violence and the LGBTI Community* (May 2015), 2 (**GLVH Submission**).

<sup>16</sup> ABS 2014, *Australian Social Trends, July 2013*, ABS cat. No. 4102.0 ABS, Canberra.

<sup>17</sup> Australian Human Rights Commission, *Face the facts: Lesbian, Gay, Bisexual, Trans and Intersex People* (2014); Department of Health and Ageing, Australian Government, *National Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Ageing and Aged Care Strategy* (2012).

## 2. DFV WITHIN THE LGBTI COMMUNITY

A number of international and Australian studies suggest that abuse in intimate same-sex relationships occurs at about the same rate, if not higher than for cisgender heterosexual women. Occurrence rates for the transgender community are higher still with estimates ranging from anywhere between 60 – 80% of the transgender community having experienced DFV.<sup>18</sup>

Despite this, there has been comparatively very little research that specifically focuses on the prevalence and experiences of DFV within LGBTI communities,<sup>19</sup> which means that even less is known about how their experiences of abuse has affected their employment.

What we do know as a result of the studies that have taken place, is that LGBTI people face some unique forms of DFV and are less likely to recognise, report and receive appropriate support due to a range of inequities and barriers directly related to their sexual orientation and/or gender identity. These inequities and barriers not only impact access to external support agencies, but further endanger and isolate LGBTI people experiencing DFV.

**To highlight the prevalence and experiences of DFV within the LGBTI community, we have focused on three Australian reports:**

- Calling It What It Really Is<sup>20</sup>
- Coming Forward<sup>21</sup>
- Private Lives<sup>22</sup>

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<sup>18</sup> Scottish Transgender Alliance, *Out of Sight, Out of Mind? Transgender People's Experiences of Domestic Abuse* (2010) 12.

<sup>19</sup> LGBTIQ Domestic and Family Violence Interagency and the Centre for Social Research in Health, University of New South Wales, *Calling It What It Really Is: A Report into Lesbian, Gay, Bisexual, Transgender, Gender Diverse, Intersex and Queer Experiences of Domestic and Family Violence* (2014), 2 (**Calling It What It Really Is**).

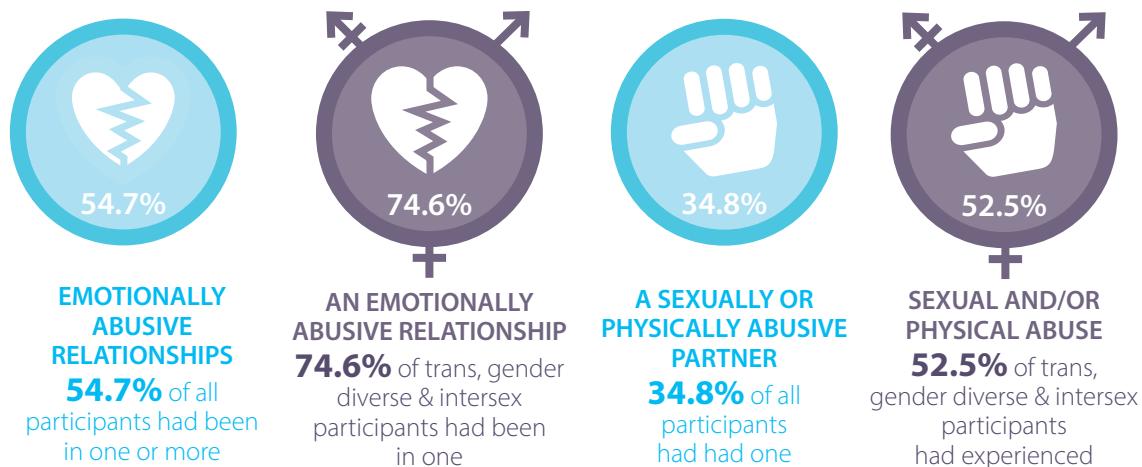
<sup>20</sup> *Calling It What It Really Is*.

<sup>21</sup> Leonard, W., Mitchell, A., Patel S., Fox, C. *Coming Forward: The underreporting of heterosexist violence and same sex partner abuse in Victoria* (Monograph Series Number 69, Gay and Lesbian Health Victoria, The Australian Research Centre in Sex, Health & Society, La Trobe University, 2008) (**Coming Forward**).

<sup>22</sup> Pitts, M., Smith, A., Mitchell A., Patel, S. *Private Lives: A Report on the health and wellbeing of GLBTI Australians* (Monograph Series Number 57, Gay and Lesbian Health Victoria, The Australian Research Centre in Sex, Health & Society, La Trobe University, March 2006) (**Private Lives**).

## Calling It What It Really Is (2015 Report)

*Calling It What It Really Is*, was a study of 813 LGBTI NSW respondents. The report found high rates of intimate partner violence (IPV) within LGBTI relationships with disproportionately higher rates for trans, gender diverse and intersex respondents.



Of the respondents experiencing DFV, almost one third never sought help. Only 12.9% reported the incidents to the police. Of those that did seek help, the majority did so informally through friends (both LGBTI and non-LGBTI) **33.8%**, family **22.3%**, and work colleagues **9.6%**.

In comparison, the Bureau of Crime Statistics and Research (BOCSAR) released a report that found of the women (predominantly non-LGBTI women) studied only 26.7% reported their most recent incident of DFV to police.<sup>23</sup> Although this number is very low, it is more than double the amount for LGBTI participants in *Calling It What It Really Is*.<sup>24</sup> In addition, the majority of women in the BOCSAR study told friends or family members about their most recent incident of physical/sexual assault (66%),<sup>25</sup> which, while still quite low in numbers, is again much higher than LGBTI respondents in *Calling It What It Really Is* (38.3% friends, 22.3% family).<sup>26</sup> These two reports indicate that LGBTI people, are seeking informal and formal support for the violence they experience from intimate partners at much lower rates than women in the general population, and may not be telling anyone about their experiences of abuse.

<sup>23</sup> Efty Stavrou, Suzanne Poynton & Don Weatherburn (2016) *Intimate partner violence against women in Australia: related factors and help-seeking behaviours* (Crime & Justice Bulletin No. 200). Sydney, NSW Bureau of Crime Statistics and Research (Intimate Partner Violence).

<sup>24</sup> *Calling it What it Really Is*, 27.

<sup>25</sup> BOCSAR, 10.

<sup>26</sup> *Calling It What It Really Is*, 31.

## Coming Forward (2008 Report)

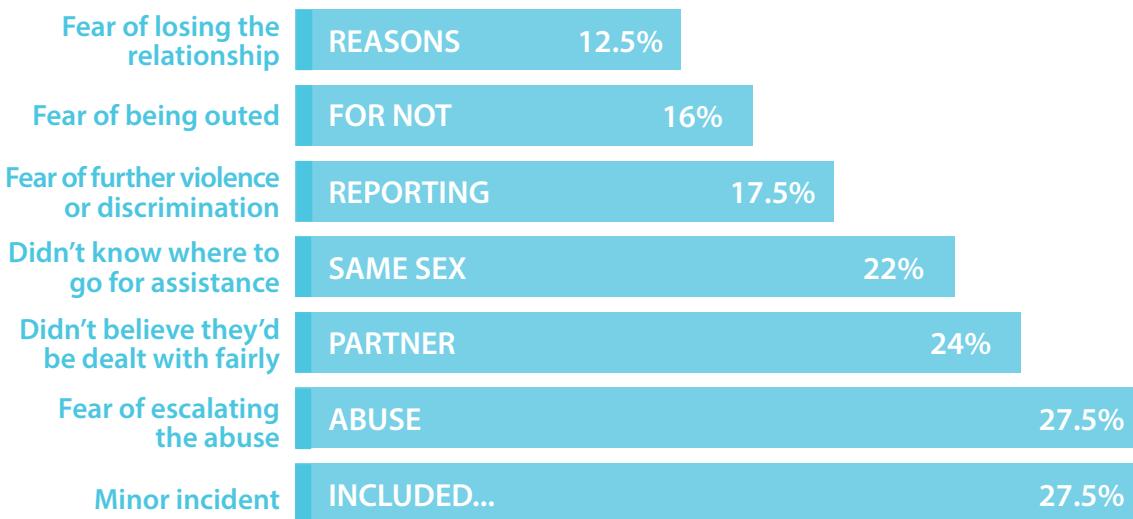
The *Coming Forward*<sup>27</sup> report was based on a study of 390 LGBT identifying respondents from Victoria (Intersex people were not surveyed).

**The report found that just under one third of respondents in a same sex relationship had experienced abuse from their partner.**

- **13.4%** of respondents who reported abuse remained in the relationship at the time of the study
- **62%** of respondents reported continued harassment after the relationship ended
- **14%** of respondents who were subjected to abuse reported the abuse to police.

**Forms of harassment after the relationship ended included:**

- **48%** received harassing phone calls
- **32.7%** received harassing text messages
- **32.7%** reported being stalked
- **14%** reported harassment of family, friends and work colleagues<sup>28</sup>

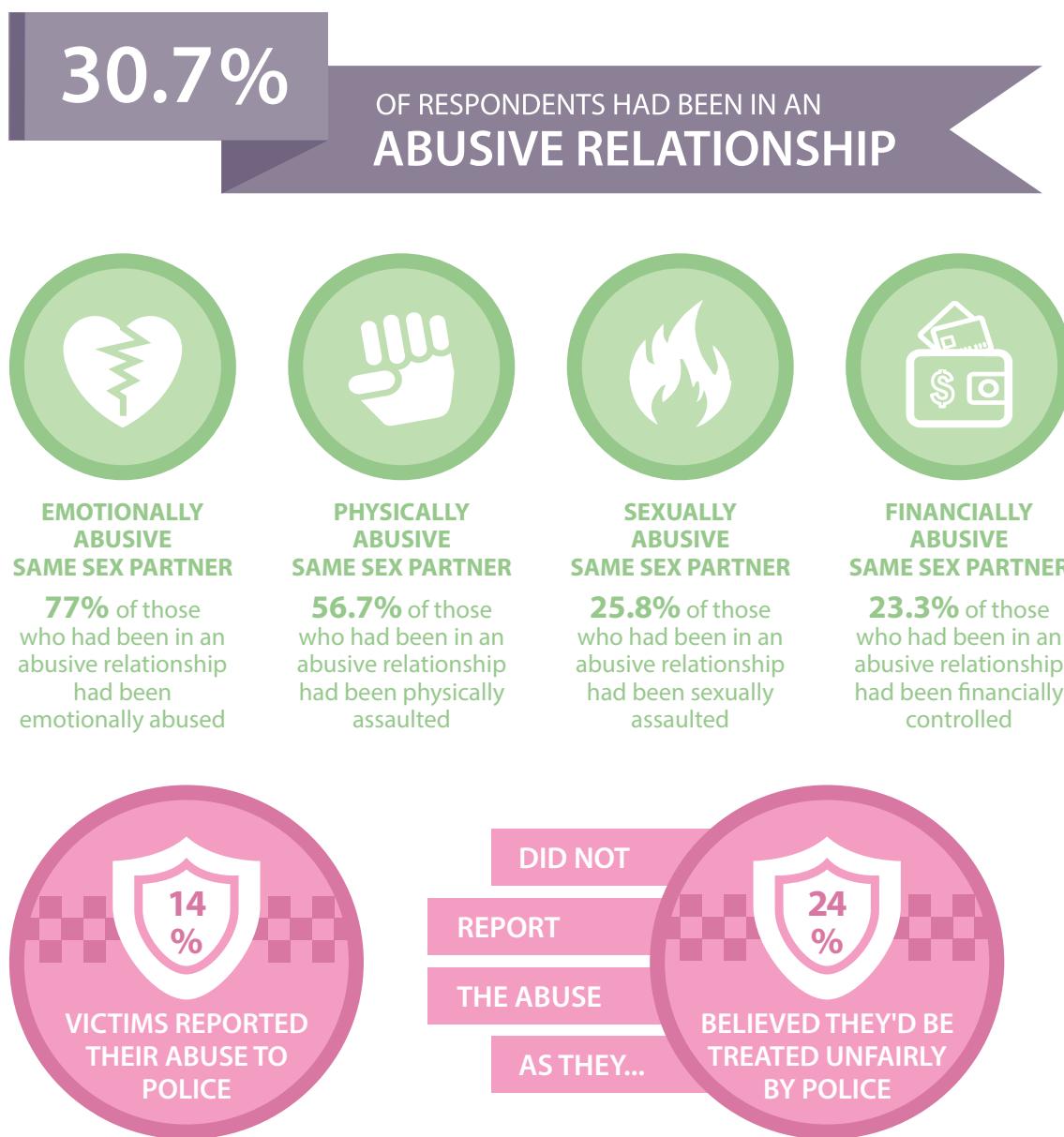



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<sup>27</sup> *Coming Forward*.

<sup>28</sup> *Coming Forward*, 46-48.

