

# Family Violence Policy

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# Overview

Workplace environments that are safe, inclusive of women, and receptive to the burden and hardship of family violence are critical to reinforcing the social norms of respect, non-violence and equity.

The Victorian Government is committed to creating a culture that supports respectful relationships, practices positive attitudes and behaviours and promotes a culture of non-violence in all workplaces, including the Victorian public sector. The Government is also committed to supporting all public sector employers to develop and maintain workplaces that are supportive of victims of family violence.

The Department of Education and Training has a role in, and responsibility for, responding to family violence. This policy sets out the support that is available both for employees who experience family violence and for employees who may be supporting a person experiencing family violence, and has been developed based on the family violence leave provisions in the *Victorian Government Schools Agreement 2017*, the *Victorian Public Service Enterprise Agreement 2016* and the *Nurses (Department of Education and Training) Agreement 2016*.

Victoria's *Family Violence Protection Act 2008* defines family violence as behaviours towards a family member, including physical, sexual, financial, verbal, emotional and psychological abuse and behaviour that is threatening or coercive. It also includes any of these behaviours where a child may "hear or witness, or otherwise be exposed to, the effects of these behaviours.

Consequently, family violence may occur between intimate partners or ex partners, including those in same sex relationships, between siblings, by adolescent or adult children and their parent(s), or between extended family members, or by people in a family-like relationship such as a person providing ongoing support or caring activities.

A central element of family violence is behavior aimed at power and control through fear. Family violence takes a number of forms, including physical and sexual violence, threats and intimidation, psychological, emotional and social abuse and economic deprivation.

This policy is aimed at ensuring an employee experiencing violence or abuse in their family life is supported and to allow them to be absent from the workplace to attend counselling appointments, legal proceedings and other activities related to, and as a consequence of, family violence.

Supporting employees experiencing family violence through promoting a culture free from all forms of violence demonstrates the Department's commitment to the value of Human Rights and assists in retaining valued employees.

The policy also recognises the need for principals and managers to be sensitive to an employee experiencing family violence and considerate of the impact this may be having on their work, including actual or potential attendance and/or performance issues. No adverse action will be taken in relation to an employee where their attendance or performance at work suffers as a result of that employee experiencing family violence.

The Department is committed to the privacy of employees, however recognises that in certain circumstances there are legal obligations to report acts or threats of family violence to external bodies. Further information can be found in the Privacy and Confidentiality section of this policy.

The Department encourages employees who wish to discuss, formally or informally, any issues related to family violence with their principal/manager, workplace contact officer, union delegate or the Department's Employee Assistance Program (EAP). Details of these contacts can be found on HRWeb.

# Supporting the employee

## EMPLOYEES EXPERIENCING FAMILY VIOLENCE

While not limited to the options below, the types of support available to an employee experiencing family violence include:

- access to the EAP
- temporary or ongoing changes to their span or pattern of hours of work
- temporary or ongoing job redesign or changes to duties
- temporary or ongoing relocation of their workplace
- access to secure car parking
- a change to their telephone number or email address to avoid harassing contact
- paid leave up to 20 days within any 12-month period
- other appropriate safety measures determined necessary
- any other appropriate measure including those available under existing provisions for family friendly flexible work arrangements.

Arrangements that are put in place to support an employee should be reviewed regularly by the affected employee and their principal/manager to ensure they are meeting the needs of the employee at that time. Any agreement to alter the working arrangements to support an employee must be recorded in a *Workplace Support Plan* (a template is available on HRWeb). These records must be kept securely by the principal or responsible manager.

An employee experiencing family violence may raise this as an issue with one of the people within the Department listed below:

- their principal/manager (or a more senior manager)
- their union delegate
- a Department workplace contact officer
- a People Services consultant.

There are individuals in the Department specially trained to understand and respond to family violence, including the workplace contact officers and some People Services consultants. The names and contact details of the Department's workplace contact officers is available on HRWeb.

The role of the Department's workplace contact officers is to assist the employee to understand and access the support available through the Department in relation to their working arrangements. Contact Officers do not provide professional family violence support or counselling; however they can assist the employee to access specialist services.

The Department recognises that the experience of family violence may affect an employee's attendance or performance at work. If an employee is experiencing family violence which they believe is affecting their work performance, they are encouraged to discuss this with their principal/manager so their circumstances can be taken into account. No adverse action will be taken in relation to an employee where their attendance or performance at work suffers as a result of that employee experiencing family violence.

Confidentiality is a key element to supporting an employee experiencing family violence. For information on privacy in relation to family violence, see the Privacy and Confidentiality section below.

