



**FAMILY AND DOMESTIC VIOLENCE  
WORKPLACE SUPPORT POLICY**

Adopted: 28 June 2018

TRIM 175292.2018

# **FAMILY AND DOMESTIC VIOLENCE WORKPLACE SUPPORT POLICY**

## **1. PURPOSE/OBJECTIVES**

1.1 Liverpool City Council is committed to providing a supportive, safe, healthy, respectful and productive workplace. The purpose of this policy is to provide guidance for employees who are affected by family and domestic violence.

1.2 Council recognises that family and domestic violence is in fact an issue of special concern in the workplace, and can have significant impacts within the workplace. Council also recognises that violence in all of its forms is unacceptable irrespective of where it occurs.

1.3 This policy aims to:

- (a) Emphasise Council's strong stance against family and domestic violence, and its support for Council employees who are affected by family and domestic violence.
- (b) Inform employees about their entitlements regarding family and domestic violence through special leave.
- (c) Set out the processes for employees to access special leave and/or arrange flexible work arrangements in such situations.
- (d) Promote a workplace culture which supports employees who are affected by family and domestic violence, including awareness of appropriate support services available to them and their families.
- (e) Outline Council's response to employees who allegedly commit acts of family and domestic violence at, or from the workplace.

## **2. DEFINITIONS**

### **Family and domestic violence (as defined by Department of Human Services)**

Family and domestic violence is conduct that is violent, threatening, coercive, controlling or intended to cause the family or household member to be fearful. It can include:

- physical, verbal, emotional, sexual or psychological abuse
- neglect
- financial abuse
- stalking
- harm to an animal or property
- restricting spiritual or cultural participation, or
- exposing children to the effects of these behaviours

### **Council**

Liverpool City Council

### **Employee**

For the purpose of this policy the definition of employee shall refer to:

- Permanent full-time

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- Permanent part-time
- Casual
- Fixed term contract

### **Employee Assistance Program (EAP)**

EAP is a supportive and confidential counselling service that Council provides to staff. Contact details are available on the Staff Intranet.

### **People Leader**

This includes all employees who are responsible for the direct supervision of employees, which is employees with staff management/supervisory responsibilities. This may include team leaders, coordinators, managers and directors.

### **POD**

People and Organisational Development

### **Workplace**

Any place at which a Council employee or workplace participant works or otherwise attends in connection with being an employee or workplace participant.

## **3. POLICY STATEMENT**

Family and domestic violence can affect anyone. It can impact all types of relationships, such as:

- past or current intimate relationships, including people who are dating or living together, regardless of their gender or sexuality;
- relationships involving carers, where care is provided to older people, people with a disability or a medical condition;
- relatives and guardians;
- Aboriginal and Torres Strait Islander concepts of family, including extended family; and
- other culturally-recognised family groups.

People affected by family and domestic violence may live in fear for themselves and their family, even when they have left a violent relationship.

This policy applies to all employees of Council, including permanent full-time, permanent part-time and casual employees. Permanent part-time and casual employees shall have their provisions of this policy applied pro-rata.

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### **3.1 Roles and Responsibilities**

#### **(a) Employee**

- Contact your People Leader or POD to access the support outlined in this policy, and
- Submit evidence to support the need for leave as soon as possible, such as a medical certificate, a document issued by the NSW Police, a court order (such as an Apprehended Violence Order), medical practitioner, a social worker, a psychologist, a Family Violence Support Service Worker, a counsellor or a solicitor.

#### **(b) People Leader**

- Support employees who are affected by family and domestic violence;
- Approve an employee's application for leave, as per standard leave procedure;
- Ensure reasonable efforts are taken to consider all aspects of the employee's situation;
- Administer flexible work arrangements as required to support and ensure a safe work environment for the employee. Flexible work arrangements may be considered on a case-by-case basis, and will be managed by the People Leader, who will have sought advice from POD;
- Complete the Family and Domestic Violence - Safety Plan (Appendix 1) in collaboration with the staff member to plan further action and safety;
- Ensure employee information concerning family and domestic violence is kept private and confidential; and
- Refer an affected employee to EAP and other support services as appropriate.

