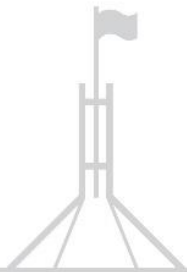




Australian Government



**Domestic and Family Violence Policy
for *Members of Parliament (Staff)*
Act 1984 employees**

APRIL 2022

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Domestic and Family Violence Policy for *Members of Parliament (Staff) Act 1984* employees

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1. Introduction

1.1 The Department of Finance (Finance) is committed to supporting *Members of Parliament (Staff) Act 1984* (MOP(S) Act) employees affected by domestic and family violence and will provide the maximum appropriate support. A sensitive and holistic approach to supporting employees affected by domestic and family violence allows them to continue to participate in the workplace during a difficult time.

1.2 This policy provides a framework to support employees who experience domestic and family violence. Employees who are affected or who are at risk of being affected from domestic and family violence may seek support from the workplace.

1.3 This policy also acts as a guide and outlines supports available for Parliamentarians, managers and colleagues to support employees whose work life is affected by domestic and family violence, including employees suspected of domestic violence.

If you are in a life threatening situation, contact Emergency Services on 000

If you are feeling unsafe in the workplace contact the Ministerial and Parliamentary Services, HR Advice and Support team on (02) 62153333.

2. Principles

2.1 The principles of this policy are:

- Domestic and family violence is not acceptable and should never be tolerated.
- Parliamentarians, supervisors and other MOP(S) Act employees can make a significant difference to the wellbeing of employees by providing appropriate safety and support measures.
- Parliamentarians and MOP(S) Act employees have a responsibility to promote a safe and healthy workplace, which includes supporting those who are affected by family or domestic violence.

3. What is domestic and family violence?

3.1 Domestic and family violence is a pattern of violent, threatening, or other abusive behaviour towards a current or former partner who has had an intimate relationship with the alleged perpetrator, or towards a member/members of the affected person's family or household that over time leads to a pattern of coercion and control.

3.2 Domestic and family violence may include (but is not limited to):

- physical, emotional or psychological abuse
- physical assault
- sexual assault or other sexually abusive behaviour
- stalking
- threats
- coercion
- repeated derogatory taunts
- intentionally damaging or destroying property
- intentionally causing death or injury to an animal

- economic abuse such as unreasonably denying financial autonomy or unreasonably withholding the financial support needed to meet reasonable living expenses
- controlling or dominating another family member and causing them to feel fear for their safety or wellbeing, or for the safety and wellbeing of another person
- behaviour by a person that causes a child to hear, witness or otherwise be exposed to the effects of family violence
- deliberate actions by the perpetrator to increase the victim's reliance on them by severing friendships and other important connections, sabotaging employment and tarnishing their credibility
- unreasonable controlling behaviour
- preventing a person from making or keeping connections with their family, friends or culture, and
- unlawfully depriving someone of their liberty.

4. Risks and impact

Employees

4.1 Finance recognises the devastating impact that domestic and family violence can have on the lives of those who are affected, including their capacity to work and their financial security. Finance will support MOP(S) Act employees who are affected by domestic and family violence and provide a workplace environment that promotes flexibility in times of need.

4.2 Finance recognises that domestic and family violence can have a range of impacts on employees in the workplace including (but not limited to):

- arriving late to work or needing to leave work at short notice to protect themselves and/or children
- increased use of unscheduled leave often as a result of injuries sustained from acts of domestic and family violence
- requesting time off work to attend appointments
- experiencing difficulty in managing workloads
- being distracted, anxious or distressed
- fear of the perpetrator harassing or contacting work colleagues as a means to control the victim
- receiving threatening or abusive calls, text or emails at work, and
- witnessing threats/and or violence and abuse towards an employee in the workplace.

Employers

4.3 Employing members and managers are responsible for ensuring they are aware of this policy and provide support to affected employees consistent with this policy. They may also be required to coordinate support with Finance for an employee affected by family and domestic violence.

4.4 Where an employing Parliamentarian or manager is concerned about the wellbeing of an employee, they should discuss with the employee in confidence the assistance available. Parliamentarians or managers should consult and seek advice from Finance on the best approach.

