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FAMILY AND DOMESTIC VIOLENCE LEAVE POLICY AND PROCEDURE

POLICY

Equal Bytes is committed to providing a safe and productive work environment that aims for equality of opportunity for all and where the dignity of every individual is respected.

In situations that involve family and domestic violence, management understands their legal obligations as an employer and will actively support affected employees in a confidential manner.

Equal Bytes will:

- Create a workplace that supports employees experiencing family and domestic violence.
- Provide ongoing education and awareness about family and domestic violence in the workplace.
- Create an open workplace culture that encourages communication and support to make it easier for employees to raise concerns.

DEFINITIONS

Family and domestic violence means violent, threatening or other abusive behaviour by an employee's close relative that:

- Seeks to coerce or control the employee.
- Causes the employee harm or fear.

A close relative is defined as an employee's:

• Spouse or former spouse.

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- De facto partner or former de facto partner.
- Child.
- Parent.
- Grandparent.
- Grandchild.
- Sibling.
- Current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling.
- A person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Family and domestic violence can take many forms:

- Physical violence.
- Sexual assault or sexually abusive behaviour.
- Verbal abuse.
- Emotional or psychological abuse.
- Stalking.
- Financial abuse.
- Spiritual or cultural abuse.
- Abuse of pets.
- Damage to property or belongings.
- Technology assisted abuse.
- Serious neglect where there is a relationship dependence.
- Behaviour that causes a child to be exposed to the effects of family and domestic violence.

People who experience family and domestic violence can be from any socio-economic background, religion, education level, age, gender or sexual orientation.

Behaviours that may signal a person is experiencing family and domestic violence include:

- Excessive absence or lateness (especially on Mondays).
- A sudden or sustained drop in productivity.
- Frequent unexplained bruises or injuries.
- Wearing concealing clothing, even in warm weather.
- Frequent or unusual work breaks, or unusual start and finish times.
- Displaying anxiety.



- Appearing distracted, depressed or overly jumpy.
- Lack of concentration or difficulty making decisions.
- Inability to take work-related trips.
- Receiving excessive personal calls, texts or visits.

Family and domestic violence can affect workplaces in a number of ways:

- It is a workplace health and safety issue. If a perpetrator harasses or stalks a person at their workplace, it can put the employee and their co-workers in danger.
- Workplaces can be a place of refuge for employees. Employees experiencing family or domestic violence often rely on their workplaces to be a safe place to escape violence and a crucial source of social and economic support.
- It is a workplace productivity issue. Employees experiencing family or domestic violence might be more likely to take unplanned days off, arrive late or finish early. When they're at work, they might also be less effective carrying out their work because they're distracted, anxious or lack energy.
- Workplaces could also experience higher staff turnover rates.

PROCEDURE

Recognising family and domestic violence

Recognising the signs that an employee is experiencing family and domestic violence gives managers and co-workers the opportunity to provide the employee with support and help them explore their options. It's critical to know the signs that someone may be experiencing family and domestic violence, so they can help employees access the support they need.

If a manager suspect that an employee may be experiencing family and domestic violence, it is appropriate for them to raise their concerns with the employee. Whilst managers are not counsellors or confidantes, it is important to raise their concerns in an appropriate manner and support the employee. Here are some ways to respectfully raise your concerns with them:

- Provide a safe and private place where you can have a confidential conversation.
- Ask open-ended questions that give your employee a way to safely disclose, such as 'How are things at home?', or 'You seem anxious lately. Are you ok?'
- Share your observations using non-judgmental language and expressions.
- Be prepared for an emotional response, including tears, defensiveness or withdrawal listen.
- Avoid giving advice; let them be in control of the conversation.
- Remember that an employee can choose not to talk to you about your concern.