#### **(c) People and Organisational Development**

- Support employees who are affected by family and domestic violence;
- Where requested by an employee, liaise with the employee's People Leader on the employee's behalf, and recommend the most appropriate form of support to be provided in accordance with Clauses 4 and 5 of this policy;
- Provide advice to employees and People Leaders in implementing this policy and procedure; and
- Refer to the Family and Domestic Violence - Safety Plan (Appendix 1) for additional supporting information.

## **4. SUPPORT FOR VICTIMS OF FAMILY AND DOMESTIC VIOLENCE**

Council is committed to providing a supportive, safe, healthy, respectful and productive workplace. To access the support available, Council employees are required to produce evidence of family and domestic violence, such as a medical certificate, a document issued by the NSW Police, a court order (such as an Apprehended Violence Order), medical practitioner, a social worker, a psychologist, a Family Violence Support Service Worker, a counsellor or a solicitor. Support available may include:

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### **4.1 Flexible work arrangements**

To provide a safe workplace, and support to an employee experiencing family and domestic violence, Council may consider an employee's request to vary work arrangements. This will be managed by the People Leader (who will have sought advice from POD), and will take into consideration Council's operational needs. This will be managed on a case-by-case basis.

### **4.2 Council's Employee Assistance Program (EAP)**

An employee experiencing family and domestic violence may use Council's EAP at any stage. Council's EAP employs professionals trained to support employees experiencing a range of personal, relationship and work related matters.

### **4.3 Privacy and confidentiality**

Council will ensure that personal information concerning matters of family and domestic violence are treated as private and confidential, in line with Council's Privacy Policy. Documentation is to be saved to an employee's personnel file, as per current Council practice.

Any request/s for information by the NSW Police, or by the production of a subpoena, must be managed by Council's Governance team, after consultation with POD.

Additionally, personal details can be suppressed in accordance with Section 58(2) of the *Privacy and Personal Information Protection Act 1998*.

### **4.4 Employee attendance and performance**

Council is aware that family and domestic violence is an issue of special concern in the workplace and can affect employee attendance and/or performance. Provided evidence of family and domestic violence has been made available to Council, then Council can make all reasonable efforts to consider all aspects of an employee's situation and can use all reasonable means available to help resolve any performance, development and/or career opportunities with an employee.

### **4.5 Personal injury/WHS**

Council is committed to supporting employees with non-work related injury/illness to return to work as quickly and safely as possible, in accordance with Council's Personal Injury/Illness Management Policy and Procedure.

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### **4.6 Training and awareness**

Council is committed to providing the necessary training to Council employees and People Leaders, so that they may be able to offer appropriate support to employees affected by family and domestic violence. Additionally, Council's Family and Domestic Violence - Safety Plan (Appendix 1) and Family and Domestic Violence Safety Flow Chart (Appendix 2) are also available for additional support in assisting employees affected by family and domestic violence.

## **5. LEAVE PROVISIONS**

5.1 Council will provide leave to employees who are affected by family and domestic violence, and need time off work for medical appointments, legal proceedings, court appearances, counselling, relocation, or other activities related to family and domestic violence.

5.2 An employee experiencing family and domestic violence will have access to up to 5 days' paid special leave on full pay per calendar year (non-accumulative) to attend to matters arising from family and domestic violence. This leave may be taken as consecutive, single days, or variation of a day.

5.3 Employees and their People Leader should explore other paid leave options to help the employee (upon exhaustion of the 5 days' paid special leave per calendar year). For example, accessing their current entitlements (subject to availability):

- (a) Annual Leave
- (b) Flex Leave
- (c) Carers Leave
- (d) Sick Leave\*
- (e) Long Service Leave

\*Note: In accordance with Council's Leave Policy, Council provides sick leave in accordance with, where relevant, the Award and the Electricians Award. In order to access an entitlement of sick leave, an employee must comply with any requirements in, where relevant, the Award, the Electricians Award, agreement and contract. Refer to Council's Leave Policy for process and requirements.