4.5 Where family and domestic violence raises WHS and wellbeing concerns, Parliamentarians and managers should discuss these with the Assistant Secretary, HR Frameworks Branch, Ministerial and Parliamentary Services on (02) 6215 3901.

4.6 Parliamentarians and managers should facilitate support for an employee to the fullest extent possible in the workplace.

4.7 Support services are available and access is encouraged for parliamentarians and managers following disclosure of family and domestic violence by an employee. This includes referral to the Employee Assistance Provider and discussion of other specialist support programs. All support services and resources are detailed at Attachment A.

Finance

4.8 Finance is responsible for providing advice to Parliamentarians, managers and MOP(S) Act employees about this policy.

4.9 Finance will assist to coordinate workplace support for employees affected by family and domestic violence. This may include (but not limited to):

- developing a safety plan with affected employees of domestic and family violence
- advising and liaising with affected employees parliamentarians and/or managers.

5. Perpetrators of Domestic and Family Violence

5.1 Finance understands that the workplace may include employees who are victims of, or affected by, domestic and family violence as well as perpetrators suspected of domestic and family violence.

5.2 Domestic and family violence perpetrated in any form in the workplace will not be tolerated. MOP(S) Act employees are expected to must treat people with respect and courtesy, and without harassment.

5.3 A MOP(S) Act employee suspected of committing an act of domestic and family violence will be afforded procedural fairness and the relevant support services will be made available. Various leave provisions are accessible to all MOP(S) Act employees, including suspected perpetrators, to attend court hearings, behavioural programs, and access other voluntary or non-voluntary support services relating to their circumstances.

5.4 Domestic and family violence is a criminal offence and is subject to the relevant state or territory laws. The police must be notified of any incidents of domestic and family violence that occurs in the workplace.

5.5 A criminal conviction can have serious consequences for an individual, and can affect the ability of a Parliamentarian or MOP(S) Act employee to maintain a security clearance and therefore employment.

6. Roles and responsibilities

6.1 Finance, Parliamentarians and MOP(S) Act employees have duties and obligations under the WHS Act, which are briefly outlined below and set out in further detail at <https://maps.finance.gov.au/work-health-and-safety/whs-duties-and-roles>.

6.2 The WHS Act requires *persons conducting a business or undertaking* (PCBUs) to ensure employees and others are not exposed to risks to their health and safety. PCBUs must take a systematic approach to managing risk with the aim of eliminating the risk, or if this is not possible, minimising the risk as far as is reasonably practicable.

6.3 Finance is responsible for discharging the Commonwealth's PCBU duties which include:

- Eliminating or minimising risks to the health and safety of workers and others, so far as is reasonably practicable

- Providing workers with policies and procedures, training and supervision to ensure that managers and employees are able to take appropriate action to respond and manage incidents, including referrals to appropriate support services that can assist in providing assistance in supporting staff to identify potential instances of domestic and family violence, and
 - Consulting and cooperating with businesses that interact with their workers about measures to prevent incidents of domestic and family violence in the workplace.
- 6.4 Officers (Parliamentarians and some limited MOP(S) Act employees) must exercise 'due diligence' to ensure their office complies with the WHS Act and Regulations. This includes taking reasonable steps to ensure the office has and uses appropriate resources and processes to eliminate or minimise risks of domestic and family violence.
- 6.5 Workers (including MOP(S) Act employees) must take reasonable care of their own health and safety at work, and the health and safety of others, including co-workers who may be affected by what they do or do not do.
- 6.6 All workers have an express obligation under section 28 of the WHS Act to take reasonable care for their own health and safety and how their actions can affect the safety of others in connection to their workplace.

7. Responding to domestic and family violence

MOP(S) Act Employees

7.1 Where an employee is affected by domestic and family violence they can access a number of supports available through:

- their Parliamentarian or immediate manager
- a MaPS Case Manager on (02) 6215 3333 or MOPSSupport@finance.gov.au, and/or
- the [Employee Assistance Program \(EAP\)](#).

7.2 Where an employee is concerned about a colleague's health and safety they should contact the MaPS HR Advice and Support team on (02) 6215 3333 or MOPSSupport@finance.gov.au for advice.