*Coming Forward* highlights the impact of DFV on the workplace. Aside from victims taking time off work as a direct result of DFV (almost half of the respondents), other forms of DFV directly impacting the workplace included both the victim and the victim's co workers being subjected to stalking and harassing behaviour.<sup>29</sup>



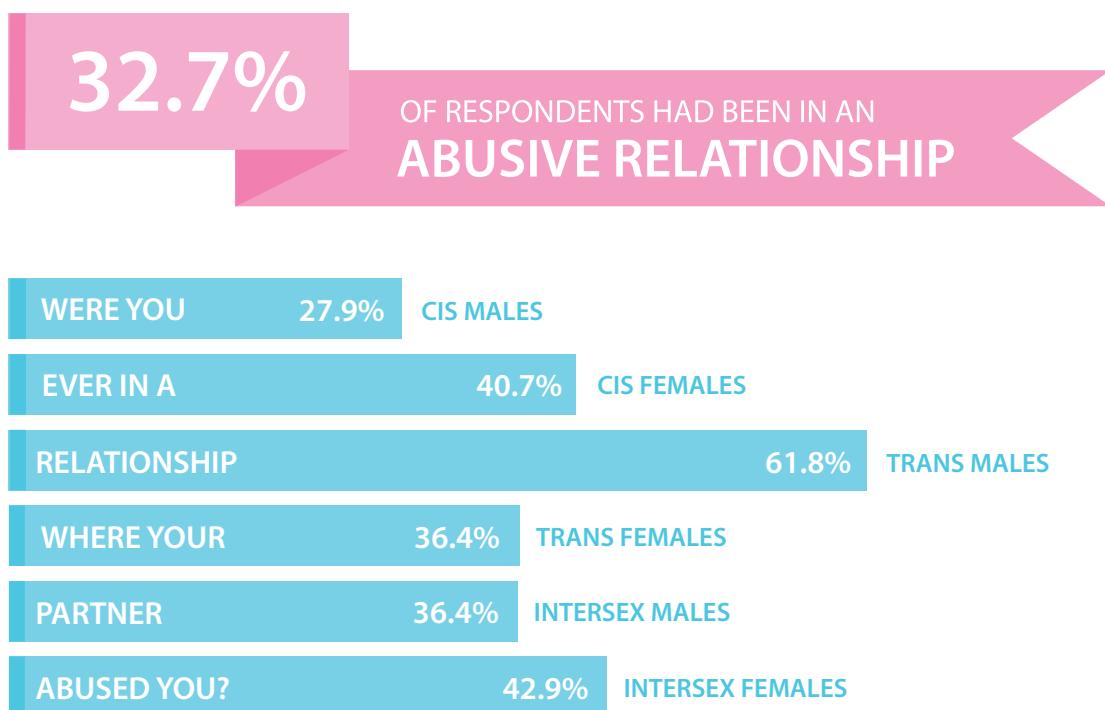
<sup>29</sup> *Coming Forward*, 56-57.

### Private Lives (2005 Report)

Although this report is quite old, we have chosen to include it as it is the largest scale study of its kind in Australia.

*Private Lives* involved 5,476 LGBTI respondents. The report was consistent with the other studies in finding that a large number of respondents had been in an abusive relationship and very few reported that abuse, including physical or sexual abuse, to the police.

The *Private Lives* study found that:



WHILE  
**30%**  
OF PARTICIPANTS WERE  
PHYSICALLY INJURED



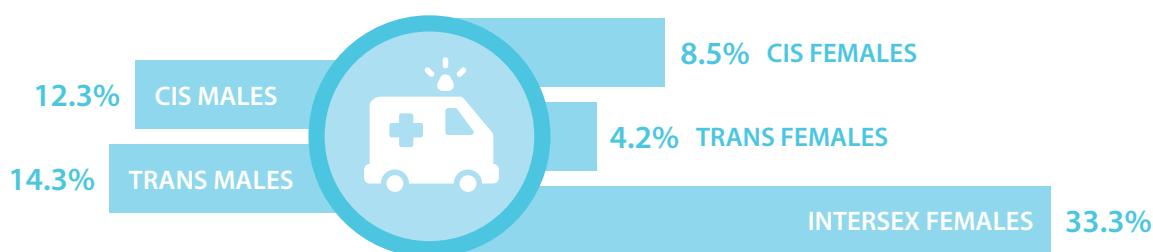
ONLY  
**20.4%**  
OF THOSE VICTIMS  
REPORTED IT TO POLICE

The *Private Lives* study also found that a range of abusive behaviours were reported with regular insults being the highest incidence of abuse followed by isolation from friends and/or family. As the table from the study below shows, participants reported experiencing a range of abusive behaviours from their partner with some differences between different identities, including high levels of physical assault as well as equally as high levels of abuse which may not be considered criminal.<sup>30</sup>

Note: the gender or sexual orientation of the person who abused them is not stated.

TYPES OF ABUSE	CIS MALE	CIS FEMALE	TRANS MALE	TRANS FEMALE	INTERSEX MALE	INTERSEX FEMALE
<b>Forced sex</b>	19.6%	25.1%	14.3%	8.3%	25%	–
<b>Hit</b>	47.8%	41.5%	42.9%	45.8%	25%	66.7%
<b>Physically injured</b>	36.3%	31.7%	28.6%	41.7%	–	33.3%
<b>Needed medical attention</b>	12.3%	8.5%	14.3%	4.2%	–	33.3%
<b>Regularly insulted</b>	62.7%	60.8%	57.1%	79.2%	75%	100%
<b>Isolated from friends and family</b>	48.3%	53.9%	42.9%	62.5%	50%	66.7%
<b>Monitored or checked up on</b>	43.7%	40%	38.1%	41.7%	50%	–
<b>Deprived of \$\$\$ independence</b>	20.1%	20.3%	14.3%	33.3%	50%	66.7%
<b>Ever in fear of life</b>	17.1%	14.7%	9.5%	12.5%	–	66.7%

## NEEDED MEDICAL ATTENTION



<sup>30</sup> *Private Lives*, 51.

## DFV WITHIN THE FAMILY CONTEXT

LGBTI people may not only experience DFV from their intimate partner, but also from their family who may reject their sexual orientation or gender identity. People born with intersex variations, who identify as a gender other than that assigned to them at birth, or people who are open or proud of their intersex variation are also at risk of experiencing family violence. Young, old and LGBTI people with a disability are particularly vulnerable.

LGBTI people may be at greater risk than heterosexual people from abuse, harassment and violence from family members such as parents, siblings, extended family and offspring due to entrenched homophobia, biphobia and/or transphobia. For young people in particular this puts them at higher risk of homelessness than their peers. Victorian research suggests that same sex attracted young people are disproportionately more homeless than opposite attracted young people.<sup>31</sup>

For older people, there may be a heightened risk of homophobic-related family violence, particularly as they become more dependent or frail.<sup>32</sup>

Tactics of family violence unique to LGBTI people include:

- Interfamilial hate crimes
- Family exile
- Forced marriage
- Honour abuse
- Corrective rape
- Kidnap and deportation
- Conversion therapy

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<sup>31</sup> Ben Rossiter, et al, *Living Well?: Homeless Young People in Melbourne* (2003), 16(2), Parity, 13-15.

<sup>32</sup> GLVH Submission, 4.

## FACTORS IMPACTING THE EXPERIENCE OF DFV IN LGBTI COMMUNITIES

*Calling It What It Really Is, Coming Forward* and *Private Lives* reports all suggest that homophobia, transphobia and heterosexism are prevalent in Australia. Due to this prejudice, violence and discrimination are still commonly directed at people who identify as LGBTI.

**Other factors which can put LGBTI people at greater risk of DFV include:**

- Negative experiences of past help-seeking
- Identifying as bisexual or trans or gender diverse can be a greater risk factor
- Being HIV positive or living with other chronic illnesses and/or mental health issues
- Living with a family with conservative and/or religious beliefs
- Being from a country or belonging to a country of origin or ethnic culture where there are rigid gender roles or conservative values, or even where same-sex activity remains a criminal offence
- Living in rural and regional areas
- Aboriginality
- Having a disability

## BARRIERS LGBTI PEOPLE FACE IN REPORTING DFV AND ACCESSING MAINSTREAM SERVICES

There are many reasons why victims of DFV in the LGBTI community do not report abuse or access mainstream services. Many of these are the same as to why people in heterosexual, cisgender relationships do not report DFV, such as fear of further violence, personal shame or embarrassment or believing that the abuse was not serious enough or that it will stop.

There are however an additional range of inequities and barriers related to one's sexual orientation, gender identity or intersex status that impact whether or not an individual will report DFV or access external support agencies. These barriers exist at a societal, institutional and/or individual level and can further endanger and isolate LGBTI people experiencing DFV. Many DFV services are religious based; LGBTI specialist services are generally not funded or are under-funded and unable to offer crisis support.

## 2. DFV WITHIN THE LGBTI COMMUNITY

### **Reported barriers include:**

- Professionals who hold prejudiced attitudes preventing adequate support
- A DFV sector strictly gendered in their understanding of/response to DFV
- Heterosexist and exclusive language used by services in their promotional materials and intake forms
- A lack of service provider understanding of the unique aspects of LGBTI identities and relationships
- Risks of 'outing'
- The LGBTI community is a relatively small community and thus many individuals attempting to seek support may feel constrained by community ties and a fear of disclosure.<sup>33</sup>

### **Not acknowledging there is DFV**

Societal heteronormativity and the centrality of binary sex and gender constructs has informed dominant understandings of family violence, and violence against cisgender, heterosexual women more broadly.<sup>34</sup>

*Change the Story* is Australia's national framework for the primary prevention of DFV. It states that although there is no single cause of violence against women and their children, the latest international evidence shows there are certain factors that consistently predict – or drive – higher levels of violence. These include beliefs and behaviours reflecting disrespect for women, low support for gender equality and adherence to rigid or stereotypical gender roles, relationships and identities. What this framework makes clear is that gender inequality is the core of the problem and it is the heart of the solution.<sup>35</sup>

Because the public focus of intimate partner violence is on cisgender heterosexual relationships and families, people in LGBTI communities may not have a frame of reference to understanding that DFV is something that occurs in their relationships as well.

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<sup>33</sup> JM Calton, LB Cattaneo, KT Gebhard, *Barriers to Help Seeking for Lesbian, Gay, Bisexual, Transgender and Queer Survivors of Intimate Partner Violence* (2015) 17(5) George Mason University.

<sup>34</sup> Our Watch, *Summary report: Primary Prevention of family violence against people from LGBTI communities* (October 2017) Our Watch, Melbourne Australia.

<sup>35</sup> Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth (2015) *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*, Our Watch, Melbourne, Australia.

## A fear of discrimination by police or other services

As captured in *Calling It What It Really Is*, *Coming Forward* and *Private Lives*, despite the prevalence of DFV in the LGBTI community, the majority of LGBTI victims of DFV do not report the abuse to police, even when the abuse is criminal (such as physical abuse). The research suggests that many LGBTI victims of DFV feel uncomfortable or scared of reporting DFV to police and/or distrust police and the legal system in general.<sup>36</sup>

Reasons for not wanting to report DFV to police may include a belief (perceived or actual) that the police will treat the victim differently because they identify as LGBTI or be indifferent to their specific needs. In *Coming Forward*, it is stated that the “majority of respondents reported that indifference towards heterosexist harassment and other forms of non-physical abuse on the part of a range of service providers, particularly the police, was indicative of indifference toward crimes against GLBT people more broadly.”<sup>37</sup> Although many police agencies now have extensive programs in place to support LGBTI communities, many LGBTI people continue to fear the police.

In *Calling It What It Really Is*, many respondents indicated “reluctance to access mainstream services due to a belief that counsellors would not understand their situation, and may even blame the victim’s sexual diversity, gender diversity or intersex status for the abuse”<sup>38</sup> While the Sex Discrimination Act 1984 (Cth) and various state-based anti-discrimination regimes make it unlawful for a counsellor and other service providers to discriminate against people based on their sexual orientation, gender identity, intersex status or relationship status,<sup>39</sup> there are some exceptions.

For example, the prohibition against discrimination in providing accommodation may not apply if the accommodation is being provided by:

- A religious body (other than a Commonwealth-funded aged care facility)
- Charities and not-for-profit entities which provide accommodation solely for persons of one sex or solely for persons of one or more particular marital or relationship status<sup>40</sup>

This is a particular challenge for victims of DFV from LGBTI communities as faith based services often provide support in the form of crisis accommodation. In some cases, these faith based institutions may arguably lawfully discriminate against a victim of DFV who identifies as LGBTI.

<sup>36</sup> GLVH Submission, 18.

<sup>37</sup> *Coming Forward*, 58.

<sup>38</sup> *Calling It What It Really Is*, 34.

<sup>39</sup> Sex Discrimination Act 1984 (Cth) ss 5A, 5B, 5C and 6.

<sup>40</sup> Sex Discrimination Act 1984 (Cth) s 23(3).

