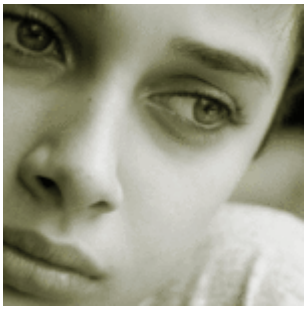
# Australian Employer Fires Victim of Domestic Violence Instead of Protecting Her



Addressing domestic violence in the workplace can be challenging, especially if both parties are employees of the same company. But as one employer in Australia learned, the solution to this difficult situation isn't to fire the victim.

A woman worked as an architectural draftsperson for a construction company in Melbourne. Her domestic partner also worked for the company and in the same open-plan office, although they didn't need to interact directly for their jobs.

After a domestic violence incident between the woman and her partner, the court ordered him not to approach or remain within three metres of her or communicate with her (it was aware that they worked in the same workplace).

The woman returned to work. Her manager, who was aware of the court order, arranged a meeting with her in 'an attempt to mend relationships between her and her husband.' At the meeting, a company director told her he couldn't have them both working in the same workplace because he couldn't protect her from her partner. He said her supervisor had decided that she should be the one terminated.

The Fair Work Commission found that there was no valid reason for the woman's termination. Her firing had nothing to do with her conduct and performance, and everything to do with the

conduct of another employee, her partner.

It wasn't impossible for the two people to continue to work for the company, said the commission. The woman said she felt safe in the open office despite the presence of her partner given that there were many co-workers around. And the court order barring him from communicating with her wouldn't prevent normal work from occurring because they didn't have to directly engage as part of a work project.

The commission acknowledged that 'there are limits to the extent to which an employer can be expected to accommodate the private lives of employees.' But it was satisfied that, in this case, the company didn't explore all available options and discuss these matters over a reasonable period of time with those affected. It was clear that the director had made up his mind before the meeting to keep the partner and fire the woman.

The commission ruled that her 'termination was harsh, unjust and unreasonable' and ordered the company to pay her $27,500 in damages.

Obviously, the decision in this case doesn't apply to Canadian employers. But if a Canadian company had done the same thing, a Canadian court, board or tribunal would also likely have concluded that the company had no just cause for the woman's termination.

And domestic violence *does* impact Canadian workplaces, as a survey found.

The OHS Insider has resources you can use to properly handle domestic violence involving your employees, including:

- Five strategies for addressing domestic violence in the workplace
- A handout for workers on domestic violence
- A video on how to talk to employee who may be

experiencing domestic violence

- A recorded webinar on domestic violence: rights, responsibilities and response.