Parliamentarians and managers

7.3 Parliamentarians and managers should:

- maintain the privacy of the affected employee in accordance with the *Privacy Act 1988*
- ensure that employees are aware of and understand the Domestic and Family Violence Policy
- discuss their concerns with the employee if they are concerned about their wellbeing and encourage them to use the services available (Attachment A), and/or consult with the MaPS HR Advice and Support team
- facilitate workplace support for an employee to the fullest extent possible consistent with this policy
- continue to have regular conversations with the employee about job requirements, performance expectations and development opportunities taking into account their specific situation
- seek support through the [Employee Assistance Program](#) or from a MaPS Case Manager if an employee has disclosed domestic and family violence to them, and
- acknowledge domestic and family violence as a potential mitigating factor if work performance has been affected.

7.4 Finance will:

- Provide information and advice to Parliamentarians, managers, and MOP(S) Act employees about this policy and the supports available.
- Work with Parliamentarians and MOP(S) workplaces to support employees who are affected by domestic and family violence.
- Assist employers to access and process appropriate leave entitlements for employees affected by domestic and family violence.

8. Confidentiality

8.1 Incidents of domestic and family violence are sensitive for all persons involved and should be treated confidentially.

8.2 Parliamentarians, managers and employees must keep any information about a domestic and family violence report confidential and secure. Information should only be shared:

- With the consent of the discloser
- on a strictly need to know basis
- if required by law
- if there is an imminent threat to the discloser or other workers, and
- where a work health and safety risk is identified.

8.3 Information collected by Finance about a family and domestic violence situation will be handled and stored in accordance with the *Privacy Act 1988* and as outlined in Finance's Privacy Policy [Department of Finance Privacy Policy | Department of Finance](#).

9. Supports

9.1 MOP(S) Act employees affected by domestic and family violence may access a range of support services such as (but not limited to):

- flexible working arrangements, such as:
 - a change of work hours and/or patterns
 - a change of work location (if available)
- secure parking and other security measures where possible and as required
- change of phone number and email address to limit unwanted contact, or screening or blocking calls and emails
- contact with police on the employees behalf (where appropriate)
- referral to external support through the Employee Assistance program for MOP(S) Act employees or their immediate family members
- flexibility in performance management – family and domestic violence as a potential mitigating factor if performance is affected
- access to leave entitlements in accordance with the [Commonwealth Members of Parliament Staff Enterprise Agreement 2020-2023](#) (MOP(S) (EA), and
- any other measures or change to normal arrangements that are considered appropriate with Finance, parliamentarians and managers.

10. Leave

10.1 The MOP(S) EA provides for various types of leave including miscellaneous leave which may be accessed for the purposes of dealing with family or domestic violence. This leave may be accessed by employees experiencing domestic or family violence, as well as perpetrators suspected of domestic and family violence.

10.2 A flexible and supportive approach must be taken to manage leave for employees affected by domestic or family violence.

10.3 Miscellaneous leave (with or without pay) may be granted for the following (but not limited to):

- moving into emergency accommodation and seeking more permanent safe housing
- to attend court hearings including in respect of children
- to attend police appointments or any other statutory service
- to attend finance or legal professional appointments
- to organise alternative care or educational arrangements for dependants, and
- for reasonable recovery periods.

10.4 Personal/carers leave should be used (but not limited to):

- for illness or injury affecting the employee resulting from domestic or family violence, including attending medical or counselling appointments
- to provide care or support to a family or household members who are ill or injured as a result of domestic or family violence, and
- to provide care or support to a family or household member who is affected by an unexpected emergency as a result of domestic or family violence.

10.5 In circumstances where personal/carer's leave does not apply or if an employee has exhausted their personal/carer's leave entitlements they may access other leave such as annual leave, purchased leave, long service leave (if applicable) or miscellaneous leave in accordance with clause 7.1 of this Policy.

10.6 Flexibility to work hours should be considered to allow the affected employee make up time later when leave cannot be utilised.

10.7 Where an employee's absence is for reasons associated with domestic and family violence, supporting evidence is required, such as a statement from a legal representative, a police officer or the relevant court.