### **Lack of available support**

A fear of approaching mainstream support may be exacerbated by the lack of support specifically available to LGBTI victims of DFV and/or a lack of knowledge about support that is available.

For example, there is a severe lack of services available for men experiencing DFV. Most crisis accommodation providers only cater to women. Transgender women are often refused entry to crisis accommodation or are made to feel so uncomfortable about being there, that they leave. DFV victims living in smaller rural or regional areas are likely to have less access to formal support services.

There may also be a lack of support for a LGBTI victim of DFV from their social networks. A perpetrator may abuse a victim by isolating them from their social networks or making them believe that no one will believe them and/or no one will support them because they identify as LGBTI or because the perpetrator is well known and liked in the LGBTI community. Additionally, as a result of 'coming out', it is possible that an LGBTI person may no longer have a relationship with their family or non-LGBTI friendship groups. They may fear that speaking out about DFV may cause them to lose friends within their tight-knit LGBTI community.

A victim may also feel they cannot speak out about the abuse if they endured a lot of resistance and had to defend their LGBTI relationship when it first started. Many people in the LGBTI community have fought hard to have their relationships recognised as equal to a cisgender heterosexual relationship and may be nervous and feel like they cannot speak about or seek support for DFV.

### **Fear of what will happen if a victim speaks out**

The small size of LGBTI communities, especially in rural and regional areas, may present a barrier to victims speaking out. A victim may be too embarrassed to speak up about the abuse or have fears that others in the community will turn against them.

This fear may be especially true for people in their first LGBTI relationship, and they may perceive their relationship as providing them the only access to the LGBTI community, as they may not have had relationships within the LGBTI community before their relationship with the perpetrator began.<sup>41</sup> A perpetrator may use threats of what will occur if a victim discloses DFV as another form of abuse. For example, telling a victim that no one will believe them because they are LGBTI, or that they will lose access to their children if they disclose DFV, can stop a victim reporting DFV.

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<sup>41</sup> LGBTIQ Domestic Violence Interagency, *Another Closet: LGBTIQ Domestic & Family Violence* (24 October 2014), 12 (**Another Closet**).

## Intersectional factors

LGBTI people also experience higher rates of discrimination, violence and harassment in society more broadly. This discrimination can be further exacerbated by other intersectional factors, such as race, religion, age, ability and socioeconomic status. For example, LGBTI Indigenous Australians are exposed to discrimination for their diverse gender and sexuality which is then compounded by racially based violence, oppression and discrimination. Furthermore, they also experience a significant gap in health and wellbeing measures compared to other Australians. Likewise, one in five LGBT people live with a disability<sup>42</sup> and it is well established that people with disabilities experience elevated levels of family violence.

## TYPES OF DFV UNIQUE TO LGBTI COMMUNITIES

DFV is not limited to physical violence. There are many different types of violence, some of which are more subtle and often get excused, minimised or swept under the carpet. DFV in LGBTI and heterosexual cisgender relationships share many similarities, including the types of abuse and the impact on the abused person. However, there are ways that abuse is played out in LGBTI relationships that is unique to this community.<sup>43</sup>

A list of specific considerations for LGBTI communities is included as a starting point to help with recognition of DFV in LGBTI relationships and to consider how the needs of victims of DFV in LGBTI communities may differ from people in heterosexual and cisgender relationships.



### PRACTICE NOTE

The lists that follow are not exhaustive and are not meant to exclude other types of DFV. It is recommended that DFV policies do not limit the types of DFV that an organisation may consider. To avoid this, it is recommended that examples of types of DFV are provided rather than a definitive list of what is regarded to be DFV.

<sup>42</sup> Pitts, M., Smith, A., Mitchell A., Patel, S., Leonard, W., Couch, M., Barrett, A. *Private Lives 2: The Second National Survey of the Health and Wellbeing of Gay, Lesbian, Bisexual and Transgender Australians* (Monograph Series Number 86, Gay and Lesbian Health Victoria, The Australian Research Centre in Sex, Health & Society, La Trobe University, March 2006).

<sup>43</sup> Another Closet, 10



**PRACTICE NOTE**

While all instances of DFV are serious, when preparing a DFV policy, an organisation will need to consider in what circumstances certain assistance from the organisation will be provided. For example, while an incident of name calling and putting someone down in public can be considered to be DFV, this alone may not require a victim to alter work arrangements or find alternative accommodation. **Section 4 of this Guide has more information on responding when an employee raises a concern.**



### **Emotional or psychological abuse**

Psychological and emotional abuse often overlap. These types of abuse may not leave physical scars but can have a big impact on a victim's mental health and wellbeing. Individuals experiencing emotional or psychological abuse can feel anxious, depressed and even suicidal.

Perpetrators use emotional abuse to take away the victim's independence, confidence and self-esteem. This helps the perpetrator maintain power and control of the relationship. Psychological abuse can make someone question their own reality of events, make them feel crazy or manipulate a victim into changing their mind.

Physically abusive relationships always include aspects of emotional and/or psychological abuse.

#### **Examples of emotional and psychological abuse unique to LGBTI people:**

- 'Outing' or threatening to 'out' a partner/family member's sexuality, gender (identity, history, expression) or intersex status to friends, family, work colleagues or community members
- 'Outing' or threatening to 'out' a partner/family member's HIV status to friends, family, work colleagues or community members
- In addition to the fear of actually being outed, there may be fear of abuse, emotional or physical, or exclusion that may be suffered by others if outed
- Pressuring a partner/family member not to disclose their gender/sexuality and to perform as a heterosexual and/or their gender assigned at birth
- Threatening that a victim may lose custody of children as a result of being 'outed'

- A victim may feel the abuse is associated with their sexual orientation, gender identity or intersex status, ie. "I'm experiencing this abuse because I identify as LGBTI. If I wasn't, it wouldn't be happening!"
- Applying pressure on a victim to look/act more masculine or feminine or less gay
- Dismissing or challenging a bisexual person's sexuality, telling them bisexuality doesn't exist or that they need to 'choose'
- Insisting that a partner/family member pursue or cease gender affirming related medical treatments
- Applying pressure on a partner/family member to conform to a particular gender
- Pressuring a partner/family member to "normalise" their physical appearance or behaviours
- Forced conversion therapy
- Rejecting or exiling a family member from family events or from the family unit as a whole, refusing to have contact with them or pressuring other family members not to have contact with them

## **Physical abuse**

Physical abuse occurs when a person uses physical force against another person. Physical abuse may start slowly and inconspicuously and may get more intense or progressively worse over time.

Physical abuse experienced by LGBTI people may include:

- Withholding HIV medication
- Intentionally transmitting HIV to a partner
- Controlling or preventing someone's access to medication and gender transition related healthcare
- Refusing basic needs or holding someone hostage in their home, young LGBTI people may be at a greater risk of this when 'coming out'
- Forcefully taking a family member back to their country of origin in order to 'cure' them

## 2. DFV WITHIN THE LGBTI COMMUNITY

### **Sexual abuse**

Sexual abuse is any form of forced or unwanted sexual activity. The perpetrator of sexual abuse may use physical force, make threats or take advantage of a person unable to give consent, they may share private content on social media.

#### **Examples of sexual abuse experienced in LGBTI communities include:**

- Threatening to transmit HIV to a partner
- Pressuring a partner into certain acts that they do not want to do by saying 'this is how all gay/lesbian/bisexual/trans people have sex'
- Using their gender/sexuality in order to justify or deny abuse by saying things like 'lesbians can't sexually assault' or 'men always want sex so it isn't assault'
- Pressuring a trans or gender diverse person to perform sexual acts that don't align with their gender identity
- Family members may act-out or arrange 'corrective' rape or forced marriage

### **Verbal abuse**

Verbal abuse may include emotional and psychological abuse. It involves the perpetrator making statements that negatively label the victim, for example: 'You are a terrible parent/partner/girlfriend/boyfriend/spouse.' This can have a serious impact on the self-esteem and confidence of the victim experiencing the verbal abuse.

Verbal abuse may include yelling and also includes statements designed to humiliate and degrade.

#### **Examples of verbal abuse against LGBTI people include:**

- Using terms that are derogatory in the LGBTI community
- Using homophobic, biphobic or transphobic insults
- Deliberately using the wrong pronouns or using 'it' instead of a preferred pronoun

### **Financial abuse**

The financial abuse of a victim may start subtly, with the perpetrator gradually taking control over the victim's bank accounts and financial transactions. It may increase in severity, becoming obvious, violent and threatening. For example, the perpetrator may forbid the victim from working or not allowing them to access their wages.

**Examples of financial abuse against LGBTI people include:**

- Posing as one's partner for access to accounts and assets
- Forcing or pressuring a victim into giving up work/study and using traditional gender roles/stereotypes to justify this

**Social abuse**

Social abuse is behaviour used to exert power over a partner's social life. By isolating a person from their support networks, the perpetrator is able to assert power, control and dominance over the victim. Without a support network the victim may find it difficult to leave the abusive relationship.

**Examples of social abuse experienced in LGBTI communities include:**

- Stopping the victim from going to LGBTI community events
- Stopping the victim from identifying as LGBTI in public/social situations
- Spreading rumours about the victim in LGBTI communities so the victim feels ostracised from the community
- 'Outing' them or threatening to 'out' them on social media

As LGBTI communities are relatively small communities to begin with, social abuse of this nature is particularly harmful.

**Online abuse**

Online abuse is the use of the internet to harass, stalk, monitor or humiliate the victim. It may occur through social media, online forums, email, blogs or other interactive websites or apps, it can also involve the perpetrator impersonating their victim online.

Image-based abuse is when intimate, nude or sexual images are distributed without the consent of the person/s pictured. This includes real, altered and drawn pictures and videos.

**Examples of online abuse experienced in LGBTI communities include:**

- 'Outing' someone on social media
- Using image based abuse to shame someone about their body or sexuality or to 'out' them
- Publicly shaming the victim through posts, blogs etc. for their gender, sex or sexuality on social media

## 2. DFV WITHIN THE LGBTI COMMUNITY

### **Stalking**

Stalking occurs when a perpetrator intentionally and persistently pursues the victim against their will. The perpetrator does this to control, intimidate and create fear. Stalking tends to involve a pattern of strange or suspicious incidents to control and intimidate the victim. The victim may actually be in or feel like they are in danger.

Stalking limits the victim's freedom and makes them feel they have lost control over their lives.

Online abuse and stalking in particular are also two forms of abuse that may directly impact on the workplace, including the physical environment of the workplace and/or via work devices.

### **Stalking in LGBTI relationships**

LGBTI communities are tight knit communities. If a perpetrator consistently monitors common LGBTI spaces, the victim may no longer feel safe going to them.

### **Spiritual abuse**

Spiritual abuse is the denial or use of spiritual or religious beliefs and practices to control and dominate the victim. Spiritual abuse may impact the victim's self-esteem and confidence, make them feel guilty, damage their spiritual experiences and isolate them.

#### **Examples of spiritual abuse against LGBTI people may include:**

- Telling a victim that their religion cannot align with their LGBTI identity
- Using religion to justify violence against LGBTI people, such as saying that you're perpetrating abuse on behalf of a God
- Specific tactics of violence which are based in religion such as conversion therapy, corrective rape, forced marriage, exorcisms
- 'Outing' or threatening to 'out' someone to their church, mosque, synagogue or other place of worship so that the victim feels they cannot participate in their religion in public

## 3. PREVENTION IN THE WORKPLACE

Workplaces can promote positive cultural change through planned, targeted prevention initiatives, by engendering a whole of organisation commitment to prevent violence in the home through fostering and promoting safe, fair and respectful relationships, both in the workplace and employee's personal lives.

Workplaces can be a very influential sphere in people's lives which is why the workplace can and should take active steps to prevent violence in the home. This can be achieved through supporting victims of violence, holding perpetrators to account, supporting all employees to challenge inappropriate behaviour and through the active celebration of healthy relationships, with specific mention and inclusion of LGBTI relationships.

The corporate sector has taken significant steps over recent years to challenge discrimination and prejudice directed at LGBTI people in the workplace. In addition, the corporate sector was also instrumental in advocating for marriage equality in Australia. This work has somewhat coincided with work being done to improve gender equality in the workplace and in recent times, work being done to prevent violence against women.

Concerted efforts to address gender inequality are not just fundamental in protecting women but also in preventing violence against people from LGBTI communities. Without addressing and challenging the drivers of violence against LGBTI people more broadly, it is unlikely that the issue of DFV against LGBTI people and/or in relationships between LGBTI people, will be effectively addressed and prevented.

Prevention activities work to challenge the underlying contributors to violence<sup>44</sup> and strengthen the conditions that work against violence occurring such as: violence-supportive attitudes; homophobic, biphobic and transphobic attitudes; sexist cultures and practices; rigid gender roles and stereotyping. Addressing these cultures in a workplace might involve awareness raising forums, developing LGBTI support networks and ally capacity, bystander intervention workshops, the sharing of campaigns with employees and guest speakers at team meetings.

