

DPC Domestic and Family Violence Policy

Corporate and Ministerial Services

November 2017

Document management

Author	Lisa McCaffrey Corporate Governance Project Officer Corporate and Ministerial Services
Revision history:	Version No. 1 (November 2017)
Next review date:	November 2019
Responsible Branch:	Corporate and Ministerial Services

Contents

Contents	3
1. Policy Statement	4
2. Who does this policy apply to?	5
3. Key Responsibilities	5
Employees	5
Managers	5
People and Culture	6
4. Support	6
5. Leave	6
Recording Absences	7
6. Perpetrators of Domestic and Family Violence	7
7. Further assistance	8
8. Availability and Implementation	9
References	9
DPC Policies and Procedures	9
Other Policies or Guides	9
Contacts	9

1. Policy Statement

Policy statement

The Department of Premier and Cabinet (DPC) is committed to supporting employees affected by domestic and family violence. A sensitive and holistic approach to supporting employees allows them to continue to participate in the workplace during a difficult time.

This policy provides a framework to support employees who experience domestic and family violence. Employees who are experiencing, or who are at risk of experiencing, domestic and family violence are encouraged to seek support from the workplace.

This policy also acts as a guide for managers and colleagues to supporting employees whose work life is affected by domestic and family violence. It outlines support available within and outside the workplace for individuals, their managers, and their colleagues.

Commitment

DPC is committed to supporting employees who experience domestic and family violence and providing a workplace environment that promotes flexibility in times of need.

DPC recognises the potentially devastating impact that domestic and family violence can have on the lives of those who experience it, including their capacity to work and their financial security.

Introduction

Domestic and family violence is a pattern of abusive behaviour in an intimate relationship that over time puts one person in a position of power over another and causes fear. It is often referred to as a pattern of coercion and control. Statistically, domestic and family violence is most likely to be committed against women. Domestic and family 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.

Employees may sometimes experience situations of violence or abuse in their personal life which may affect their attendance or performance at work.

Immediate Danger

If you are feeling unsafe in the workplace right now, contact 52mp security on 9228 3052 or call 000.

Confidentiality

Employees and managers will maintain appropriate confidentiality in regard to personal information. Discussions with managers in the line of reporting or with People and Culture will be on a strictly need-to-know basis.

Discussion will 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.

Relationship to other documents

This policy should be read in conjunction with:

- Guide - responding to disclosures of violence
- Employees Guide - Employee guide to handling violence against women in the workplace

2. Who does this policy apply to?

This policy applies to all DPC staff including staff in ongoing, temporary or casual employment as well as those on secondment to DPC; work experience and volunteers; and contractors, agency staff and consultants where their engagement requires adherence to the Code of Conduct.

3. Key Responsibilities

Employees

Employees who wish to access any of the support available within the workplace can contact any of the following people:

- their immediate manager;
- a more senior manager; or
- a People and Culture representative.

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 document.

Employees experiencing domestic and family 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 domestic and family violence support organisation
- referring them to this procedure, the Employee Assistance Program, or any of the external support services listed at the end of this document.

Where the colleague is concerned about the employee's health and safety, they should speak to their People and Culture representative.

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.

Managers

Managers are responsible for ensuring employees are aware of this policy, and providing support, consistent with this policy, to employees affected by domestic and family violence. They may also be required to coordinate support with People and Culture for an employee experiencing domestic and family violence.

Where a 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 People and Culture.

Where a domestic and family violence raises work health and safety concerns, managers should discuss these with a representative from People and Culture.

Managers should facilitate support for an employee to the fullest extent possible in the workplace. 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.

People and Culture

People and Culture is responsible for providing advice to employees and managers about this policy. They can also provide information on the enterprise agreement and any other relevant policies and procedures.

People and Culture is also responsible for coordinating workplace support for employees affected by domestic and family violence. This may include:

- developing a safety plan with the employee
- coordinating security or ICT assistance
- advising and liaising with the employee's line manager.

4. Support

Employees experiencing domestic and family violence may require a range of support. This may include:

- Flexible working arrangements—under the DPC Flexible Working Hours Agreement 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:
 - a change of hours to allow the employee to meet family commitments;
 - changes to work location; or
 - relocation to suitable alternative employment where this is able to be identified;
- 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 employee's behalf where appropriate;
- Flexibility in performance management—domestic and family violence should be acknowledged as a potential mitigating factor if performance has been affected. 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 People and Culture, offer to develop workload strategies for work to be managed and performance assessed having regard to the employee's circumstances;
- Referral to external support through the Employee Assistance Program (EAP);
- Access to leave entitlements in accordance to the Crown Employees (Public Service Conditions of Employment) Award 2009 (Crown Employees Award).

5. Leave

Leave is provided in accordance with the Crown Employees Award.

The Crown Employees Award contains leave entitlements designed to assist employees and allow them flexibility to deal with personal crises, such as being affected by domestic or family violence.