How to respond

If you initiated a conversation and an employee confided in you, or if an employee confides in you on their own initiative, it's important to stay calm and respond appropriately. Here are some helpful things to remember when responding:

- Take the matter seriously, believe them, tell them it's not their fault and that violence is never okay.
- Use a calm and reassuring tone.
- Acknowledge how hard it must be for the employee to talk about what is happening to them.
- Put safety first and check for an immediate threat if you are concerned for their safety, say so.
- Be aware of how the employee's cultural and linguistic background could affect their understanding of what family and domestic violence is.
- Provide practical support by asking how you can help.
- Talk to them about their workplace entitlements and the options available to
- them, such as taking leave or accessing flexible work arrangements (see below).
- Provide information about support services available (see below) and refer them on if requested.
- Follow up with them and continue providing support.
- Discuss possible safety measures you could implement if the employee feels unsafe in the workplace, such as screening the employee's incoming calls, blocking emails, changing a phone number, or changing working hours or location.

Call 000 if someone is seriously injured or in need of urgent medical attention, if someone's life is being threatened, or you've witnessed an incident.

Workplace Entitlements

Under the Fair Work Act, all employees (including casual and part-time), dealing with the impact of family and domestic violence, can:

- Take up to 5 days of unpaid family and domestic violence leave each 12 month period. This leave:
 - Doesn't accumulate from year to year if it isn't used.
 - Is available in full when an employee starts working at a new workplace.
 - Renews in full at the start of each 12 month period of employment.
 - Can be taken as a single continuous period or separate periods of one or more days.
- Request to take less than one day at a time or to take more than 5 days of leave.
- Request flexible working arrangements (see below).



• Take paid or unpaid personal/carer's leave, in certain circumstances (see below).

Employees can take family and domestic leave when they:

- Are experiencing family and domestic violence.
- Need to do something to deal with the impact of that violence where it's impractical to do so outside their ordinary hours of work.

Notice and evidence for family and domestic violence leave

If an employee takes family and domestic violence leave, they have to let their employer know as soon as possible. This can happen after the leave has started. Employees also need to tell their employer how long they expect the leave to last. An employer can ask for evidence, which can include:

- Documents issued by the police.
- Documents issued by a court.
- Family violence support service documents.
- Statutory declaration.

Confidentiality

Management must take reasonably practical steps to keep any information about an employee's situation confidential. This includes information about the employee taking family and domestic violence leave, including leave records as well as any evidence provided by the employee. Employers aren't prevented from disclosing information if it's:

- Required by law.
- Necessary to protect the life, health or safety of the employee or another person.

Management need to be aware that any information about an employee's experience of family and domestic violence is sensitive. If information is mishandled, it could have adverse consequences for the employee including serious injury or harm. It is recommended that management work with the employee to discuss and agree on how this information will be handled.

Flexible working arrangements

Under the Fair Work Act, employees experiencing violence from a family member or who are caring for a household member or immediate family member who is experiencing violence from the member's family, have a right to request flexible working arrangements. To be eligible, employees must have worked with the same employer continuously for at least 12 months.



Examples of flexible working arrangements include changes to:

- Hours of work, such as working staggered start, finish or lunch times.
- Patterns of work, such as split shifts or job sharing.
- Locations of work, such as working away from the office.
- Duties, such as moving into non-public facing roles or temporary work assignments offsite.

Requests for flexible working arrangements need to:

- Be in writing.
- Explain what changes the employee is asking for.
- Explain the reasons for the requested change.

A written response from management to such a request must be within 21 days and outline whether the request is approved or refused. A request can only be refused on reasonable business grounds. If a request is refused the written response has to include the reasons for the refusal.

It is possible to informally agree on changes to working arrangements.

Paid and unpaid sick and carer's leave

An employee can access paid or unpaid sick or carer's leave:

- To recover from personal illness or injury
- To provide care or support to an immediate family member or household member recovering from personal illness or injury
- For unexpected emergencies involving an immediate family member or household

Support Services

It is important to provide an affected employee with information on where they can get help.