While many workplaces will formally state they take a zero tolerance approach to discrimination and abuse, it is often the informal cultures and practices that most influence individuals, sometimes conflict with formal anti-violence statements and are the most challenging to address.

It is also often the informal cultures and practices within workplaces that prevent employees speaking out about abuse and/or discrimination that they experience. Informal cultures and practices may even support violent behaviours outside of the workplace or against LGBTI people.

<sup>44</sup> Inara Walden, Liz Wall, Australian Centre for the Study of Sexual Assault (**ACSSA**), Australian Family and Domestic Violence Clearing House, *Reflecting on primary prevention of violence against women* (2014) ACSSA Issue 19.

### 3. PREVENTION IN THE WORKPLACE

One way to promote cultures of respect is through demonstrating proactivity in engaging with initiatives and campaigns that celebrate LGBTI identities. This could include acknowledging and celebrating days of significance for the LGBTI community, such as:

- Mardi Gras
- IDAHOBIT (International Day Against Homophobia, Biphobia, Intersex and Transphobia)
- 7 December 2017 – Anniversary of the day Australia officially legalised same-sex marriage
- Transgender Day of Visibility
- World Aids Day

It is also important to include LGBTI individuals and relationships in other important occasions such as Valentine's Day. Visibly and proactively celebrating LGBTI relationships, engagements and weddings sends a strong message to LGBTI employees that their relationship, and any abuse in that relationship, will be taken seriously.

## PREVENTION ACTIVITIES

The best way to ensure that prevention is relevant and meaningful for LGBTI communities is to respect the expertise and experience of the community itself in all stages of planning, implementation and evaluation. Prevention activities include:

- Developing and delivering messaging in relation to the connection between negative attitudes toward LGBTI people, gender equity and preventing DFV
- Holding forums and professional development seminars in collaboration with DFV organisations and community groups to promote awareness of DFV in LGBTI relationships, as well as discrimination and violence against LGBTI people more broadly
- Media releases and public material to ensure the organisation's public face is consistent with its internal messaging promoting equality for LGBTI people and their relationships
- Creating, promoting and/or engaging with public campaigns raising awareness of DFV and encouraging bystander interventions. For example, ACON's LGBTI DFV Intervention Toolkit<sup>45</sup>.

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<sup>45</sup> ACON, *Bystander Toolkit* (2018) Say it Out Loud <<http://sayitoutloud.org.au/friends-family-community/bystander-toolkit-domestic-violence/>>.

## Role modelling

When considering primary prevention, it can be useful to consider role models. A potential contributor to the prevalence of DFV in LGBTI relationships is the lack of examples of healthy LGBTI relationships, or relationship role models that are accessible for LGBTI communities. One of the main reasons for this is that almost all depictions of any relationship: both positive and negative, are between cisgender, heterosexual men and women. It is for this reason that many LGBTI people, especially in their first relationship, express not knowing what a 'normal' relationship looks like for them and as a result, they may be more likely to normalise abuse.

Role models can help other people improve their own relationships and can be a critical factor in reducing risk and increasing protective factors for those around them. In general, role modelling provides a mechanism for fostering resilience, transmitting positive values and beliefs, generating a positive sense of self-worth and inspiring future goals for individuals and communities.

It is important to champion visible LGBTI role models across the organisation, not just individual role-models but relationship role models, whether this is through campaigns or other resources that increase the visibility of LGBTI relationships.

By openly supporting healthy LGBTI relationships a company can reap the benefits of human and economic potential. Companies with strong LGBTI policies tend to be innovative, have loyal employees, and experience significantly less cases of discrimination lawsuits and LGBTI staff turnover. In addition to that, they are also positively perceived by their customers and stakeholders.



### CASESTUDY •

#### **ANZ Pride Rainbow Families Focus Group**

The ANZ Pride Rainbow Families Focus Group was established to celebrate LGBTI diverse families and provide resources, education and support to ANZ staff and customers with rainbow families. It acknowledges that positive LGBTI relationship role models are not always visible. It highlights and shares the positive stories of relationships in the ANZ LGBTI community. Through education, awareness and celebration, the focus group supports ANZ staff and their families to embrace their authentic selves, bring their whole of self to work and thrive!



### 3. PREVENTION IN THE WORKPLACE

#### Leadership

Leaders of an organisation can make a visible commitment to championing cultural change, which includes taking action if they see or hear something concerning. It also includes taking initiative to show support of LGBTI relationships and individuals and an active non-violent ethos. This can be done in every level of management.

- **The Board:** Can implement a strategic plan which focusses on the organisation's goals and objectives regarding the issue of DFV. The Board can also be responsible for monitoring and evaluating the success of implemented projects.
- **Management:** Can be active in speaking out against DFV and discrimination against LGBTI people in general. Managers can send out communications across the organisation about the extent and nature of violence against LGBTI communities, and the connection between homo/bi/transphobia, sexism, rigid gender-roles and gender stereotyping in supporting violence against LGBTI people.
- **Partners:** Workplaces could join in partnership with DFV LGBTI organisations and community groups, publicly showing their support for the LGBTI community and embarking on joint initiatives.
- **LGBTI staff:** Leadership training to encourage and promote LGBTI people in leadership positions.

Allies are another avenue to explore. Senior managers within the organisation who openly champion and support healthy LGBTI relationships could be particularly powerful in reducing the stigma and shame that may surround someone's relationship, making it harder for them to seek support for any abuse that may exist in that relationship.

## 4. RESPONDING TO DFV IN THE WORKPLACE

### THE IMPORTANCE OF COMMUNICATING YOUR SUPPORT TO VICTIMS OF DFV

An organisation that openly and strongly communicates its commitment to its employees experiencing DFV, supported by a comprehensive policy and processes in place to support these employees, can help to reduce some of the fear and impact experienced by victims. This in turn will assist in empowering employees to seek support and/or help from their employer and/or other services.

Support strategies need to be accessible to all those experiencing DFV, be easy to understand, applicable to all employees and enforceable. Support processes must not discriminate, jeopardise a victim's privacy or give rise to adverse action on the basis of the victim disclosing their experience of DFV.

### WORKPLACE SAFETY

We know that employers have both legal and ethical obligations to maintain the safety and wellbeing of their employees. Extending existing support structures to support employees experiencing DFV may empower victims to seek help or break the cycle of violence.

It is also important to note that non-employee perpetrators of DFV may target their victim (your employee) at their place of work. The *Safe at Home, Safe at Work* Report found that 19% of DFV victims continued to experience abuse in the workplace, predominately through phone calls, emails, texts and unwanted visits to the workplace.<sup>46</sup>

Unwanted workplace visits can be an attempt to get the victim fired, to punish them for trying to leave or as a means of forcing them into resignation (lack of employment increases the perpetrators power by significantly increasing the victim's economic dependency, further undermining their self-confidence).

In these instances, it is not only the immediate victim that is at risk but also those encountering the perpetrator at the place of work in addition to any work colleagues/friends seeking to support your employee.

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<sup>46</sup> Micromex, *Safe at Home, Safe at Work Project*, Centre for Gender related Violence Studies (2011) University of New South Wales.

## LGBTI 'MYTHS' SURROUNDING DFV

Some people struggle to recognise and respond to DFV in LGBTI relationships due to heteronormative 'myths' surrounding LGBTI relationships. Some of these myths are:

### **Myth 1: Women are not violent, or if they are, they can't do much damage...**

What this means is, that if a woman is experiencing abuse in a same-sex relationship, others may not recognise it, may minimise the severity of it or not take her seriously if she discloses the abuse.

### **Myth 2: All men are aggressive, violence is how men sort out their issues...**

What this means is, that if a man is experiencing abuse, he may feel a lot of shame for not 'fighting back' or people may not take the abuse seriously. Others may respond to DFV in male same-sex relationships as just 'boys being boys.'

### **Myth 3: All women are emotional...**

This is the idea that women are either too emotional to hurt someone else or too emotional to be able to self-regulate their emotions. Others in the workplace may make excuses for female abusers stating that they are just being emotional not abusive.

### **Myth 4: The butch/more masculine looking or acting person is more likely to be the abuser...**

Research into heterosexual domestic violence has continuously shown that masculinity is the reason for the abuse. Yet, studies have shown little support that the 'butch' partner in a same-sex relationship is more likely to perpetrate DFV or that the majority of lesbian/gay relationships even engage in butch-femme identities (note that similar research has not been conducted for transgender and gender diverse people in relationships).<sup>47</sup>

### **Myth 5: Hormones makes transmen aggressive and transwomen irrational...**

There is no scientific evidence to support this, all it does is perpetuate misogynistic ideas that men are naturally aggressive because of predominant testosterone levels and women are 'hysterical' because of predominant oestrogen levels.

### **Myth 6: Trans people are not 'real' men or 'real' women...**

This myth undermines someone's identity and can shame and silence them. It can also exclude people from support options that are gendered. For example, people may think a transman cannot be abusive.

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<sup>47</sup> Kimberly F Balsam and Dawn M. Szymanski, *Relationship Quality and Domestic Violence in Women's Same-Sex Relationships: The Role of Minority Stress* (2005) 29(3), Psychology of Women Quarterly, 258-269; Claire M. Renzetti, *Violent Betrayal: Partner Abuse in Lesbian Relationships* (University of Kentucky, 1992).

## RESPONDING TO DISCLOSURES OF DFV

The first step an organisation could consider is to develop a response framework and identify first point of contact or first responders who are then identified via a communication plan. This plan needs to be clear on the difference between a workplace and therapeutic response.

It is important that all managers, and where possible employees, are trained in responding to disclosures of DFV. It is also important to support staff and management who deal with disclosures in an ongoing capacity. Clinical supervision, in addition to the Employee Assistance Program (EAP), should be provided for anyone in the workplace offering direct support to a victim/perpetrator of DFV.

Further to this, workplaces need to put systems in place for recording disclosures and collecting evidence and managing privacy.

Workplaces could partner with DFV services and LGBTI organisations. These partnerships can be useful in ensuring appropriate responses to employees involved in an abusive relationship and providing referral pathways for counselling or intervention.

### **Reluctance to disclose**

Employers have an obligation to keep employees safe. One way they can do this is by creating a safe environment for staff to make disclosures of abuse. Not all victims (or perpetrators) will disclose DFV. There are many reasons for this, including the fact that they may not be out as LGBTI, a fear of discrimination, a fear of jeopardising career prospects or of stigma in the workplace.

According to Pride in Diversity's 2017 employee survey data, 36% of LGBTI staff who work for organisations that are new to LGBTI inclusion are not out at work. DFV alone can be a very difficult thing to disclose, even harder when compounded with having to 'come out' about the relationship or one's sexuality or their/partner's LGBTI identity.

Another way that you can help employees to disclose DFV is by training specific staff members on how to start a conversation around abuse, very often HR will take this role on. Note that not everyone can or wants to take disclosures because of their own history of trauma. You also may want to have a group of specialist first responders. Additionally you could consider running a bystander intervention training for your employees.

A workplace can also start by sharing ACON's LGBTIQ DFV Intervention Toolkit with employees.<sup>48</sup>

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<sup>48</sup> ACON, *Bystander Toolkit* (2018) Say it Out Loud < <http://sayitoutloud.org.au/friends-family-community/bystander-toolkit-domestic-violence/>>.

#### 4. RESPONDING TO DFV IN THE WORKPLACE

## HOW TO IDENTIFY DFV IN THE WORKPLACE WITHOUT DISCLOSURES

If an employee has not disclosed abuse directly but there is some suspicion that they may be in an abusive relationship, here are some potential indicators that an employee might be in an abusive relationship:

### **Potential indicators of a person being abused:**

- Work performance is slipping
- Unexplained and/or increased absences from work
- Not wanting to go home, looking anxious and fearful when it is time to leave work and go home
- Constant phone calls and messages from partner/family member
- Regular arguments with partner/family member
- Seems anxious when their partner/family member is around or calls/contacts them
- Always asks their partner's/family member's permission before making decisions
- No longer does the things they used to enjoy doing
- Is overly anxious about pleasing when it comes to their partner/family member
- Has lower self-esteem than they used to
- Mentions that their partner puts a lot of demands on them
- Has bruises or other injuries with no explanation

### **Potential indicators of a person being abusive:**

- Constantly calling/contacting their partner/family member
- Is overheard yelling at or speaking badly to their partner/family member
- Regularly puts their partner/family member down in front of others
- Seems to make all the decisions for their partner/family
- Gets angry easily with their partner/family member
- Is unreasonably jealous
- Closely monitors their partner/family members social connections

## Absenteeism or late arrivals

A victim may show greater absenteeism from work due to the negative health or other impacts of DFV. Reasons can vary and may include but are not limited to physical injury, mental health, fear, anxiety or obligations directly resulting from DFV such as the need to attend court or counselling.

A 2015 report found that 1 in 4 employed women took time off work as a result of their most recent incident of physical assault by a male cohabitating partner and 1 in 5 took time off as a result of their most recent incidence of sexual assault.<sup>49</sup> No comparative data exists for LGBTI communities, however as similar impacts of abuse also affect LGBTI people it is likely that they too will show greater levels of absenteeism from work.