Should an employee have any concerns about their safety, or the safety of others in the workplace, the employee is encouraged to talk to their principal/manager or contact as listed above regarding their safety concerns, and to work with their principal/manager or other contact person to make any necessary adjustments to ensure their own safety and that of their colleagues.

## EMPLOYEES SUPPORTING SOMEONE EXPERIENCING FAMILY VIOLENCE

An employee who is supporting a person experiencing family violence may access their personal/carer's leave entitlement for this purpose. Their principal/manager may require suitable evidence to verify that the employee is providing care and support to someone affected by family violence.

While not limited to the options below, types of support provided could include:

- Referral to the EAP
- Carer's leave to accompany the person experiencing family violence to court, hospital or to care for children
- Changes to span of hours or pattern of hours and/or shift patterns
- Other forms of leave approved in accordance with the applicable policy.

# Leave

## LEAVE ENTITLEMENTS

The Department provides up to 20 days' paid leave within a 12-month period for employees affected by family violence, additional to any other paid leave entitlements of the employee. This leave is not cumulative, however if the leave is exhausted and the employee continues to be affected by family violence, consideration will be given to providing additional leave.

While not limited to the circumstances below, paid leave would generally be approved to:

- support an employee's health and wellbeing that may be adversely affected as a result of family violence
- enable attendance at medical appointments related to an incident of family violence
- enable attendance at appointments for professional support services the employee is accessing
- enable attendance at court hearings or other attendances necessary due to the family violence
- provide time for relocation activities related to family violence.

Employees experiencing family violence may also apply for other leave, both paid and unpaid, such as annual leave, additional paid leave (education support class), personal leave, long service leave or leave without pay, for family violence purposes. Applications for other forms of leave should be made in accordance with the relevant policy.

Casual employees are entitled to access leave without pay for family violence purposes.

It is intended that the entitlement to family violence leave is for employees who experience family violence, and not for employees who may be perpetrating family violence.

If the employee is uncomfortable speaking to their principal/manager about their reasons for applying for leave, advice and assistance can be sought from People Services or workplace contact officers.

## LEAVE APPLICATIONS

Applications for family violence leave made because an employee is experiencing family violence must be treated with understanding, sensitivity and confidentiality. Leave may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.

Provision of any relevant information held by an employee can assist the Department in providing the most appropriate support available. Where possible, the intention to take leave should be included in the *Workplace Support Plan* developed with an employee.

Where the employee cannot provide prior notice of the leave they must advise their principal/manager or a more senior manager as soon as practicable and submit their leave application immediately on return to duty, together with the required documentation supporting the absence.

### Teaching Service Applications

The following applies in relation to applications for family violence leave from Teaching Service employees.

- Where possible the employee should discuss their leave intentions with the principal or more senior manager (e.g. Regional Director)
- Following discussion with either the principal or more senior manager, the employee should complete and submit the family violence leave application to their principal or more senior manager, who must ensure the application is submitted to the Manager, Schools People Services for approval, as principals do not have the delegation to approve family violence leave
- Relevant documentation to support the leave application must be provided
- If for any reason the employee is uncomfortable speaking to their principal or a more senior manager about their reasons for applying for leave, they may send their application directly to the Manager, Schools People Services. In this case it may be necessary for the Manager, Schools People Services to contact the principal regarding the leave.
- The family violence leave application form is available on HRWeb

### Public Service Applications

The following applies in relation to applications for family violence leave from Public Service employees.

- The employee should discuss their leave intentions with their manager or a more senior manager
- Following discussion with either the manager or more senior manager, the employee should complete and submit the family violence leave application to their Executive Director/Regional Director or higher delegate (e.g. Assistant Deputy Secretary or Deputy Secretary). Delegates below Executive Director level do not have the delegation to approve family violence leave

- Applications for family violence leave must be approved by an Executive Director/Regional Director or a higher level delegate. The approver of the application is responsible for progressing the family violence leave application to the Manager, Corporate People Services
- The Manager, Corporate People Services is responsible for reviewing and processing all public service family violence leave requests
- Relevant documentation to support the leave application must be provided
- It may be necessary for the Manager, Corporate People Services or the leave approver to contact the employee's manager regarding the leave
- The family violence leave application form is available on HRWeb

## **EVIDENCE**

Where an employee is disclosing experience of family violence and is seeking to take leave the employee will be required to provide suitable evidence. This may take the form of a statutory declaration or a document indicating the employee is experiencing family violence, issued by one of the following:

- Victoria Police or another police service
- a Court
- a general practitioner, nurse, a district nurse or other registered health practitioner
- a Family Violence Support Service
- a maternal and child health nurse
- a lawyer.

