




Domestic Violence Policy

DOCUMENT AUTHORISATION

RESPONSIBLE OFFICER:		MANAGER OF ADMINISTRATION AND HUMAN RESOURCES			
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2	25/11/2021	20.11/21	'Acknowledgement of Country' statement added. EAP details updated. Details of Family and Domestic Violence Leave added. Legislation and supporting documents lists expanded.	MAHR	Council
1	23/08/2018	9.08/18	New policy.	MAHR	Council



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General Manager

18/1/22.
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Date

ACKNOWLEDGEMENT OF COUNTRY

Glen Innes Severn Council acknowledges and pays respect to the Ngoorabul people as the traditional custodians of this land, their elders past, present and emerging and to Torres Strait Islander people and all First Nations people.

PURPOSE

The purpose of this Policy is to recognise the impact that domestic violence can have on the lives of those who experience such abuse, including on their working lives and financial security.

APPLICABILITY

This Policy applies to employees of Council.

This Policy does not form part of any employee's contract of employment. Nor does it form part of any other contractor's contract for service.

OUTCOMES

Council has a Domestic Violence Policy that provides a supportive workplace environment for all employees who are the victims of domestic violence, to assist such employees to balance their work and personal commitments and to address any health, legal or financial issues.

ROLES AND RESPONSIBILITIES

The Human Resources section is responsible for ensuring confidentiality is maintained and that no confidential information regarding domestic violence is stored on an employee's personal file unless there is express written permission to do so.

Managers to whom an employee has disclosed domestic violence have an obligation to keep such information confidential, unless the manager believes on reasonable grounds that the disclosure is necessary to obtain advice and / or to prevent or lessen a threat to the life or health of the individual concerned or another person.

Where an employee discloses that they are suffering domestic violence, the manager should offer support through Council's usual support mechanisms as well as consider requests for flexibility and leave in accordance with this and other related policies.

DEFINITIONS

Domestic violence is an abuse of power perpetrated against a partner or following separation in an intimate relationship. A central element of domestic violence is an on-going pattern of behaviour which is aimed at power and control through fear.

Behaviours that can be exhibited in domestic violence can include but are not limited to threats, physical assault, emotional abuse, sexual abuse, financial exploitation, humiliation, and economic deprivation.

An employee is not considered to be experiencing domestic violence if they have been the victim of violence from someone who is not intimately known to them.

POLICY STATEMENT

Confidentiality

Where an employee discloses to Council that they are experiencing domestic violence and such information is personal / confidential, the information will be managed in accordance with applicable legislation, including but not limited to the *Privacy and Personal Information Protection Act 1998* and the *Government Information (Public Access) Act 2009*.

Without limiting the foregoing, confidential information which discloses that an employee is experiencing domestic violence will be kept confidential, provided that the Council may disclose the information if it believes on reasonable grounds that the disclosure is necessary to obtain advice and / or to prevent or lessen a threat to the life or health of the individual concerned or another person.

Employee Assistance Program (EAP)

Council's Employee Assistance Program provides counselling and support to any employee seeking assistance with challenging issues or to improve their health and wellbeing.

The EAP can be contacted on 1300 361 008 or online at:

<https://login.lifeworks.com>

Leave options for those experiencing domestic violence

Council will make all reasonable efforts to assist victims of domestic violence who require time off for medical, legal, or counselling appointments and for court appearances.

Council will provide paid leave for employees to deal with the impact of family and domestic violence, in accordance with Clause 22M (Family and Domestic Violence Leave) of the Local Government (State) Award 2020.

In addition to the Family and Domestic Violence Leave provided by the Local Government (State) Award 2020, where an employee is experiencing domestic violence, the following leave options are available, upon discussion with Human Resources and / or the immediate manager / supervisor:

- (a) sick leave / carer's leave;
- (b) annual leave;
- (c) long service leave; and
- (d) special leave (with or without pay).

Flexible working arrangements

An employee who is experiencing domestic violence or is escaping domestic violence may require time off work during ordinary working hours that they would not otherwise require.

Such time off work may include time for appointments for health, legal or financial matters or attendance in court or caring for children. Flexible work is designed to enable an employee time away from work to attend to such matters.

The types of flexible work arrangements may include but are not limited to:

- (a) make up time;
- (b) flexi time;
- (c) time in lieu;
- (d) special leave (with or without pay); and
- (e) variation to ordinary hours and rosters.

The terms of a flexible work arrangement shall be in writing and will be kept on the employee's personal file; however, it shall not include any reference to domestic violence.

Returning to work

Where an employee is returning to work after leave due to domestic violence related issues, employees are encouraged to speak with their immediate supervisor or manager and / or Human Resources regarding any on-going safety concerns.

Employees who have identified a risk to their safety or to that of their colleagues in the workplace are encouraged, in conjunction with their manager, to develop a workplace domestic violence safety plan, or to review a safety plan which was previously in place (if one already existed).

Perpetrating Domestic Violence from the Workplace

Council does not tolerate domestic violence being perpetrated in or from the workplace. Any employee who threatens, harasses, or abuses a family or household member at or from the workplace may be subject to disciplinary action.

If an employee is observed or suspected of perpetrating domestic violence from the workplace, managers have a responsibility to take appropriate management action.

Breach of this Policy

Any deliberate breaches of this Policy may result in disciplinary action being taken.

Implementation and Communication

This Policy will be communicated to new staff at their induction.

Revised versions of the Policy that contain significant changes will be communicated to all relevant staff by the Manager of Administration and Human Resources.

LEGISLATION AND SUPPORTING DOCUMENTS

Relevant Legislation, Regulations and Industry Standards include:

- *Local Government (State) Award 2020;*
- *Fair Work Act 2009 (Cth);*
- *Privacy and Personal Information Protection Act 1998 (NSW);*
- *Government Information (Public Access) Act 2009 (NSW); and*
- *Work Health and Safety Act 2011 (NSW).*

Relevant Council Policies and Procedures include:

- HR.2.02 Variable Working Hours Policy;
- HR.6.01 Annual Leave;
- HR.6.02 Sick Leave;
- HR.6.03 Long Service Leave;
- HR.6.04 Carer's Leave Policy; and
- HR.8.04 Unsatisfactory Performance / Disciplinary Procedures Policy.

VARIATION AND REVIEW

The Domestic Violence Policy shall be reviewed every three (3) years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council. The term of the Policy does not expire on the review date, but shall continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.