5.4 Employees may also apply to access unpaid leave/leave without pay, where required.

5.5 An employee is required to produce evidence to support the need for leave, such as a medical certificate, a document issued by the NSW Police, a court order (such as an Apprehended Violence Order), medical practitioner, a social worker, a psychologist, a Family Violence Support Service Worker, a counsellor or a solicitor.

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5.6 Permanent part-time and casual employees shall have their provisions of this policy applied pro-rata.

### **6. RESPONDING TO FAMILY AND DOMESTIC VIOLENCE AT WORK**

6.1 An act of family and/or domestic violence may occur at or from the workplace. Such an act may include, but is not limited to, threatening, harassing or abusing a family or household member. This includes using workplace resources such as phones, smart devices, email, mail or other means to threaten, harass or abuse a family or household member.

6.2 Matters of family and domestic violence are complex in nature and difficult for all parties involved. In many cases acts of family and domestic violence constitute a criminal offence. In recognising Council's strong stance against family and domestic violence, any employee reasonably suspected of committing an act of family and/or domestic violence at or from the workplace that constitutes a criminal offence will be reported to Police to conduct an investigation. Some Council positions may give an employee access to certain types of personal information or resources. If Council becomes aware that an employee uses this access to knowingly enable a perpetrator to harm or harass a victim, that employee will also be reported to Police to conduct an investigation. NSW Police are best placed to conduct an unbiased investigation as family and domestic violence is a legal matter. Council may also conduct its own investigation into such matters, and may take disciplinary action based on the outcome of the police investigation and/or its own investigation.

6.3 Where the alleged act of family and domestic violence is between two Council employees, Council may also investigate the matter from the perspective of potential breaches of internal policies. Council will not undertake an internal investigation before notifying the Police of the alleged criminal activity.

6.4 Council will document all referrals to the Police and maintain these in a secure location in line with Councils' Records Management Policy. Employees accused of acts of domestic violence at or from the workplace are presumed to be innocent until proven otherwise.

6.5 If proven, acts of criminal family and domestic violence committed at or from the workplace may result in disciplinary action up to and including the termination of employment.

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## AUTHORISED BY

Chief Executive Officer

## EFFECTIVE FROM

28 June 2018

## DIRECTORATE RESPONSIBLE

Corporate Services (People and Organisational Development)

## REVIEW DATE

The policy will be reviewed in 5 years, or as required by any changes in legislation. No later than 28 June, 2023.

## VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Not applicable	New policy	26 June 2017	128244.2017
2	Chief Executive Officer	Revised policy	28 June 2018	175292.2018

## THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Community and Culture (Community Planning and Development)

Executive Management Team

Corporate Services (Governance, Legal and Procurement)

WHS Committee (17 May 2017)

## REFERENCES

Liverpool City Council: Code of Conduct

Liverpool City Council: Dignity and Respect Policy

Liverpool City Council: Information and Communication Technology (ICT) Policy

Liverpool City Council: Leave Policy

Liverpool City Council: Personal Injury/Illness Management Policy

Liverpool City Council: Privacy Policy

Liverpool City Council: Family and Domestic Violence - Safety Plan

Liverpool City Council: Family and Domestic Violence Safety Flow Chart

Liverpool City Council: Violence in the Workplace Procedure



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### **Appendix 1 - Family and Domestic Violence - Safety Plan**

This Safety Plan is to guide People Leaders to provide support to staff members who may be experiencing family and domestic violence and are seeking support. This guide should be read in conjunction with:

- Family and Domestic Violence Workplace Support Policy;
- Family and Domestic Violence Safety Flow Chart;
- Dignity and Respect Policy; and
- Violence in the Workplace Procedure.