A victim of DFV may also be prevented from coming to work or be required to find alternative routes to work as a result of being stalked by or living in fear of the perpetrator, which can also result in extended absenteeism or perceived tardiness. It is estimated that nearly half of women reporting DFV who are in the workforce experience difficulty getting to work.<sup>50</sup> Again there are no equivalent statistics for LGBTI communities but it can be assumed that LGBTI people have similar experiences.

The additional stress that this places on the employee can not only diminish the employee's productivity, work performance and team relationships but potentially their professional reputation.

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<sup>49</sup> Peta Cox, *Violence against Women: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey (2015) 2016 Rev. ed. (01.01) ANROWS*, 116.

<sup>50</sup> Ludo McFerran, *National Domestic Violence and the Workplace Survey (2011)* (2011) University of New South Wales, 8.

## DEVELOPING A POLICY

When developing a policy on DFV, undoubtedly there are some questions which management, senior management and the board will need to discuss.

Some questions for workplaces to find appropriate solutions to:

- What does a systemic approach look like?
- What is the reputational risk if your clients, stakeholders and employees become aware of an employee who uses violence?
- Should perpetrators have ready access to workplace entitlements and flexible work arrangements?
- How will you monitor employees who work from home if that home is an unsafe one?
- Does your policy regarding DFV extend to contractors?
- What are the legal risks of firing or reprimanding an employee who uses abuse against their partner/family member?
- Can you include a code of conduct for all employees that specifically outlines DFV?
- If children are involved and at risk what will be the workplace's response around reporting?
- At which point would the police need to be called?

### Supporting employees experiencing DFV

In 2014, the Australian Human Rights Commission published a fact sheet that focused on DFV being a workplace issue: "Domestic and family violence – a work place issue, a discrimination issue." The factsheet is a useful tool and can be located at [www.humanrights.gov.au/our-work/sex-discrimination/publications/fact-sheet-domestic-and-family-violence-workplace-issue](http://www.humanrights.gov.au/our-work/sex-discrimination/publications/fact-sheet-domestic-and-family-violence-workplace-issue)

Within the factsheet, the Commission recommends steps for employers to assist in supporting employees experiencing DFV including ensuring:

- Leadership from employers to show awareness of DFV and that the workplace is a supportive one
- The establishment of clear policies and procedures
- Leave and flexible work provisions
- Clear roles and responsibilities of employees who will support victims of DFV
- The implementation of awareness-raising and education programs

- Adequate support avenues for affected employees
- Safety planning for affected employees
- Information is available for referral and external support
- DFV policies and procedures are monitored and amended when necessary<sup>51</sup>

While not addressing LGBTI DFV specifically, it is recommended that these actions be considered in the development of policy and support processes. Part 3 and Part 5 of this Guide address the ways employers can recognise, and ensure inclusiveness, of the unique challenges faced by the LGBTI population in situations of DFV.

### **Responding to people who use abuse**

The extent of the involvement of an employer where it becomes aware that an employee is committing or has committed DFV is a complex issue, as employers often aren't able to direct how an employee conducts themselves outside of their employment or to discipline an employee for out of hours' conduct, which is unrelated to their employment. That said, it is not uncommon for partners or family members to work in the same workplace or for perpetrators of DFV to use workplace resources (such as telephones, computers or email accounts) to threaten, harass or abuse a partner or family member. It is appropriate that a DFV policy be implemented to address these situations.

Ultimately workplace responses to each situation involving an employee who engages in DFV will require a tailored approach based on the individual situation, your organisation's policies, and workplace related legislation. As an employer, you have a range of issues to consider when responding to an employee who engages in DFV. It is important to adhere to legal obligations whilst ensuring a safe workplace for all, prioritising the safety of the victim/s and anyone else involved, whilst maintaining workplace integrity and upholding the values of the organisation.

A DFV policy would generally communicate that DFV is contrary to the culture and values of the organisation and is unacceptable in the workplace. A policy could go further to state that any employee engaging in DFV in the workplace (or using workplace resources) may be subject to disciplinary action up to and including the termination of employment. However it is important to consider possible negative outcomes of suspending or firing an employee who uses abuse as it may increase the risk to the victim due to the abuser spending more time at home, victim blaming for their job loss and exacerbated stress.

<sup>51</sup> Australian Human Rights Commission, *Fact sheet: Domestic and family violence – a workplace issue, a discrimination issue* (2014), <<https://www.humanrights.gov.au/our-work/sexdiscrimination/publications/fact-sheet-domestic-and-family-violence-workplace-issue>>.

#### 4. RESPONDING TO DFV IN THE WORKPLACE

If a DFV policy is going to offer support to those affected by DFV, the policy needs to acknowledge and expressly note the distinction between those who are perpetrators and those who are affected by or experiencing DFV. This should be done through clear, plain English definitions of "domestic or family violence," "affected by" or "experiencing" and "perpetrator."

Some employers tailor their policies to provide certain types of support to perpetrators with a view to preventing the continuation of DFV. For example, a policy could offer perpetrators unpaid leave to seek professional help or counselling. The provision of any type of support for a perpetrator is a complex issue because employers do not want to be seen to be condoning criminal conduct committed by their employees. To overcome this issue, it is recommended that the DFV policy expressly state that any support will be granted at the employer's discretion and is conditional upon the employee providing satisfactory evidence of the need for professional help.

**Alternatives to suspension include:**

- Providing information and support to manage a situation
- Referral into professional support

## 5. LGBTI INCLUSIVE DFV POLICIES

If you do not currently have a DFV Policy or supporting processes in place, the first task will be to obtain executive support for the development and implementation of such a policy. We recommend that you reference Section 1 of this Guide to assist you with this, in particular the issue of why DFV is a workplace issue.

While many organisations already have existing DFV policies, many workplaces are still grappling with how to respond appropriately to LGBTI employees who experience or may use abuse in their personal relationships. The reason for this is that the majority of existing DFV policies are very gendered in nature and language.

In order to navigate this, there are several options a workplace can take.

**Option 1: Create a separate policy for DFV in LGBTI relationships**

**Option 2: Use terminology that is genderless, and speak about DFV in general terms**

Examples include:

- 'Preventing violence in intimate relationships'
- 'Preventing domestic and family violence'
- 'Preventing violence against women, children and partners/family members of all genders and sexualities'

Be mindful if taking this approach to make a clear statement at the start of the policy that the majority of violence is perpetrated by (cisgender) men against (cisgender) women and their children.

**Option 3: Introduce DFV as an issue that affects everyone**

An example: 'DFV can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.'

**Option 4: Add extra information throughout the policy that acknowledges DFV in LGBTI relationships**

Make sure to include the unique challenges for LGBTI people experiencing abuse. Do not put the issue of LGBTI DFV as an appendix or a footnote or any other addition that is tokenistic.

## LGBTI CONSIDERATIONS IN POLICY DEVELOPMENT

**Clear statement:** That domestic violence is as common in LGBTI relationships as it is for women in the general population.

**Consider surveying:** Anonymously survey your workplace to find out how many employees are aware of domestic and family violence in regards to LGBTI relationships and also surveying the likelihood of someone to disclose DFV or seek help for a colleague experiencing DFV.

**Privacy and disclosures:** When preparing for how to handle disclosures of DFV, it is also important to prepare for how to handle disclosures around someone's gender identity, gender history and their sexuality or that of their partner/family member.

**Training:** Key staff, such as first responders and management, should be trained in recognising and responding to DFV in the workplace, this training should include an LGBTI component.

**Awareness raising:** In any DFV awareness raising program there needs to be an LGBTI component. Display posters and referral information for LGBTI people. This should be a part of the larger LGBTI awareness raising and inclusivity work done by your organisation.

**LGBTI Support Options:** There needs to be a number of LGBTI specific resources and a list of LGBTI friendly service options made available to assist LGBTI employees experiencing DFV. See Appendix B

**DFV leave entitlement:** Any leave entitlement (paid or unpaid) stated in policies needs to not be gender-based and needs to acknowledge diverse relationships and diverse roles of a carer. Also note that there may be differences in available supporting documents and time off required (for example travel time to, or availability of, appointments due to limited LGBTI services).

**DFV leave for perpetrators:** An organisation will need to discuss leave entitlements for alleged perpetrators.

**Provide guidance:** For managers it is about how to handle disclosures and how to recognise their own bias to avoid inadvertent discrimination, naivety and victim blaming.

**Partnerships:** Develop and review all DFV policies with LGBTI stakeholders and services.

## OTHER POLICIES THAT MAY INTERACT WITH A DFV POLICY

An organisation's DFV policy is likely to interact with other policies within an organisation. Many of the supports required for victims of DFV may already be in place in your organisation and should be drawn upon when required.

It is recommended that where policies can be electronically accessed, that the DFV policy has links to those policies embedded within it.

### **These policies may include**

- Diversity and Inclusion
- Flexible Work Arrangements
- Occupational Health and Safety
- Employee Assistance Program or Counselling
- Bullying and Sexual Harassment
- Complaint Procedures
- Mental Health and Wellbeing
- Alcohol and Drugs
- Equal Employment Opportunity Policy

**The remainder of this section has been set out to assist you in developing or amending DFV workplace policies and processes, to ensure that they are inclusive of LGBTI employees.**

Each case of DFV will be unique and how an organisation supports a victim will be different in each case. It is important, however, that at the time of implementing a DFV policy, consideration is given to what support will be provided and what procedures will be followed should a victim seek help. Each organisation is different and what will work for one organisation may not work for another. This Guide does not attempt to provide a 'template' policy, but rather identifies topics and sections that may be relevant to consider when enacting a DFV policy that is inclusive.

## ENSURING DFV POLICIES & PROCESSES ARE LGBTI INCLUSIVE

The Guide specifically addresses inclusion in DFV policies with respect to the LGBTI community. When enacting or amending an organisation's DFV policy, the organisation should also keep in mind groups of employees that may be considered vulnerable to DFV. Groups such as people with disabilities, mental health or chronic health issues, old and young people, Aboriginal and Torres Strait Islander people and other culturally and linguistically diverse people are all identified as vulnerable groups in mainstream DFV research.<sup>52</sup>

There may also be intersecting circumstances of potential vulnerability. This could include mental or physical health issues, drug and alcohol use, pregnancy, financial stressors or any other circumstantial stressor where an individual may struggle to access supports.

### Inclusive language

It is well established that organisational policies that are explicitly LGBTI inclusive have a profound impact on LGBTI staff.<sup>53</sup> This is most likely because LGBTI staff can 'see themselves' in those policies, removing any doubt that those policies were intended to apply to them. This is particularly significant in relation to DFV policies, due to the significant public focus of DFV centering on abuse in cisgender heterosexual relationships. It is important for organisations to state upfront that a DFV policy applies to all staff regardless of sexual orientation, gender identity and/or intersex status.

### Gender neutral wording

Gender neutral language is incredibly powerful and symbolic as small changes in grammar and vocabulary can affect whether people feel included or not.

Although it is important to make clear that the majority of DFV is perpetrated by (cisgender) men against their female partners and children, acknowledging that DFV occurs in all relationships right at the start of a policy, rather than using limiting language that is only directed to certain relationships, is a clear indication that inclusive language was deliberately chosen for the policy and that the policy is inclusive of all employees.

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<sup>52</sup> Another Closet, 13.

<sup>53</sup> M. Badgett, L. Durso, A. Kastanis, C Mallory *The Business Impact of LGBT-Supportive Workplace Policies* (2013) The Williams Institute.

**Consider the policy example below and the significant impact of having inclusive language and gender neutral wording:**

EXAMPLE POLICY ON VIOLENCE AGAINST WOMEN	OPTIONS FOR GENDER NEUTRAL/INCLUSIVE LANGUAGE
<p>Violence against women is a daily reality and a lived experience for many.</p> <p>We are committed to preventing violence against women and their children and to embed gender equality and respectful relationships in our organisation.</p>	<p>Phrases such as:</p> <ul style="list-style-type: none"> <li>• ‘preventing violence in intimate relationships’</li> <li>• ‘preventing domestic and family violence’</li> <li>• ‘preventing violence against women, children and partners (including same-sex partners)</li> </ul>
	<p>Introductory statement such as:</p> <p>‘DFV can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.’</p>

## THE REPORTING OF DFV IN A WORKPLACE

A lot of DFV policies will include a contact person or persons a victim of DFV may approach in the first instance to discuss their DFV and to invoke certain organisational support. Careful consideration should be given as to who the contact person(s) identified in the policy are. A DFV policy contact person may be the first person the victim of DFV has ever spoken to about DFV.

Depending on the structure and size of the organisation, it may be appropriate to have more than one contact person, across different units within the business. The person(s) appropriate to assume this role will depend on the nature and structure of the organisation. Due to the hierarchical structure of the organisation, there may be additional factors to consider, including whether contact people should be identified across different leadership levels to ensure that hierarchical barriers do not act as an obstacle.

