



## Family and domestic violence policy

### Purpose

1. This Policy provides a framework for the Department, employing Members and colleagues to support employees who experience family and domestic violence. Employees who are experiencing, or who are at risk of experiencing, family and domestic violence are encouraged to seek support from the workplace. A sensitive and holistic approach to supporting employees allows them to continue to participate in the workplace during a difficult time.
2. This Policy also acts as a guide for managers and colleagues in supporting employees whose work life is affected by family and domestic violence. It outlines support available within and outside the workplace for employees, their managers, and their colleagues.

### Introduction

3. Family and domestic violence includes 'violent, threatening or other abusive behavior, which seeks to coerce or control the employee and causes them harm or fear'. Statistically, family and domestic violence is most likely to be committed against women.
4. Family and domestic violence can include, but is not limited to:
  - physical violence
  - sexual assault or other sexually abusive behaviour
  - emotional or psychological abuse
  - verbal abuse
  - spiritual or cultural abuse
  - economic or financial abuse.
5. Family and domestic violence includes 'by an employee's close relative, a current or former intimate partner, or a member of their household. A close relative is:
  - an employee's
    - spouse or former spouse
    - de facto partner or former de facto partner

- child
  - parent
  - grandparent
  - grandchild
  - sibling
- a child, parent, grandparent, grandchild or sibling of an employee's current or former spouse or de facto partner, or
  - a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.
6. Employees may sometimes experience situations of violence or abuse in their personal life which may affect their attendance or performance at work.
  7. It is important to recognise the potentially devastating impact that family and domestic violence can have on the lives of those who experience it, including their capacity to work and their financial security. The Department, employing Members and colleagues are committed to supporting employees who experience family and domestic violence and providing a workplace environment that is supportive and promotes flexibility in times of need.

## Immediate danger

8. **If you are feeling unsafe in the workplace right now, call 000.**

## Confidentiality

9. Information about a family and domestic violence situation should be handled similarly to other personnel and health information. Requirements to protect an employee's privacy with regard to family and domestic violence are enshrined in the *Fair Work Act 2009*.
10. Employing members, managers and colleagues must maintain appropriate confidentiality in regard to the personal information of employees. Discussions with the employing Member, managers or the Department will be on a strictly need-to-know basis.
11. Discussion should not include personal information without obtaining prior consent from the employee. However, the Australian Privacy Principles permit the use and disclosure of personal information in certain circumstances including lessening or preventing a serious threat to life, health or safety, or taking appropriate action in relation to suspected unlawful activity or serious misconduct.
12. The Fair Work Regulations also require that pay-slips do not record any indication that leave was taken for the purpose of family and domestic violence.

## Roles and responsibilities

### Employees

13. Employees who wish to access any of the support available within the workplace can contact any of the following people:
  - their employing Member; or
  - their Chief of Staff or manager; or
  - The [Parliamentary Workplace Support Service \(PWSS\)](#)
  - The [Employee Assistance Program](#)
  - a trusted colleague,
  - the Department.
14. Employees can also seek assistance from an external service. A list of services, including 24 hour support services, and their contact details can be found at the end of this Policy.
15. Employees experiencing family and domestic violence may choose to disclose their situation to a trusted colleague. Where such information is disclosed, the colleague should provide support to the employee by:
  - listening without judgement and respecting their decisions
  - maintaining appropriate confidentiality
  - encouraging them to seek help from a family and domestic violence support organisation
  - referring them to this Policy, the Employee Assistance Program, or any of the external support services listed at the end of this Policy.
16. Where the colleague is concerned about the employee's health and safety, they should speak to PWSS on 1800 747 977.
17. Employees who have had information disclosed to them are encouraged to seek support for themselves within or outside the workplace, including through the Employee Assistance Program or an external support service.

### Employing Members and managers

18. Employing Members and managers are responsible for ensuring employees are aware of this Policy, and providing support, consistent with this Policy, to employees affected by family and domestic violence. They may also be required to coordinate support with the Department for an employee experiencing family and domestic violence.
19. Where an employing Member or manager is concerned about the wellbeing of an employee, they should discuss their concerns with the employee, encouraging them to use the assistance available if needed, and/or consult with the Department.
20. Where family and domestic violence raises work health and safety concerns, employing

Members and managers should discuss these with PWSS on 1800 747 977.