Liverpool City Council is committed to providing a supportive, safe, healthy, respectful and productive workplace. Since undertaking the White Ribbon Australia Workplace Accreditation program, Council has emphasised a strong stance against family and domestic violence, and its support for employees who are affected by family and domestic violence.

It is important to note, that any staff member who makes a disclosure of family or domestic violence is showing trust and confidence in you and must be responded to in a supportive and confidential manner. Training is available to all People Leaders. The training includes understanding stigma related to family and domestic violence, learning signs of abuse, ways to support staff and where to get further professional support. This training is mandatory to all People Leaders and will provide practical assistance to support staff.

The following individual safety plan template should be completed with the staff member seeking support in order to maintain control of their safety to their satisfaction as they are the expert in their own situation. It is to be used as a guide only. Staff members should not be forced into any of the examples below until they are ready to proceed.

**At all times if there is an immediate danger Police must be contacted by calling 000.**

### **Privacy and confidentiality**

Council will ensure that personal information concerning matters of family and domestic violence are treated as private and confidential, in line with Council's Privacy Policy, *the Privacy and Personal Information Protection Act, 1998 and the Health Records Information Protection Act, 2002.*

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- Documentation is to be saved to an employee's personnel file, as per standard Council practice;
- Any request/s for information by the NSW Police, or by the production of a subpoena, must be managed by Council's Governance team, in consultation with People & Organisational Development (POD); and
- Additionally, personal details can be suppressed in accordance with Section 58(2) of the *Privacy and Personal Information Protection Act 1998*.

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*It is important to note, you (the People Leader) are not expected to be the counsellor, or fix the situation. The goal of this plan is to listen, understand and support the staff member to gain a level of control over their own safety and to seek professional assistance.*

### **Guidelines for review:**

<b>Considerations:</b>	<b>Safety Options:</b>	<b>Actions:</b>
<p>Type of threat received:</p> <p>1) <u>Electronic</u> (over the phone, email, text message or social media)</p>	<p><u>Phone</u> -Request a change of phone number -Ensure phone has caller ID -Save voice messages</p> <p><u>Emails</u> -Print any threatening emails, don't reply and notify People Leader. -Request to change email address -Request to have an email address blocked -Remove personal information from email signature</p> <p><u>Social media</u> -Refrain from or limit using social media -Consider closing social media accounts</p> <p><u>Other</u> -Remove personal details temporarily from contacts directories including work location</p>	
<p>2) Personal safety (Stalking, following you, attending the workplace)</p>	<p>-Be aware, alert and assertive while walking -If sensing potentially hazardous situation move quickly to an area with more people or a business -Regularly change parking location -Upgrade parking to allow more flexibility where available</p>	

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	<ul style="list-style-type: none"> <li>-Arrange an escort to/from vehicle if available</li> <li>-Travel with a friend/buddy system</li> <li>-At night arrange secure escort with security if available.</li> <li>-Call 000 for help if in danger</li> </ul>	
3) Are any other staff/colleagues in potential danger in the workplace?	<ul style="list-style-type: none"> <li>-Ensure all office doors are closed and locked at all times.</li> <li>-Call Police immediately if unauthorised person gains access to the workplace</li> </ul>	
4) Alternative work arrangements	<ul style="list-style-type: none"> <li>-Move desk away from door/entry/exits.</li> <li>-Consider change of work site</li> <li>-Change of shift start and finish times</li> <li>-Change location or department where available</li> <li>-Does anyone else need to be advised (e.g. Manager) and how will this be shared</li> </ul>	
5) Discuss leave requirements to provide time to assess personal needs. <i>(This might be to attend legal appointments, secure housing, counselling, child care needs etc.)</i>	<ul style="list-style-type: none"> <li>-Review all available leave entitlements including 5 days leave for family and domestic violence</li> <li>-Discuss in advance with People Leader where possible to request leave, and provide evidence required for processing leave</li> <li>-Discuss with POD any leave related questions</li> </ul>	
6) Negotiate a support process if employee doesn't attend work to ensure safety.	<ul style="list-style-type: none"> <li>-Permission for People Leader to contact staff member and/or trusted support person if there are unexpected absences</li> </ul>	<p>Name: Mobile: Other contacts:</p>