## 5. LGBTI INCLUSIVE DFV POLICIES

It will be important to provide identified contact people with information as to the boundaries of their role, and/or formal training so as not to put both parties in a difficult situation. A contact person should not provide counselling to a victim of DFV, but rather their role is to listen without judgement and support the victim, explain what organisational support is available under the DFV policy and refer the victim to appropriate agencies for counselling or other support if required and appropriate.

Organisations may consider offering the contact person (and other staff) trauma informed training, which is different to counselling and involves recognising why people react and act the way they do when they have or are experiencing trauma. A basic level understanding of what trauma is and how it can impact someone's ability to function and communicate can help a colleague read some of the signs of trauma that a person may exhibit and can help them relate a person's trauma to their overall wellbeing and daily interactions.

The location of a contact person should be considered. If a contact person is at a desk in the middle of a busy open plan office, this may act as a disincentive for someone to go and speak with them about DFV. If it is not possible to speak with the person privately at their desk, another private location should be available that does not raise suspicion to other work colleagues that DFV is being discussed.

Discussing DFV in a workplace may be very traumatic for a victim. Seeking support for DFV in their workplace may be even harder for a victim who identifies as LGBTI for the many reasons discussed in this Guide. The fear of seeking support may be even greater for someone who is not openly 'out' at work. Additionally, it might be harder for LGBTI people to explain the dynamics of power and control that are unique to LGBTI relationships.

It is recommended that organisations have at least one contact person in the DFV policy promoted as an LGBTI ally. A good starting point might be to have some points of contact specifically aligned to an LGBTI Network, Diversity or Employee Resource Group and/or Diversity and Inclusion officer as well as someone within the Human Resources team. It is also recommended at the time of enacting a DFV policy to have a supporting guide prepared for the contact person(s) explaining how the DFV policy might work in varying circumstances.

The supporting guide could provide helpful information regarding privacy, recording matters of DFV and how the contact person(s) and the organisation can support the victim. Other DFV information and support materials, such as *Another Closet*, could be placed in accessible locations in the workplace, such as the intranet, staff rooms or other common areas.

Due to the nature of a contact person's role, it is advisable that a contact person be provided with an opportunity to receive their own confidential counselling, which may be through an organisation's existing Employee Assistance Program (EAP), should it be needed.

## Privacy

It is recommended that a DFV policy outline how matters of DFV will be dealt with in terms of privacy once a matter is disclosed. It will be important for the victim to be assured that their personal matter is dealt with privately, especially if the victim identifies as LGBTI and is not openly 'out' at work.

An organisation should consider including a reporting protocol so that a victim is clear about who may become privy to their situation with their consent. This reporting protocol could align with other organisational policies such as a 'Mental Health First Aid' policy.

The language used in clauses relating to privacy in a DFV policy is very important. A DFV policy should clearly outline that if a victim raises a report of DFV, discussions about the DFV will be kept private. However, an organisation should consider if they are always going to be able to keep a report of DFV confidential ie. will there be a need to report the matter to police or a support service in certain circumstances?

At the time of enacting a DFV policy, it should be discussed whether a report of DFV will be formally recorded or not. An organisation may need to consider whether formal recording will reduce the willingness of victims to report incidents, or to seek assistance. The key issue is where to store the recorded disclosure that is secure. One approach is to make it clear to a victim that reports of DFV will be kept separate from a victim's personnel file.

A DFV policy should include clear language that a disclosure of DFV will not result in any adverse consequences to the victim's employment or discrimination on the basis of the disclosure. DFV is not currently recognised as a protected attribute under state or federal anti-discrimination laws or under the Fair Work Act. However, it is considered best practice that employees are made aware that, despite the lack of legislative protection, the employee will not be discriminated against by their employer, if they disclose experiencing DFV.

An organisation should consider whether a victim needs to consent to a report of DFV being recorded and, if so, how that consent should be given. Is it enough for oral consent to be given or will the victim need to provide consent in writing? The benefits and consequences of recording a DFV incident should be discussed with the victim prior to discussing and recording their matter with them. This may include the possibility of any records being used as evidence against the perpetrator at a later date.

## 5. LGBTI INCLUSIVE DFV POLICIES

An organisation should also consider the language it will use if a matter of DFV is recorded. This is especially relevant to someone who identifies as LGBTI and is not ‘out’ at work. It is recommended that gender neutral language be used when recording an incident of DFV so as not to inadvertently ‘out’ someone should a report later be shared with someone else (with the victim’s consent).

Other considerations is that a workplace response should emphasise the effects of the DFV on a person’s work rather than focus on the details of the abuse unless there is a safety concern.

When preparing your DFV policy, you may wish to consider and obtain advice on whether your organisation has a legal obligation to report DFV disclosed by its employees. The obligations in relation to reporting DFV vary depending upon the industry and jurisdiction in which the particular organisation operates and the disclosure occurs.

For example, in New South Wales, if a person holds a management position in an organisation which provides certain types of services to children and that person has reasonable grounds to suspect that a child is living in a household where there have been incidents of domestic violence, and as a consequence, that child or young person is at risk of serious physical or psychiatric harm, they must make a report to the Department of Family and Community Services.<sup>54</sup>

There are certain exceptions to this requirement, so it is prudent to seek legal advice to ascertain whether your organisation is obliged to report DFV disclosed by its employees.

## DFV LEAVE UNDER MODERN AWARDS

From 1 August 2018, employees covered by a Modern Award are entitled to five days unpaid leave to deal with DFV (following a ruling by the Fair Work Commission earlier that year). Such leave will be made available in the event that the employee needs to do something to deal with the impact of DFV – such as making arrangements for their safety or the safety of their children – that would otherwise be impractical for them to do outside of their ordinary hours of work. The intention behind the clause is to limit the impact DFV may have on someone’s employment, which is considered an important pathway out of a violent relationship.

The entitlement to five days unpaid DFV leave is available in full for all employees at the commencement of each 12 month period, rather than accruing progressively during a year of service or being calculated on a pro-rata basis for part-time and casual employees, and will not accumulate from year to year.

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<sup>54</sup> *Children and Young Persons (Care and Protection) Act 1998 (NSW)* s 27.

## ORGANISATIONAL SUPPORT

There are many ways an organisation can provide support to a victim of DFV. Each instance of DFV will require different levels of support. It is important that the contact person(s) identified in a DFV policy are aware of the different types of support available and how a victim of DFV can access that support.

The following sections consider the types of support an organisation may provide to an employee experiencing DFV. A supporting guide to a DFV policy could detail how this support can be initiated if required.

### **Leave**

Employees covered by a Modern Award have access to five days unpaid leave (as discussed above).

However, organisations should consider whether they will offer all employees (including Award free employees) who are victims of DFV leave on terms equal to or more beneficial than the entitlement under the Modern Awards. Some things to consider include:

- Will paid or unpaid leave be offered? Paid DFV leave can be viewed as a symbol of commitment by an organisation that they will support their staff and that they are committed to addressing DFV.
- How many days leave will your organisation offer? Will this be more than the five days provided under Modern Awards?

In respect of Award free employees:

- Will your organisation offer DFV leave separate to existing sick, carers or other personal leave entitlements?
- How often can a victim of DFV access this leave? Can leave be accessed each time there is an occurrence of DFV or is it capped at a particular number of days a year?
- Should the DFV policy include a non-exhaustive list of reasons for which leave may be accessed (ie. to seek medical attention, Court appearances, housing relocation, etc.) or is it enough to state in the policy that access to leave will be assessed on a case by case basis?
- How will DFV leave be accessed? Simplifying the approval process to access DFV leave can help make it more accessible to employees who are victims of DFV. If leave is more accessible, it is more likely that an employee will take the leave they need and therefore obtain the help and support they need.

## 5. LGBTI INCLUSIVE DFV POLICIES

### Things to consider:

- Will there be a formal approval process? If so, will this follow the same protocol procedures as other types of leave are requested?
- Will leave under the DFV policy first require a victim to discuss their DFV with a contact person identified in the DFV policy or can an employee access the leave directly?
- What will this leave be recorded as? For example, will it be recorded as sick leave or personal leave or something else? For the sake of privacy, it is recommended that any leave taken under the DFV policy be recorded as a generic leave term so that the disclosure of DFV is not apparent.
- What evidence, if any, will be required from an employee before DFV leave will be provided?
- Is it enough that a victim says they have been abused or will they need to provide documents such as a doctor's certificate, police report, court documents or a letter from a counsellor to obtain leave?

Obtaining evidence may mean that a victim of DFV has to discuss the DFV with someone and they may not be ready to yet. Additionally, it is important to bear in mind that LGBTI people are less likely to seek support for DFV and therefore are less likely to have supporting documents. It is suggested that a formal letter from a counsellor, social worker, GP or LGBTI community organisation should be sufficient for the purposes of accessing leave.

There is currently no entitlement to DFV leave under the Fair Work Act. However, the Federal Government has indicated an intention to amend the Fair Work Act in line with the new clause which has been inserted into Modern Awards (discussed above) to ensure that the entitlement to unpaid DFV leave can be accessed by all national system employees.

### Flexible Work Arrangements

Employees who are experiencing violence from a member of their family, or those caring for an immediate family member or a member of their household who is a victim of DFV, have a right to request flexible working arrangements.<sup>55</sup> Flexible work arrangements may only be refused on reasonable business grounds under the National Employment Standards.

Flexible working arrangements can be a useful way for an organisation to support an employee who has reported being a victim of DFV. Enabling flexibility can ensure the victim can continue to work if they wish to while ensuring a safe working environment for them and for their colleagues.

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<sup>55</sup> Fair Work Act 2009 (Cth) s 65.

Flexible work arrangements could include changing the time or days that an employee works or changing the location of work to enable them to work from home, an alternative office or some other work environment. This change in work arrangements can assist in circumstances where a victim is being stalked in the workplace or its surrounds, or on the way to and from work, as the perpetrator of the violence may not be able to locate the victim as easily.

Flexibility in work arrangements can also assist a victim with childcare needs for example, if arrangements for school pickups have had to change as a result of DFV.



#### PRACTICE NOTE

Where flexible work arrangements are provided for in a DFV policy, the organisation will need to consider how flexible time will be remunerated. For example, if a victim chooses a reduction in actual hours of work, will the organisation pay the victim's normal salary for a period of time? If so, will there be restrictions on how long the organisation will do so?

It is recommended that clear guidelines are set out when initiating flexible work arrangements as to when the arrangements will be reviewed. A plan may need to be made with respect to communication with the victim's broader work team about the change in their work schedule. It will be important not to disclose the reasons for the change in their work schedule, just the logistics.

### Safety Planning

Your organisation may choose to assist people who are victims of DFV to develop a safety plan while they are at work to increase the safety of the individual and their colleagues in the workplace.

Whether a safety plan is necessary will be dependent on the circumstances of each individual case. It is very important to distinguish here between a safety plan that is only related to the workplace, which is being discussed in this Guide, versus a safety plan that a counsellor or other DFV professional may assist with. This Guide only discusses the former and it is not appropriate for an employer to develop a safety plan regarding an employee's arrangements at home if they are experiencing DFV.

The need for a workplace safety plan can arise because some perpetrators may enlist their family and friends to harass, intimidate and physically abuse not only the victim, but also their colleagues and clients/customers. In some instances, it may be the family and community members of the victim who are abusing the victim at work (e.g. because leaving a relationship will bring shame to the family). As such, it may be important to enquire about whether there is a risk that the victim's family and friends are also impacting the victim's safety at work.

## 5. LGBTI INCLUSIVE DFV POLICIES

An organisation may want to consider whether it will be possible to:

- Change a victim's work contact details (telephone and/or email) and remove their details from telephone directories
- Ensure a victim is not photographed or included in organisational (social) media or other external publications as this may have safety implications for people if they are being stalked
- Change work routines including work location or start and finish times (for more information on this, see the section on flexible work arrangements)
- Cover the cost of private transport (eg. taxi) to and from work for an initial (nominated) period with the ability to seek approval to extend the arrangement at the end of a certain period
- Provide increased security for a victim (which may involve speaking with facilities and building management to arrange) and/or installing cameras outside the workplace
- Change personnel records (for example, if a perpetrator is listed as the next-of-kin on a victim's employee records, this could be easily updated)
- Moving the victim's car space closer to the building
- Arranging for a colleague to escort the victim to/from their car or to/from work appointments
- Blocking the perpetrator's emails
- Changing their bank accounts for pay

### **Financial support**

An organisation may wish to consider providing financial support to an employee who is a victim of DFV.

#### **Considerations include:**

- Whether an organisation will pay for access to legal advice
- Whether an organisation will pay for alternative accommodation for a period of time
- Whether they will provide a cash advance of wages to assist a victim.

An organisation will need to consider what evidence, if any, is required before providing financial support to a victim of DFV.