21. Employing Members and managers should facilitate support for an employee to the fullest extent possible in the workplace.
22. If a manager needs support as a result of an employee disclosing family and domestic violence to them, they can also contact the Employee Assistance Provider or one of the external support services listed below.

## The Department

23. The Department is responsible for providing advice to employing Members, managers, colleagues and employees about this Policy.
24. The Department will assist to coordinate workplace support for employees affected by family and domestic violence. This may include:
  - developing a safety plan with the employee
  - advising and liaising with the employee's employing Member and/or manager.

## Support

25. Employees experiencing family and domestic violence may require a range of support. This may include:
  - a. Access to leave entitlements in accordance with the Enterprise Agreement;
  - b. Flexible working arrangements.
  - c. Contact with police on the employee's behalf, where appropriate;
  - d. Flexibility in performance management—family and domestic violence should be acknowledged as a potential mitigating factor if performance has been affected. Employing Members and managers should:
    - continue to have regular, sensitive conversations with the employee about the job requirements, performance expectations, and development opportunities of that performance cycle;
    - with assistance from the Department, offer to develop workload strategies for work to be managed and performance assessed having regard to the employee's circumstances;
  - e. Referral to external support through the Employee Assistance Program;
  - f. Any other measures or changes to normal arrangements that are considered appropriate.

## Leave

26. Leave is provided in accordance with the Enterprise Agreement and National Employment Standards (NES).
27. The Enterprise Agreement contains leave entitlements designed to provide maximum support that is appropriate to individual circumstances in order to assist employees and allow them flexibility to deal with personal crises, such as being affected by family and domestic violence.
28. A flexible and supportive approach should be taken to management of leave for employees affected by, or at risk of experiencing, family and domestic violence.

### Paid Miscellaneous Leave

29. Employees who are affected by, or at risk of experiencing, family and domestic violence may be granted paid miscellaneous leave in accordance with clause 42 and clause 44 of the Enterprise Agreement and the NES.
30. Ongoing and non-ongoing employees have access to 'miscellaneous leave –other' under the Enterprise Agreement. This may exceed the NES provision of 10 days leave, if required.
31. Casual employees are entitled to the NES provision only, which allows for up to ten days leave per year (anniversary of commencement). This is not accruable.
32. Reasons may include:
  - making arrangements for their safety, or the safety of a close relative (including relocation)
  - Moving into emergency accommodation and seeking more permanent safe housing;
  - Attending dispute resolution or court proceedings;
  - Attending police appointments;
  - Accessing legal, financial or medical advice;
  - Attending counselling;
  - Organising alternative care or educational arrangements for their children;
  - Reasonable recovery periods;
  - Any other circumstances associated with family and domestic violence.
33. An employee may also take paid miscellaneous leave to make arrangements for the safety of a close relative (including relocation)
34. Leave applications can simply be stated as being for 'Miscellaneous leave—Other'.
35. An employee does not have to use their paid personal leave before they apply for paid miscellaneous leave where paid miscellaneous leave is the most appropriate leave type available for the employee's circumstances.

## Paid Personal Leave

36. Paid personal leave (for ongoing and non-ongoing employees only) in accordance with clause 38 of the Enterprise Agreement may also be used:
- for personal illness or injury of the employee resulting from family and domestic violence;
  - to provide care or support to a family/household member for personal illness or injury resulting from family and domestic violence;
  - to provide care or support to a family/household member who is affected by an unexpected emergency resulting from family and domestic violence.
37. There may be related circumstances where it would ordinarily be appropriate for an employee to use paid personal leave (e.g. to attend medical or counselling appointments).
38. Leave applications can simply be stated as being for 'Personal illness or injury', 'Carer's leave (illness/injury)' or 'Carer's leave (emergency)' as appropriate.

## Approving and recording absences

39. Paid miscellaneous leave may be approved by:
- the employing Member or authorised person; or
  - the Assistant Secretary, HR Frameworks Branch, Ministerial and Parliamentary Services in circumstances where:
    - it would not be appropriate for the employee to obtain approval for the leave from the employing Member or authorised officer; or
    - the employee has been unable to obtain approval for the leave from the employing Member or authorised officer.
40. Evidence of family and domestic violence may be required to apply for paid miscellaneous leave. Evidence may be in the form of a document which attests to the existence of a family and domestic violence circumstance applying to the employee issued by a health professional or counsellor, a professional from a family and domestic violence or related support service, a Court, the Police, or legal practitioner, or may be in the form of a statutory declaration. *Once sighted by the leave approver, evidence will not be kept on an employee's personnel record.*
41. The recording of absences (only identified as 'miscellaneous leave – other') will ensure the privacy of the employee is maintained while no identifying information will not be included on the payslip.
42. For paid personal leave (for ongoing and non-ongoing employees), the employing Member or authorised person can approve the leave. Consistent with the use of such leave, the evidence requirements remain at the discretion of the employing Member.
43. All records held by the Department are to be kept securely and confidentially according to the Department's [Privacy Policy](#).