Recording an Absence

The recording of absences will balance the privacy of the employee and the need to monitor and report on leave usage.

11. Legislative framework and guides

- *Members of Parliament (Staff) Act 1984*
- *Privacy Act 1988*
- *Work Health and Safety Act 2011*
- *Work Health and Regulations Act 2011*
- [Commonwealth Members of Parliament Staff Enterprise Agreement 2020-2023](#)
- [Leave and Public Holidays Guideline](#)
- [Services Australia Family and Domestic Violence Services](#)

- [Department of Social Services – Family Safety Pack](#)
- [National Disability Insurance Scheme – Information for employees with a disability](#)
- Safe Work Australia fact sheet - Family and domestic violence at the workplace
- Fair Work Ombudsman - Employer Guide to Family and Domestic Violence
- Australian Human Rights Commission - Domestic Violence Policy and Procedures

12. Further information

12.1 Information on available supports and resources is at Attachment A.

Attachment A: Supports and resources

In an emergency

If you are in a life threatening situation contact Emergency Services on 000

HR Advice and Support Team, MaPS, Finance

The HR Advice and Support Team offers access to a team of trained case managers who can provide support and advice on options to Parliamentarians and employees engaged under the MOP(S) Act by calling (02) 62153333 or via email on MOPSupport@finance.gov.au.

Employee Assistance Provider (EAP)

You can access EAP services for work or personal issues or to access the Manager Support Program by calling 1300 360 364 or booking an appointment at www.benestar.com. Available to MOP(S) Act employees' families, friends and colleagues.

Legal Aid

ACT: 1300 354 314 | 8.30am–5.00pm Mon-Fri | www.legalaidact.org.au

NSW: 1300 888 529 | 9.00am–5.00pm Mon-Fri | www.legalaid.nsw.gov.au

NT: 1800 019 343 | 8.00am–4.30pm Mon-Fri | www.ntlac.nt.gov.au

QLD: 1300 650 579 | 8.30-5.00pm Mon-Fri | www.legalaid.qld.gov.au

SA: 1300 366 424 | 9.00am-4.30pm Mon-Fri | www.lsc.sa.gov.au

TAS: 1300 366 611 | 9.00am–5.00pm Mon-Fri | www.legalaid.tas.gov.au

VIC: 1300 792 387 | 8.45am–5.15pm Mon-Fri | www.legalaid.vic.gov.au

WA: 1300 650 579 | 8.30-4.30pm Mon-Fri | www.legalaid.wa.gov.au

Community supports

Lifeline: [Lifeline Australia - 13 11 14 - Crisis Support. Suicide Prevention.](#) 13 11 14

1800Respect: [Home | 1800RESPECT](#) 1800 737 732

[Relationships Australia](#): 1300 364 277

Beyond Blue: [Anxiety, depression & suicide prevention support-Beyond Blue](#) 1300 224 636

Police: Emergency line – 000, assistance line - 131 444

[Australian Indigenous Health Infonet](#) – Family Violence Western Australia – 08 9370 6336

Suicide Call Back Service: [Mental health counselling & suicide prevention| Suicide Call Back Service](#) 1300 659 467

Mensline: [Free help, support, referrals & counselling for men: MensLine Australia](#) 1300 789 978

[Everyman](#) – counselling services for men who are perpetrators or survivors of domestic and family violence on 0479 018 021 or 02 6230 6999

[AFP Gay and Lesbian Liaison Officers](#) – 131 444 and ask for the GLLO Officer

QLife: Free support, referrals for LGBTI individuals, their friends, families, and health professionals: [Get Help \(qlife.org.au\)](#) 1800 184 527 (3pm to midnight every day)

[Another Closet – Domestic and Family Violence in LGBTQ Relationships](#) on 1800 063 481

[Daisy](#) – E-Mental Health Clinic

[Kids Help Line](#) – 1800 551 800

[ACT Domestic Violence Crisis Centre](#) – (02) 62800900

[ACT Women's Legal Services](#) – 02 6257 4377 or 1800 634 669

[Safesteps](#) – Victorian 247 family violence response centre on 1800 015 188 or 03 9928 9600