

Family and Domestic Violence Leave Policy

Policy Statement

[Your Company Name] is committed to building and maintaining a culture that supports respectful relationships and ensuring employees who are experiencing family and domestic violence feel safe and supported in continuing employment.

We recognise that people of any gender and culture can be affected by family and domestic violence and that the impact is not restricted to private life and can extend into the work environment. We care for our people and their families, we do not want them unnecessarily disadvantaged for reasons beyond their control.

Supporting our employees who are impacted by family and domestic violence, wish to confidentiality report, disclose or seek help is consistent with our organisational values.

This policy sets out the support arrangements that are available for employees experiencing family and domestic violence, and is consistent with the provisions set out in the *Fair Work Act 2009* (Cth)

Family and Domestic Violence is defined as the "violent, threatening, or other abusive behaviour by an employee's close relative, a current or former intimate partner, or a member of their household that seeks to coerce or control the employee and causes them harm or to be fearful."

A close relative is a person who is a member of the employee's immediate family or a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Paid family and domestic violence leave is available to existing employees from 1 February 2023 or upon commencement for those employees who commence with [Your Company Name] after that date. The leave accrues on each anniversary of the employee's commencement date thereafter, however, does not accumulate from year to year.

[Your Company Name] recognises the sensitivity of family and domestic violence situations, and as such, expects the highest degree of confidentiality to be exercised when supporting employees as this may be critical to their personal or family's safety.

Information collected, used and retained under this policy is to be collected, used and stored in accordance with applicable privacy laws. Such information is to be securely stored and used only for the purposes for which it was collected, except as otherwise required or permitted by law, for example if [Your Company Name] is required to notify WorkSafe of serious workplace incident or the Police where a criminal act has occurred or is threatened to occur.

When an employee raises a family and domestic violence matter, they should contact their manager, the [Title of Senior Manager] or in some circumstances an external party and be assured of confidentiality. To ensure the necessary leave can be approved, or support arrangements put in place, talking with the employee's manager will generally be necessary.

Employees involved in a matter raised under this policy are required to respect the privacy of personal information and the sensitivity of the matters raised. Disclosure of personal information should be limited so that only employees directly involved are informed and then only on a 'need-to-know' basis.

There may be circumstances, however, where others in the workplace may need to be made aware of the situation, for example:

- where unwelcome telephone calls and contact is occurring; and / or
- there is a risk to the safety of the affected employee or any other employees.

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In these instances, disclosure of the circumstances should be kept to a minimum and should be on a 'need-to-know' basis for the purpose of maintaining safety in the workplace and supporting the employee.

Employees who are experiencing or are impacted by family and domestic violence may access:

- up to ten (10) days paid leave;
- annual leave, personal/carer's leave, or long service leave;
- flexible working arrangements.

Paid leave is available to employees who need to deal with the impact of family and domestic violence including:

- attending court appearances;
- finding safe accommodation;
- school appointments or transfers;
- counselling; and
- doctor's appointments.

The leave does not need to be taken all at once and can be taken as single or multiple days. An employee may take less than one (1) day at a time. Paid family and domestic violence leave counts toward an employee's hours worked in the week for the purposes of calculating overtime, accumulated annual or personal/carer's leave and continuous service for long service leave.

Employees will be paid at their full pay rate for the hours they would have worked, or in the case of a casual employee, notified to work had they not taken the leave. An employee's full pay rate is their base rate of pay plus:

- any incentive-based payments and bonuses;
- loadings;
- monetary allowances;
- overtime or penalty rates;
- any other separately identifiable amounts.

An employee may also request flexible working arrangements. To be eligible to make this request an employee must have twelve (12) months' continuous service, and in the case of a casual employee, an expectation of ongoing employment on a regular and systematic basis.

Examples of flexible working arrangement requests could include:

- changes in work patterns for safety reasons such as alternating patterns of working hours or where work is performed;
- transfer to an alternative working location either permanently or as a temporary safety measure;
- change in duties to remove the employee from public access; or
- flexibility in working hours regarding the number of hours worked and rostering to allow the employee to attend to related matters.

Employees making a request to take family and domestic violence leave must advise their manager as soon as possible.

[Your Company Name], at its discretion, may require an employee to provide evidence that allows the employee took the leave to deal with a family and domestic violence matter.

Examples of evidence could include:

- documents issued by the Police;
- documents issued by a Court;
- family violence support service documents; or
- a statutory declaration.

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Managers are required to exercise some discretion and flexibility to deal with each situation. For example, leave may be sought as a matter of urgency in which case the employee would be given the opportunity to provide the evidence after the leave is taken.

Managers must respond with empathy, compassion and be respectful in order to understand the needs of employees experiencing family and domestic violence, and work with them to develop tailored arrangements that provide the support they need, in a way that helps deliver successful outcomes for the employee, team and business.

It is important for managers who are supporting employees impacted by family and domestic violence to recognise that there may be difficulties with their attendance and/or performance at work and should address these with sensitivity.

Employees experiencing family and domestic violence with a perceived or actual threat on their personal or family's safety or employment arrangements are encouraged to access the Employee Assistance Program services available to them.

Recognising the significant physical, emotional, psychological and financial harm to those who experience family and domestic violence [Your Company Name] will implement and maintain a prevention program which will include, but may not be limited to, creating awareness of this policy and providing employees with appropriate training.

This policy does not form part of an employment contract. [Your Company Name] reserves the right to continue, extend, revise or revoke this policy at its discretion.

Approvals

Revision	Change details	Prepared by	Approved by	Approval date
1	Release Version	Manager Name	Approver Name	Approval Date