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<p>7) Who should be notified of a threat to violence in the workplace?</p>	<p>-Discuss confidentiality concerns of the staff member to this personal matter          -Create a need to know list (may include CEO, Director, Manager, Property Manager, team mates)          -How will this information be shared          -If threats have been made, is a photo/description of the person making threats required to reduce risk to co-workers?</p>	
<p>8) Personal support and wellbeing.</p>	<p>Review supports available:          -Council's EAP provider  <i>Access EAP 1800 818 728 or (02) 8247 9191</i>          -Local providers such as <i>Staying Home Leaving Violence project on 9602 7795</i>          -National providers on staff Intranet such as <i>Domestic Violence Line 1800 65 64 63 or -Liverpool Police 9765 9499</i></p>	
<p>9) Review updates</p>	<p>-Set review timeframes as required (weekly, monthly, after milestones e.g. Court case etc.)          -Keep communications open with your People Leader as required</p>	

**Employee name:**

**Employee signature:**

**Date:**

**People Leader name:**

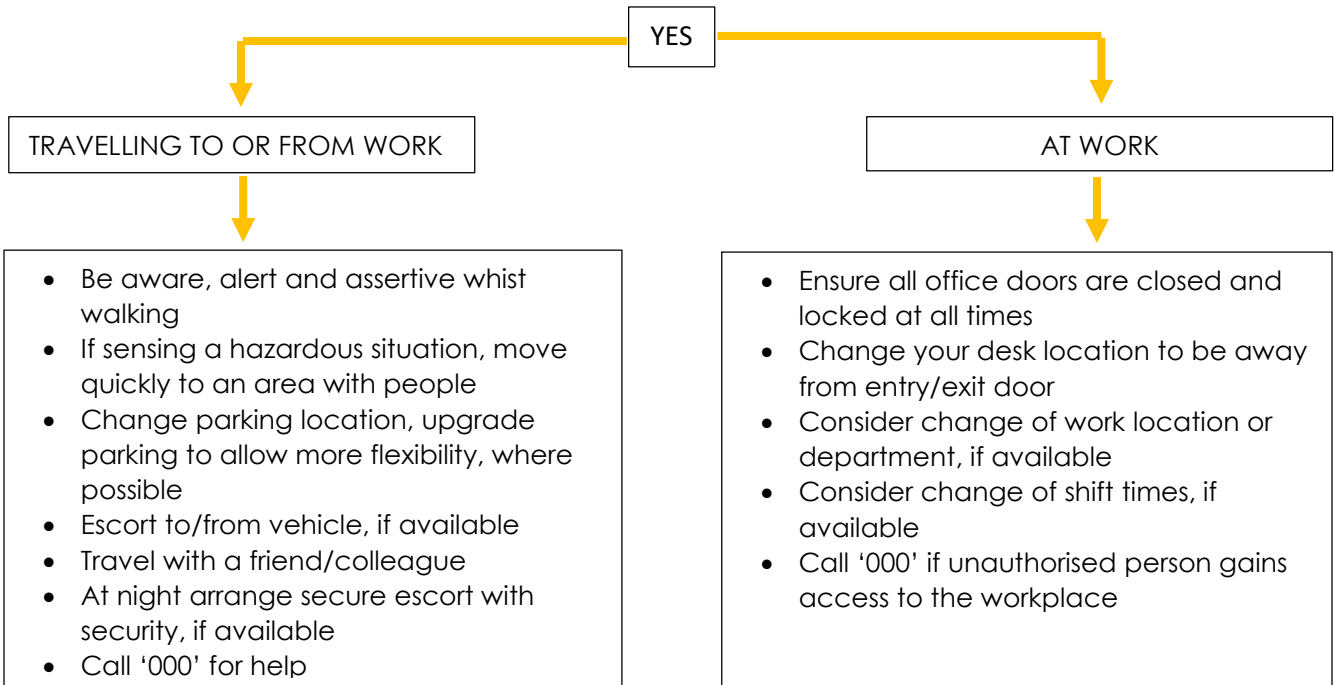
**Signature:**

**Date:**

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## **Appendix 2 - Family and Domestic Violence - Safety Flow Chart**

Do you have concerns for your safety?