## Casual employees

44. For casual employees, leave in accordance with the NES provisions can be processed through their parliamentarian or authorised officer advising the MaPS Helpdesk.
45. If an employee does not feel comfortable discussing these arrangements their parliamentarian, authorised officer, or Finance they can contact the Parliamentary Workplace Support Service (PWSS) for assistance on 1800 747 977.

## Pay-slips

46. Pay slips will not identify that leave was taken because of family and domestic violence.
47. This leave must be shown on a pay slip as ordinary hours of work, or another kind of payment for performing work such as an allowance, bonus or overtime payment. It is best practice to show this time on the pay slip in a way that makes it appear that the employee has not taken leave.
48. However, the pay slip may record the time as another type of leave (for example, annual leave) at the employee's request

## Other leave options

49. An ongoing or non-ongoing employee's access to paid miscellaneous leave and paid personal leave for reasons of family and domestic violence does not prevent them from also choosing to access any other leave type to which they are entitled in accordance with the Enterprise Agreement.
50. An ongoing or non-ongoing employee can use paid family and domestic violence leave during a period of paid personal/carer's or annual leave which will be re-credited.

## Flexible working arrangements

51. Under the National Employment Standards, an employee experiencing violence from a member of the employee's family has a right to request flexible working arrangements. These requests can only be refused on reasonable business grounds. Such requests could include:
  - changes of hours, or patterns of hours, to allow the employee to meet family commitments;
  - changes to work location;
  - changes to employment duties where this is able to be identified (e.g. moving to a non-public facing role).
52. Flexible working arrangements are subject to any existing approval requirements.
53. The Department is able to provide confidential guidance and support to an employee in relation to possible flexible working arrangements, where their existing working arrangements are not appropriate.

## Perpetrators of Family and Domestic Violence

54. The workplace may include not only employees who are victims of, or affected by, family and domestic violence, but also perpetrators—and this must also be handled appropriately and sensitively.
55. Various policies, including the Safe and Respectful Workplaces Policy, the Sexual Harassment Policy, and the [Statement of Standards for Ministerial Staff](#), set out expectations for MOP(S) Act employees when acting in connection with their employment. Any employee who:
- threatens, harasses or abuses a partner, ex-partner, family or household member at, or from, work; or
  - uses workplace resources such as phones or email to threaten, harass or abuse a family or household member
- may be investigated in accordance with the relevant policy.
56. An employee suspected of perpetrating violence will also be referred to the relevant support services, including the Employee Assistance Program.
57. Family and domestic violence is a criminal offence and is subject to the relevant state or territory laws. The police should be notified of any incidents of family and domestic violence in the workplace.

## Further assistance

58. If you or someone you know is experiencing family and domestic violence, or you simply want to find out more, the following external services are available to provide information and assistance:
- [1800Respect](#) – National sexual assault, domestic family violence counselling service: 1800 737 732
  - [Employee Assistance Program](#)
  - [Lifeline](#): 13 11 14—24-hour crisis support and referral
  - [Relationships Australia](#): 1300 364 277
  - [Mensline](#): 1300 789 978
  - [EveryMan](#): 6230 6999
  - [Services Australia Family and Domestic Violence Services](#)
  - [Department of Social Services – Family Safety Pack](#)
  - [Domestic Violence Crisis Centre](#)
  - [Australian Institute of Health and Welfare](#)
  - [Safesteps](#)



- [Australian Indigenous Health Infonet – Family safety](#)
- [Another Closet – Domestic and Family Violence in LGBTIQ Relationships](#)
- [BeyondBlue](#)
- [White Ribbon](#)
- [Financial Counselling Australia](#)

## References

- [New paid family and domestic violence leave - Fair Work Ombudsman](#)
  - [National Employment Standards - Fair Work Ombudsman](#)
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