Evidence must be provided for each family violence leave application.

# Privacy and Confidentiality

The Department recognises the sensitivity of family violence situations, and as such, promotes the need for the highest degree of confidentiality to be exercised when supporting employees. The Department notes that respecting confidentiality may be critical to the safety of the employee and/or their family.

No information will be kept on an employee's personnel file without their express written permission. Where permission is given, any documentation will be put in a sealed envelope marked 'Confidential – access limited to principal/manager only' and placed in the employee's personnel file.

All information relating to family violence matters provided to the Department will be treated in accordance with the *Privacy and Data Protection Act 2014* (Vic), the *Family Violence Protection Act 2008* and the *Health Records Act 2001* (Vic). 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.

If an employee has any concerns or questions about the way their information has been collected, used, disclosed or secured further information is available at: [Department Privacy Policy](#), or can be sought from the Department's privacy officer.

An employee who discloses they are experiencing family violence will be assured their information will be kept strictly confidential and only used for the purpose of providing support to the employee, except as required or permitted by law, for example:

- the *Occupational Health and Safety Act 2004* (Vic)(OHS Act) requires the employer to notify WorkSafe immediately of serious workplace incidents;
- where a criminal act has occurred or is threatened to occur, the police must be notified.

In ensuring the necessary family violence or other related leave can be approved, or supports put in place, liaison with the employee's principal/manager will generally be necessary. When an employee raises a family violence matter, they should be assured of confidentiality and be properly informed of necessary contact with a principal/manager (or more senior manager).

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.

Employees can request that their colleagues are not made aware of their family violence issues. However, there may be circumstances where others in the workplace may need to be aware of the situation, for example if unwelcome telephone calls are occurring or there is a risk to the safety of the affected employee or any other employees. 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.

# Roles and Responsibilities

## EMPLOYEES ARE RESPONSIBLE FOR:

- familiarising themselves with and complying with this Policy
- making reasonable efforts to provide a safe workplace for themselves, other employees and workplace participants
- developing a supportive environment to encourage other employees to come forward for help and support
- respecting privacy and maintaining the confidentiality of any employees or colleagues who are experiencing family violence.

## EMPLOYEES WHO ARE EXPERIENCING FAMILY VIOLENCE:

- familiarise themselves with this Policy
- discuss the situation with the Department's EAP provider or a family violence support service
- discuss the issue, where appropriate, with their principal/manager or a more senior manager, People Services Consultant, workplace contact officer or union delegate to determine departmental supports available which are available
- discuss and agree appropriate options including the development of a *Workplace Support Plan* with their principal/manager
- ensure an emergency contact person who is outside their immediate family (and not involved in the family violence) is listed on their personnel records
- where a family violence intervention order (or other relevant court order) is obtained, consider requesting to include the workplace, and keep a copy on hand at all times. Consider providing a copy of that order to their principal/manager.

## PRINCIPALS AND MANAGERS ARE RESPONSIBLE FOR:

- familiarising themselves with this Policy and where appropriate participating in relevant training about supporting employees who are experiencing family violence
- maintaining appropriate confidentiality and privacy in relation to disclosures of family violence
- seeking advice and guidance from People Services and/or Manager Assist Program if required
- providing information about supports and services available to an employee who has disclosed they are experiencing family violence
- assisting employees to develop a *Workplace Support Plan* where applicable
- Implementing reasonable measures to manage the actual or potential work-related impacts of family violence and providing a safe work place for employees
- complying with any commitments agreed to in a *Workplace Support Plan* and keeping this plan securely
- checking with the employee that their emergency contact details have been amended to include someone who is outside their immediate family (and not involved in the family violence)
- making reasonable efforts to help employees who need time for medical and legal assistance, court appearances, counselling, relocation, or to make other safety arrangements as a result of experiencing family violence
- submitting any family violence leave application provided by the employee to People Services
- organising flexible working arrangements in accordance with relevant departmental policies
- recognising the impact that family violence issues may have on an employee's performance at work and take this into consideration when assessing performance
- notifying the police where a criminal act has occurred or is threatened to occur
- accessing and understanding family violence leave support materials and training opportunities for principals/managers provided by the Department.

## Further advice and assistance

Further information, advice or assistance on any matters related to family violence is available by:

- accessing the A-Z topic list on [HRWeb](#);
- using the related topics list [HRWeb family violence](#); or
- contacting the relevant People Services unit:
  - For Corporate People Services: [Contact us – Consultant Listing](#)
  - For Schools People Services: call 1800 641 943.