If you have concerns related to electronic contact, e.g. via phone, email, social media, etc.

Phone:

- Request a change of phone number
- Ensure phone has caller ID
- Save voice mail messages

Emails:

- Print any threatening emails
- Do not reply
- Request to change email address or block an email address
- Remove personal information from email signature

Social Media:

- Refrain or limit social media use
- Consider closing social media accounts

Other:

- Remove details temporarily from contacts and directories

- Maintain contact with your People Leader/Supervisor/Coordinator to review and update requests for safety.
- Discuss further support available, including;
- Leave provisions such as; Family and Domestic Violence leave, Annual leave, Flex leave, Long Service leave
- Training and confidential support with Council's EAP service

**For further support, please visit Ending domestic violence with White Ribbon Australia which is on Council's Intranet site or make contact with Staying Home Leaving Violence project on 9602 7795, The Domestic Violence Line 1800 656 463 or Liverpool Police on 9765 9499**

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## **Appendix 3 - Violence in the Workplace Procedure**

Work-related violence is generally any incident in which someone is abused, threatened or assaulted in circumstances relating to their work (SafeWork NSW).

Violence and even the potential risk of violence, threats or abuse in a workplace can cause stress and emotional suffering. Both employers and employees can benefit from reducing the risk of violence at work.

Violence at work can happen in a variety of workplaces. Employees may be exposed to various forms of violence and threatening behaviour. The violence may come from:

- Working with clients;
- Members of the general public;
- Supervisors, Managers or other workers; and
- From a family member (including a partner, child, parent or a sibling)

Violence includes:

- Verbal abuse (in person or using tele-communications e.g. the telephone, email and other forms of electronic communications);
- Stalking;
- Harassment;
- Threats;
- Bullying/Intimidation;
- Physical or Sexual assault;
- Armed robbery; and
- Malicious damage to the property of staff, customers or the business.

**The following SafeWork NSW Procedures should be followed to mitigate the occurrence of violence in our workplace**

Staff to ensure all doors remain locked and swipe card access is required to enter.

Implement the following strategies if an unknown person gains access to the premises:

- If safe to do so, approach the person/s and ask if they need assistance, or the reason for their visit;
- Request the person/s to leave the premises if no valid reason/business to be there;
- Escort the person/s from the premises if they have no valid reason/business there;
- If there is a perceived risk to safety due to potential violence, attempts should be made to alert other staff;
- If safe to do so, it may be possible to de-escalate the situation whilst a staff member contacts the Police;

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- If at any time, there is a perceived risk to safety, Police are to be contacted immediately on 000;
- Frontline staff who have access to emergency duress alarms should use them when there is any perceived risk to the safety of staff and clients/customers;
- Contact the People Leader as soon as possible and advise them of the situation; and
- Follow the advice of Police and/or People leader.

### **Incident Reporting**

All incidents of potential violence or intimidation within the workplace should be reported to your People Leader immediately. As soon as possible, ensure an Incident Report Form is completed providing details of the incident.

When there is an alleged incident of serious violence/criminal behaviour that occurs in the workplace, including, but not limited to physical or sexual violence, these must be reported to Police by the People Leader.

This includes an abusive partner/family member who visits a workplace or any person who enters the workplace with the intention to hurt, injure or intimidate another person.

When contacting Police, use the table below based on the level of urgency.

<b>Police, Fire, Ambulance</b> <b>000</b> In an emergency
<b>Crime Stoppers</b> <b>1800 333 000</b> Report crime anonymously
<b>Police Assistance Line</b> <b>131 444</b> For non-emergencies