Support Services:

1800RESPECT

- 1800 737 732
- https://www.1800respect.org.au/



1800RESPECT is Australia's national sexual assault, domestic and family violence support service. The service provides information, referrals and counselling to all Australians 24 hours a day, every day of the year.

safesteps Family Violence Response Centre

- 1800 015 188 (24 hours)
- https://www.safesteps.org.au

The safe steps crisis response phone line connects women (this includes anyone who identifies as female or transfeminine) and their children with specialist support workers who can help them explore their options, develop a safety plan and access supports that allow them to live safe from family violence.

safe steps phone support workers also provide information and assistance to individuals concerned someone they know is experiencing family violence.

Domestic Violence Resource Centre Victoria

• http://inwpcp.org.au

• http://inwpcp.org.au/resources/identifying-and-responding-to- family-violence/ family-violence-policy-templates/workplace-family-violence-policy-template/

https://www.thelookout.org.au

The Domestic Violence Resource Centre Victoria (DVRCV) is a state-wide resource centre working to prevent and respond to family violence, with a particular focus on men's violence against women in intimate relationships. The centre provides training, publications, research and other resources to those experiencing (or who have experienced) family violence and practitioners and service organisations who work with family violence survivors.

Job Watch

• 1800 331 617 (Country VIC, QLD & TAS, Weekdays 9am-5pm VIC time, Wednesday 9am-8:30pm VIC time)

- (03) 9662 1933 (Melbourne Metro, Weekdays 9am-5pm, Wednesday 9am-8:30pm)
- https://www.jobwatch.org.au

JobWatch is an employment rights community legal centre which operates a telephone information service for all workers in Victoria, Tasmania and Queensland.

For men who may have concerns about family or domestic violence:

MensLine Australia

• 1300 78 99 78

https://mensline.org.au

MensLine Australia is a telephone and online counselling service for men with family and relationship concerns.



Men's Referral Service

• 1300 766 491 (NSW & TAS Open 24/7; ACT, NT, QLD, SA, VIC & WA Weekdays 8am-9pm, Weekends 9am-5pm)

https://www.ntv.org.au

The Men's Referral Service is a men's family violence telephone counselling, information and referral service operating across Australia run by No to Violence and is the central point of contact for men taking responsibility for their violent behaviour. They also provide support and referrals for women and men seeking information on behalf of their male partners, friends or family members, and workers in a range of agencies seeking assistance.

No to Violence

https://www.ntv.org.au

No to Violence (NTV) is the peak body for organisations and individuals working with men to end their violence and abuse towards family members in Victoria, Tasmania and New South Wales. NTV provides resources and opportunities for service providers to enhance their capacity to successfully engage with men who use violence and to work with men to prevent further violence.

Further information for workplaces:

White Ribbon Australia

- https://www.whiteribbon.org.au
- https://www.whiteribbon.org.au/find-help/support-services/
- https://www.whiteribbon.org.au/stop-violence-against-women/get-workplaceinvolved/ workplace-accreditation/

White Ribbon works to prevent violence against women through primary prevention educational programs, engaging men, providing community services and lobbying for law reforms. White Ribbon has a range of resources and education programs available to help workplaces plan for and deal with issues relating to domestic and family violence.

DV Work Aware

<u>http://www.dvworkaware.org/</u>

DV Work Aware is a program of the National Working Women's Centres that has been developed to raise awareness and promote best practice responses to issues of domestic and family violence (DFV) in the workplace. They have a range of resources and information for workplaces available on their website. They also provide training services to support management and employees take actions toward the prevention of DFV.

Our Watch

- https://workplace.ourwatch.org.au/
- https://www.ourwatch.org.au



Our Watch partners with organisations and government to drive nationwide change in the culture, behaviours and power imbalances that lead to violence against women and their children. Their website has a host of resources and information on family and domestic violence and related issues.

RELATED POLICIES AND PROCEDURES

- Bullying, Discrimination and Harassment Policy and Procedure
- Emergency Management Plan
- Code of Conduct Policy and Procedure
- Duty of Care Policy
- Incident Reporting Procedure
- Occupational Health and Safety Plan
- Privacy Policy

RELATED LEGISLATION AND REFERENCES

- Health and Safety Act (2004)
- Equal Opportunity Act (2010)
- FairWork Ombudsman "Employer Guide to Family and Domestic Violence"

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