DPC is committed to supporting employees experiencing domestic or family violence. A flexible and supportive approach will be taken to management of leave for employees affected by domestic or family violence.

Employees who are affected by domestic or family violence may be granted leave for reasons including:

- attending medical or counselling appointments;
- moving into emergency accommodation and seeking more permanent safe housing;
- attending court hearings;
- attending police appointments;
- accessing legal advice;
- organising alternative care or educational arrangements for their children;
- reasonable recovery periods.

Personal/carer's leave entitlements should be used:

- for illness or injury affecting the employee resulting from domestic or family violence;
- to provide care or support to a family or household member who is ill or injured as a result of domestic or family violence; or
- 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.

In circumstances where personal/carer's leave does not apply, or if an employee has exhausted their personal/carer's leave entitlements, DPC will make reasonable allowances, subject to the Crown Employees Award. This may include the employee accessing other leave including annual leave, long service leave or miscellaneous leave. Miscellaneous leave may be approved with or without pay depending on the reason for and length of leave.

Employees may be given flexibility in work hours, and may be allowed to make up time where leave cannot be used.

Where an employee's absence for reasons associated with domestic and family violence needs to be supported by evidence, the delegate will discuss with the employee the available options, such as a statement from a legal representative or court.

Recording Absences

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

All records are to be kept securely and confidentially according to DPC'S Privacy Management Plan and Electronic Documents and Records Management Policy.

To ensure confidentiality, People and Culture will advise the employee's line manager that leave has been approved and will organise for a leave form to be submitted on the SAP system on behalf of the employee.

6. Perpetrators of Domestic and Family Violence

DPC understands that the workplace may include not only employees who are victims of, or affected by, domestic and family violence, but also perpetrators—and that this must also be handled appropriately and sensitively.

DPC will not tolerate domestic and family violence being perpetrated in or from the workplace. The DPC Code of Conduct requires DPC employees, when acting in connection with their employment, to treat people with respect and courtesy and without harassment. 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 for a potential breach of the DPC Code of Conduct.

An employee suspected of perpetrating violence will also be referred to the relevant support services, including the EAP.

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

7. Further assistance

For any queries regarding the operation of this policy please contact your People and Culture representative.

If you or someone you know is experiencing domestic and family 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
- DPC's Employee Assistance Program— 1300 687 327
- DPC's Managers Assistance Program – 1800 337 068
- Beyondblue – 1300 224 636
- Lifeline: 13 11 14—24-hour crisis support and referral
- Police and Ambulance – 000
- Aboriginal Family Domestic Violence Hotline – 1800 019 123
- Relationships Australia: 1300 364 277
- Women's Legal Service NSW – 1800 810 784
- Mensline Australia: 1300 789 978
- Domestic and Family Violence Helpline – 1300 338 465
- Translating and Interpreting Service – 131 450
- Suicide Call Back Service – 1300 659 467
- Kids Help Line – 1800 551 800
- Australian Childhood Foundation – 1800 176 453
- Blue Knot Foundation – 1300 657 380
- National Disability Abuse and Neglect Hotline – 1800 880 052
- NSW Domestic Violence Line – 1800 65 64 63 or 1800 671 422 TTY (Hearing impaired)
- NSW Rape Crisis Centre – 1800 424 017
- Interrelate Family Centres – 1300 736 966 or 02 8882 7800
- Link2home – 1800 152 152
- Women's Domestic Violence Court Advocacy Service NSW Inc – 1800 938 227
- Legal Aid NSW – 1300 888 529
- The Law Society of NSW – 02 9926 0333
- Child Protection Helpline – 132 111

- Men's Referral Service – 1300 766 491
- Penda - Penda is a free, national app with legal, financial, and personal safety information and referrals for women who have experienced domestic and family violence. It was developed by the Women's Legal Service Qld with funding from Financial Literacy Australia. Download in Google Play or the iTunes App Store.
- Australian Department of Human Services Family and Domestic Violence Services <https://www.humanservices.gov.au/individuals/subjects/family-and-domestic-violence>
- Australian Department of Social Services – Family Safety Pack <https://www.dss.gov.au/family-safety-pack>
- Another Closet – Domestic and Family Violence in LGBTIQ Relationships <http://www.anothercloset.com.au/>

8. Availability and Implementation

A copy of this policy will be placed on the DPC intranet site.

References

DPC Policies and Procedures

DPC Code of Conduct

DPC Breach of Code of Conduct including Misconduct Procedures

DPC Bullying Free Workplace Policy

DPC Bullying Free Workplace Procedures

DPC Grievance Resolution Policy

DPC Equity and Diversity Policy

DPC Flexible Working Policy

Other Policies or Guides

1. Guide – Responding to disclosures of violence
2. Employees Guide – Employee guide to handling violence against women in the workplace

Contacts

DPC

- People and Culture

DPC_HR@dpc.nsw.gov.au