In circumstances where a victim's remuneration is going into a joint bank account with the perpetrator, it may be appropriate to work with the victim to revise that arrangement. The victim may wish to speak with their bank to ensure that any joint accounts are secured or a small portion of their pay could go into a separate account set up for the victim's financial security should they need it to leave the relationship or to find safety at a later stage. In some circumstances, this could create additional and serious risks to the victim and needs to be considered together with the victim carefully.

### **Alternative Accommodation**

In some instances of DFV, it may not be safe for a victim to return to their place of residence or they may want to leave an abusive relationship requiring alternative accommodation. An organisation may want to consider if it can assist employees in relation to alternative housing when required.

Some organisations may have access to business accommodation that could be provided to the victim and any children. Alternatively, an organisation may wish to pay for alternative accommodation. If the organisation cannot accommodate or pay for accommodation for the victim, the victim should be referred to support agencies that can help with emergency accommodation.

When considering alternative accommodation, the safety of children should also be considered. The care of pets while a DFV victim seeks alternative accommodation may also need to be discussed with the victim. The RSPCA runs a program called Safe Beds for Pets where pets can be kept in short term accommodation so that a victim of DFV can safely leave an abusive relationship.

If a support guide is prepared with the DFV policy, options for emergency accommodation in each relevant State and Territory where employees work may be beneficial to include.

Emergency accommodation options should include accommodation that can support someone who identifies as LGBTI (if any are available).

Finding providers of emergency accommodation for LGBTI victims of DFV may be harder to find. As discussed earlier in this Guide, DFV is traditionally viewed as a situation where there is a male perpetrator and a female victim. Therefore, the majority of emergency accommodation providers are for female victims of DFV and their children. Male DFV victims will not be accommodated.

Transgender women may also find themselves denied emergency accommodation if they have not had gender-affirming surgery or as a result of exemptions from anti-discrimination laws. The ability to find appropriate emergency accommodation will inevitably be even harder for a LGBTI victim of DFV who lives in a rural or regional area.



## CASE STUDY • • • • • • • • • • • • • • • •

### **Norton Rose Fulbright Australia DFV Policy & User Guide**

Norton Rose Fulbright Australia (NRFA) launched their DFV Policy in 2016. The firm developed the Policy with language in mind to ensure the Policy was inclusive and gender neutral. Shortly after launching the Policy, NRFA realised they needed to provide further support for the HR team who were the first point of contact for users of the Policy. The development of a guide to sit in the background was an important part of the implementation of the DFV Policy and enables those assisting and supporting victims of DFV in practical terms how to best apply the Policy.

For example, under the Policy the firm agrees to arrange emergency accommodation for people requiring an alternative arrangement at very short notice. To ensure the HR team can appropriately organise this accommodation, NRFA recognised there needed to be office by office advice should the situation arise.

With respect to the LGBTI community, NRFA discovered there are few appropriate options for refuge accommodation and therefore included specific guidance that an apartment or hotel accommodation might be considered instead. Now that the guide is in place, the advice from HR can be more accurate and targeted but also timely. NRFA strongly recommends that organisations developing a DFV policy consider how their support teams will execute on the provisions, both through the use of a guide and training.

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## Counselling and Support Networks

A victim of DFV may want to speak about their situation with a counsellor. When enacting a DFV policy, an organisation should consider whether the policy contains contact details for a range of counselling providers. Including a reference list of counsellors can be useful especially where an employee who is the victim of DFV does not want to discuss the DFV with anyone at work or initiate any of the support a DFV policy may provide. At the very least, an employee can read the DFV policy and easily obtain information about who they can approach externally for support.

Each State and Territory will have different options for counsellors as well as National agencies that specialise in DFV. An organisation may already have an arrangement with an EAP for counselling services, which should be referred to in the DFV policy.

The organisation should consider listing affordable (or free) culturally safe counselling services. Some counselling services have long waiting lists or require an upfront payment. This could be prohibitive if a DFV victim needs financial security to leave an abusive relationship, or if they are in a situation where they are the victim of financial abuse and have no means to pay for counselling. There may also be concerns that the perpetrator would find out about the counselling.

As mentioned earlier in this Guide, an LGBTI victim of DFV may be reluctant to access mainstream counselling services. This could be because of a perception (whether true or not) that the counsellors may not understand their situation or even blame them for the DFV because they identify as LGBTI. As well as being the victim of DFV, a victim may have additional issues outside of their relationship relating to general abuse, victimisation and bullying as a result of their sexual orientation, gender identity or intersex status. It is important that a counsellor is trained to specifically assist people from the LGBTI community and that they understand the complexities of LGBTI identities.

If an organisation has an existing EAP, it should ensure that the EAP counsellors have received training in how to deal with matters of DFV, that they are experienced in working with people from LGBTI communities (including with victims of DFV) and that they will expedite DFV matters.

As a useful starting point, a list of suggested counselling and support networks that have experience in dealing with DFV in LGBTI relationships has been included in this Guide at Appendix B.

## PROTECTION ORDERS

Protection orders can be obtained to restrict a perpetrator from contacting a victim of DFV. Protection orders can cover the workplace, its surrounds and communications such as email, phone and social media.

Many people are unaware that they are able to obtain a protection order or how they can go about obtaining one. The option of a protection order may be a good option to raise with a victim of DFV.

Each State and Territory has different types of protection orders which are called by different names and governed by different legislation. Appendix C includes links to current legislation.

If a victim applies for a protection order in one State or Territory but then moves to another State or Territory, they may need to apply for another protection order in their new location.

Protection orders do not necessarily stop the violence, but they provide a mechanism for police to respond should a victim be approached or otherwise contacted. This can be a useful mechanism to ensure someone's safety at work. For example, if a perpetrator is loitering in front of the workplace with the intention of harassing a victim or one of their colleagues or clients, it is difficult to get the police involved without a protection order as the perpetrator may be in a public space. If a protection order is in place that covers the workplace and its surrounds; the victim can contact the police and have the perpetrator removed.

The use of a protection order needs to be on a case by case basis. Because of the reluctance of LGBTI people experiencing DFV to contact police, it is possible that someone identifying as LGBTI may not have considered obtaining a protection order.

## WHERE A PERPETRATOR AND VICTIM WORK FOR THE SAME ORGANISATION

It is possible that a victim and perpetrator will work at the same organisation or one of the parties will be a client or customer of the organisation. This can make it even harder for a victim of DFV to consider talking to someone at work about their situation. That feeling of helplessness will be compounded if the perpetrator has a position of authority over the victim or the couple identify as LGBTI but one or more of them is not 'out' at work.

Where this is the case, the focus is on the safety of the victim. Decisions on responding to the user of violence or abuse need to be made with full involvement of the victim to avoid unintended negative impacts on the victim.

It is always important that a victim's conversations about DFV are kept private from other employees who are not relevant to the matter, even more so if both parties work in the same organisation.

An organisation may need to consider how to ensure the safety of the victim when their abuser is also an employee. This could involve protection orders, flexible working arrangements or relocation of one of the parties. An organisation would need to be mindful when changing a victim or alleged perpetrator's work arrangements, not to alert the other party that the organisation is aware of the alleged DFV. This could cause more problems for the victim.

The term 'alleged' has also been used purposefully here as it could be possible for someone who is in fact a perpetrator of DFV to claim they are a victim of DFV in order to cause problems for the actual victim in the workplace. An employer should avoid trying to ascertain who is at 'fault' or counsel either party but rather ensure that the right support is provided.

It is recommended that when enacting a DFV policy, an organisation considers what steps it might take if both parties work for the same organisation.

## AFTER A DFV REPORT HAS BEEN MADE

Your organisation should consider what, if any, formal procedure should be initiated to follow up on a report of DFV once made.

Although it is understandable that work performance may slip as a result of an employees' circumstances, your organisation will need to consider how long accommodations for the employee will be made and when performance management will begin if work performance remains unsatisfactory as a result of their experiences with DFV. A record of this is also for the employee to hold their employer to.

It is recommended that organisations consider a coordinated follow up plan tailored to the victim's circumstances. This may include arranging ongoing face-to-face meetings or phone calls with the victim. This contact will be necessary to discuss and monitor any financial support or other support arrangements provided by the organisation, but it is also prudent to ensure the victim is OK and that they feel safe and supported.

## APPENDICES

### APPENDIX A: GLOSSARY

#### Acronyms

<b>ACTU</b>	Australian Council of Trade Unions
<b>ADVO</b>	Apprehended Domestic Violence Orders
<b>AVO</b>	Apprehended Violence Orders
<b>ACTU</b>	Australian Council of Trade Unions
<b>AHRC</b>	Australian Human Rights Commission
<b>ALRC</b>	Australian Law Reform Commission
<b>AWEI</b>	Australian Workplace Equality Index
<b>BOCSAR</b>	Bureau of Crimes Statistics and Research
<b>DFV</b>	Domestic and Family Violence
<b>DVO</b>	Domestic Violence Order
<b>EAP</b>	Employee Assistance Program
<b>FWC</b>	Fair Work Commission
<b>GLHV</b>	Gay and Lesbian Health Victoria
<b>GLLO</b>	Gay and Lesbian Liaison Officer
<b>HIV</b>	Human Immunodeficiency Virus
<b>IDAHOBIT</b>	International Day Against Homophobia, Biphobia, Intersex and Transphobia
<b>IPV</b>	Intimate Partner Violence
<b>LGBTI</b>	Lesbian, Gay, Bisexual, Transgender, Intersex
<b>NRFA</b>	Norton Rose Fulbright Australia
<b>NFP</b>	Not-for-Profit
<b>RSPCA</b>	Royal Society for the Prevention of Cruelty to Animals
<b>VAC</b>	Victorian AIDS Council
<b>WGEA</b>	Workplace Gender Equality Agency

## **Definitions**

The following definitions are included for convenience and ease of reference, to assist with understanding this Guide. Where appropriate, the definitions are specifically focussed on the topic of DFV in LGBTI communities.

Some of the definitions are simplified and this list is not intended to provide a complete overview of each term, particularly those related to LGBTI identities. For example, sex and gender are increasingly used interchangeably in general and LGBTI related discourse. This list does not intend to resolve such complexity.

### **Abuse**

A pattern of behaviours a person uses to gain and maintain power and control over another. Types of abuse include emotional, psychological, physical, sexual, verbal, financial, social, online, stalking and spiritual abuse.

### **Bisexual**

Typically used to refer to someone who is attracted to both men and women, but it can also be used to describe someone who is attracted to people of the same gender and other genders. It is sometimes used interchangeably with pansexual, which refers to someone who is attracted to any sex/gender.

### **Chosen family**

A chosen family is a group of individuals who deliberately choose one another to play significant roles in each other's lives and who consider each other 'family' even though they are not biologically or legally related.

### **Cis or cisgender**

A term used to describe when a person's gender identity matches social expectations for their sex assigned at birth; the opposite of transgender.

### **Conversion therapy**

Is the practice of trying to change an individual's sexuality or transgender experience using psychological or spiritual interventions. In Australia it is mostly practiced by fundamentalist Christian groups and other religious organisations.

### **Discrimination**

When a person is treated less favourably than another because of a personal characteristic protected by the law.

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### **Domestic**

Referring to intimate (a close romantic through not necessarily sexual) relationship with partners or ex-partners including marriage, defacto partnership, boyfriend/girlfriend and lover/s.

### **Family**

A broad term which encompasses types of relationships that include parents, step-parents, children, step-children, extended family (uncles, aunts, grandparents, cousins), carers, housemates and chosen family.

### **Family of origin**

Refers to the significant caretakers and siblings that a person grows up with, or the first social group a person belongs to, which is often a person's biological family or an adoptive family.

### **Gay**

Used to describe someone who is attracted to people of the same sex and not the opposite sex; used to describe both men and women.

### **Gender diverse**

An umbrella term for people with diverse or non-conforming gender identities. Sometimes used in preference to the term transgender.

### **Gender identity, gender expression**

The gender that a person identifies as, regardless of their biological sex, and the related appearance, mannerisms or other gender related characteristics of a person. This includes the way people express or present their gender. It recognises that a person may identify as a man, woman, neither or both.

### **Gender neutral**

Words and expressions that avoid gender bias and cannot be taken to refer to one gender only.

### **Harassment**

When a person is subject to behaviour they do not want and that offends, humiliates or intimidates the person or creates a hostile environment.

### **Heterosexism**

Complex social and psychological processes that privilege heterosexuality as the norm at the expense of LGBTI people.

### **Heterosexual**

Used to describe someone who is attracted to the opposite sex.

**Homophobia**

A wide range of negative attitudes, feelings and behaviours toward people who are attracted to the same sex, but often extended to all LGBTI people.

**Intersectionality**

Broadly used to explain that some people experience minority stress that is related to multiple social minority identities (e.g. Indigenous queer women). Each of those minority identity positions intersect and create unique experiences that are often less understood because people mostly think of societal experiences based on one minority identity position at a time.

**Intersex**

Intersex people are born with variations in sex characteristics that do not fit typical medical and social norms for female or male bodies.

**Intimate partner violence**

Violence between people who are or have been in an intimate relationship.

**Lateral violence**

Used to describe the phenomenon when people who experience violence from an oppressive group redirect that violence against their peers and equals, rather than back at those who oppress them.

**Minority stress**

Sometimes used to describe the discrimination and other forms of mistreatment that can arise in a culture that may not be accepting or inclusive of certain minority identities, such as a heterosexist culture.

**Outing**

The act of disclosing the sexual or gender identity or intersex status of an LGBTI person without their consent.

**Perpetrator**

Used to refer to someone who carries out DFV.

**Queer**

A polarising and dynamic term that does not have a fixed meaning. Historically, it has carried negative connotations and has been used in a derogatory way, including as a means of persecuting LGBTI people. Increasingly, it is a term embraced by large portions of the LGBTI community to refer to someone who does not conform to social norms regarding gender and sexuality.

**Rainbow family**

A same-sex or LGBTI parented family.

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### **Sex characteristics**

Physical traits that are used to distinguish the biological sex of a person. These include primary sex characteristics such as genitals, gonads and chromosome patterns, as well as secondary sex characteristics such as breast tissue and body hair. Intersex people are born with atypical sex characteristics that do not fit typical binary notions of male or female bodies.

### **Sexual assault**

Is an umbrella term which covers a range of unwanted sexual acts that makes a person feel uncomfortable, threatened or scared. It includes rape, sexual harassment, unwanted touching, indecent assault, sexual coercion, sex trafficking, child sexual abuse, child marriage and sex slavery.

### **Sexual harassment**

Is unlawful, but not criminal, under Australian civil (anti-discrimination) law and includes any unwelcome sexual advance or request for sexual favours, or conduct of a sexual nature that is offensive, humiliating or intimidating. It can be done in person, verbally or through media and technology.

### **Sexual orientation**

The nature of a person's basic sexual and/or romantic attraction to others (including heterosexual, gay, lesbian, bisexual and pansexual).

### **Stigma**

When a person is labelled according to a stereotype associated with negative attitudes or beliefs that create prejudice and lead to discrimination.

### **Trans or transgender**

Umbrella terms for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, trans people may identify as straight, gay, lesbian, bisexual etc.

### **Transphobia**

Fear, dislike or negative stereotypes directed toward trans people.

### **Victim**

Used to describe a person subject to DFV or experiencing the negative after effects of DFV regardless of whether the DFV consists of criminal or non-criminal acts.

### **Violence**

The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.

## APPENDIX B: LGBTI EXTERNAL SUPPORT AGENCIES

It is widely acknowledged that there are a very limited number of external support agencies to support LGBTI victims of DFV. Below is a list of national and a handful of state based providers.

### National

- **1800 RESPECT**

[www.1800respect.org.au/inclusive-practice/supporting-people-who-identify-as-lgbti](http://www.1800respect.org.au/inclusive-practice/supporting-people-who-identify-as-lgbti)

**1800 737 732**

Confidential information, counselling and support service open 24 hours for people impacted by DFV – including information, support and referrals to assist LGBTI victims of DFV.

- **Australian Federal Police GLLOs**

[www.police.act.gov.au/about-us/programs-and-partners/gay-and-lesbian-liaison-officers](http://www.police.act.gov.au/about-us/programs-and-partners/gay-and-lesbian-liaison-officers)

**For an emergency dial: 000**

**Police Assistance Line: 131 444**

The Australian Federal Police's Gay and Lesbian Liaison Officer (GLLO) Network is a volunteer network which helps support individuals and managers within the Australian Federal Police as well as members of the LGBTI community it serves.

- **Lifeline**

[www.lifeline.org.au](http://www.lifeline.org.au)

**13 11 14**

A national charity providing 24 hour crisis support, with crisis supporters who are knowledgeable and understanding about issues faced by LGBTI people.

- **MensLine Australia**

[mensline.org.au](http://mensline.org.au)

**1300 78 99 78**

MensLine Australia is the national telephone and online support, information and referral service for men with family and relationship concerns. Services are available Australia wide and staffed by professional counsellors, experienced in men's issues, including for the LGBTI community.

- **QLIFE**

[qlife.org.au](http://qlife.org.au)

**1800 184 527**

3pm – midnight in each state around Australia, every day

QLife is Australia's first nationally-oriented counselling and referral service for LGBTI people.

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- **Say It Out Loud**

[sayitoutloud.org.au](http://sayitoutloud.org.au)

Website specifically about LGBTI relationships, focusing on information, support and referrals for LGBTI victims of DFV as well as information for professionals.

### New South Wales

- **ACON**

[www.acon.org.au/what-we-are-here-for/domestic-family-violence/](http://www.acon.org.au/what-we-are-here-for/domestic-family-violence/)

ACON can help LGBTI people who have experienced DFV through the provision of a range of resources and support services.

- **Another Closet**

[www.anothercloset.com.au/](http://www.anothercloset.com.au/)

A website written for people in LGBTI relationships who are, or may be, experiencing DFV.

- **Inner City Legal Centre – Safe Relationships Project**

[www.iclc.org.au/srp/](http://www.iclc.org.au/srp/)

The aim of the Safe Relationships Project (SRP) is to provide men and women experiencing domestic violence in Same Sex relationships with support, advocacy, referral and information.

- **NSW Government Family & Community Services – Domestic Violence Line**

[www.community.nsw.gov.au/parents,-carers-and-families/domestic-and-family-violence/domestic-violence-line](http://www.community.nsw.gov.au/parents,-carers-and-families/domestic-and-family-violence/domestic-violence-line)

**1800 656 463**

The Domestic Violence Line is a statewide free-call number and is available 24/7.

- **NSW Government Family & Community Services – Link2home**

[www.housing.nsw.gov.au/help-with-housing/specialist-homelessness-services/find-a-service/link2home](http://www.housing.nsw.gov.au/help-with-housing/specialist-homelessness-services/find-a-service/link2home)

**1800 152 152**

Link2home works in partnership with homelessness services across NSW and can provide referrals. The Link2home telephone service is available 24/7.

- **NSW Police – Gay and Lesbian Liaison Officers (GLLOs)**

[www.police.nsw.gov.au/safety\\_and\\_prevention/your\\_community/working\\_with\\_lgbtqi](http://www.police.nsw.gov.au/safety_and_prevention/your_community/working_with_lgbtqi)

The New South Wales Police Force has a policy and program area supporting the LGBTI community. The 'GLLO' program – Gay and Lesbian Liaison Officers – have served the LGBTI community for over 25 years. They are located in many police stations across NSW.

- **Rape & Domestic Violence Services Australia – NSW Rape Crisis**

[www.rape-dvservices.org.au/](http://www.rape-dvservices.org.au/)

**1800 424 017**

This service provides 24/7 telephone and online crisis counselling for anyone in Australia who has experienced or is at risk of sexual assault or DFV and their non-offending supporters. It is considered the best mainstream referral option for the LGBTI community in NSW.

- **Royal Prince Alfred Hospital Sexual Assault Services**

[www.healthdirect.gov.au/australian-health-services/service/33015687/camperdown,2050/sexual-assault-counselling/royal-prince-alfred-hospital-community-health-sexual-assault-service](http://www.healthdirect.gov.au/australian-health-services/service/33015687/camperdown,2050/sexual-assault-counselling/royal-prince-alfred-hospital-community-health-sexual-assault-service)  
King George V Building, 75 Missenden ROAD, CAMPERDOWN 2050

**(02) 9515 9040**

The Sexual Assault Service responds to the needs of adults and young people aged 14 years and over who have been sexually assaulted. Outside of business hours, clients should call:

**RPA Switchboard – (02) 9515 6111.**

- **Safe Beds for Pets – RSPCA**

[www.rspcansw.org.au/our-work/programs-community-services/safe-beds-for-pets](http://www.rspcansw.org.au/our-work/programs-community-services/safe-beds-for-pets)

**(02) 9782 4408**

Provision of temporary housing and care for pets for any owners leaving situations of DFV. Similar programs exist in other states.

- **The Gender Centre**

[gendercentre.org.au](http://gendercentre.org.au)

**(02) 9519 7599**

The Gender Centre offers a wide range of services to the transgender, gender questioning and gender diverse community in NSW. They're an accommodation service and act as an education, support, training and referral resource centre to other organisations and service providers.

- **Transgender Anti-Violence Project (TAPV)**

[tavp.org.au](http://tavp.org.au)

**1800 069 115**

The TAPV provides free, confidential services to support people affected by transphobia or transgender people experiencing violence or abuse. The mission of the TAPV is to provide education, support, referrals and advocacy in relation to violence and oppression based on gender identity. The project addresses all forms of violence that impact on the transgender and gender-questioning community, including (but not limited to) DFV, sexual violence, anti-transgender harassment and hate crimes.

## 6. APPENDICES

- **Twenty10**

[www.twenty10.org.au/we-are-twenty10/](http://www.twenty10.org.au/we-are-twenty10/)

**(02) 8594 9555**

Twenty10 incorporating the Gay Lesbian Counselling Service of NSW is a Sydney based service working across New South Wales, providing a broad range of specialised services for young LGBTI people aged 12-25 including housing, mental health, counselling and social support. For adults they provide social support and for people of all ages they offer telephone support and webchat as the NSW provider for the national QLife project.

### **Victoria**

- **Domestic Violence Resource Centre Victoria**

[www.dvrcv.org.au/help-advice/lgbtiq](http://www.dvrcv.org.au/help-advice/lgbtiq)

Information on same-sex relationships and abuse and contacts for local support services.

- **Drummond Street Services – Queerspace**

[ds.org.au/our-services/queerspace/](http://ds.org.au/our-services/queerspace/)

**(03) 9663 6733**

Queerspace provides a safe and supportive space to obtain information and support services aimed at improving mental health and wellbeing by specialist queer and queer affirmative mental health practitioners.

- **Thorne Harbour Health (formerly VAC)**

[thorneharbour.org/lgbti-health/relationship-family-violence/](http://thorneharbour.org/lgbti-health/relationship-family-violence/)

**(03) 9865 6700**

Recognising the significant rates of DFV in LGBTI communities, Thorne Harbour Health provides access to flexible support packages to individuals or families seeking to leave or who have recently left IPV or DFV, as well as a men's behaviour change group called ReVisioning, where cis and trans GBQ men learn about breaking patterns of violent, abusive or controlling behaviours.

### **Australian Capital Territory**

- **ACT Policing – Gay and Lesbian Liaison Officers**

[www.police.act.gov.au/about-us/programs-and-partners/gay-and-lesbian-liaison-officers](http://www.police.act.gov.au/about-us/programs-and-partners/gay-and-lesbian-liaison-officers)

In ACT Policing there are over 30 trained GLLOs who form a vital link between police and the LGBTI community.

## APPENDIX C: PROTECTION ORDERS

### AUSTRALIAN CAPITAL TERRITORY

<https://police.act.gov.au/safety-and-security/family-violence/protection-orders>

### NEW SOUTH WALES

[www.police.nsw.gov.au/crime/domestic\\_and\\_family\\_violence/apprehended\\_violence\\_orders\\_avo](http://www.police.nsw.gov.au/crime/domestic_and_family_violence/apprehended_violence_orders_avo)

### NORTHERN TERRITORY

<https://nt.gov.au/law/courts-and-tribunals/domestic-violence-orders/personal-violence-order>

### QUEENSLAND

[www.qld.gov.au/law/crime-and-police/abuse-family-matters-and-protection-orders](http://www.qld.gov.au/law/crime-and-police/abuse-family-matters-and-protection-orders)

### SOUTH AUSTRALIA

[www.police.sa.gov.au/your-safety/intervention-orders](http://www.police.sa.gov.au/your-safety/intervention-orders)

### TASMANIA

[www.magistratescourt.tas.gov.au/going\\_to\\_court/restraint\\_orders](http://www.magistratescourt.tas.gov.au/going_to_court/restraint_orders)

### VICTORIA

<https://familyviolence.courts.vic.gov.au/>

### WESTERN AUSTRALIA

[https://courts.justice.wa.gov.au/R/restraining\\_orders.aspx](https://courts.justice.wa.gov.au/R/restraining_orders.aspx)





# pride in diversity

## **ACON**

414 Elizabeth St Surry Hills NSW 2010

Phone 02 9206 2000

Freecall 1800 063 060

Email [acon@acon.org.au](mailto:acon@acon.org.au)

Web [www.acon.org.au](http://www.acon.org.au)

## **PRIDE IN DIVERSITY**

Phone 02 9206 2139

Email [pride@acon.org.au](mailto:pride@acon.org.au)

Web [www.prideinclusionprograms.com.au](http://www.prideinclusionprograms.com.au)

## **ACON AND PRIDE IN DIVERSITY**

Pride in Diversity is a social inclusion initiative of ACON. We are here to help make the places where our community members live, work, study and play more inclusive of LGBTI people. We do this by working with a range of organisations to help ensure that LGBTI people feel included and supported.

