

Community Living Association

POLICY AND PROCEDURES

Domestic and Family Violence relating to Employees

PURPOSE

1. Community Living Association 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.
2. This policy provides a framework to support employees who experience domestic and family violence. Employees who are experiencing, or who believe they are at risk of experiencing, domestic and family violence are encouraged to seek support from the workplace.
3. 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.
4. CLA has zero tolerance of domestic and family violence.

INTRODUCTION

1. 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:
 - a. Physical violence
 - b. Sexual assault or other sexually abusive behaviour
 - c. Emotional or psychological abuse
 - d. Verbal abuse
 - e. Spiritual or cultural abuse
 - f. Economic or financial abuse
2. Employees may sometimes experience situations of violence or abuse in their personal life which may affect their attendance or performance at work.

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

PROCEDURE

Immediate Danger

If you are feeling unsafe in the workplace right now, contact CLA Co-ordinator or a Team Leader or call 000.

Confidentiality

- Information about a domestic and family violence situation should be handled similarly to other personnel and health information.
- Employees and managers must maintain appropriate confidentiality in regard to personal information. Discussions with managers in the line of reporting or with Human Resources will be on a strictly need-to-know basis.
- Discussion should 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.

Roles and 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 (Team Leader);
 - A more senior manager (CLA Co-ordinator)
- 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 Team Leader or Co-ordinator.
 - Employees who have had information disclosed to them are encouraged to seek support for themselves within or outside the workplace.

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.
- 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.
- Where a domestic and family violence raises work health and safety concerns, managers should discuss these with Co-ordinator.
- 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 are also encouraged to seek support from the Co-ordinator or the person in CLA they report to.

Support

- Employees experiencing domestic and family violence may require a range of support. This may include:
- Flexible working arrangements – under the National Employment Standards 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:
 - Change of hours to allow the employee to meet family commitments;

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- 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;
 - Offer to develop workload strategies for work to be managed and performance assessed having regard to the employee's circumstances;
- Referral to external support
- Access to leave entitlements in accordance to the SCHCADS Award;
- Any other measures or changes to normal arrangements that are considered appropriate by the agency.

Leave

- Leave is provided in accordance with the SCHCADS Award.
- The SCHCADS 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.
- CLA 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, CLA Inc will make reasonable allowances, subject to the 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 CLA Inc Privacy Policy and Records Management Policy.

Perpetrators of Domestic and Family Violence

may be investigated for a potential breach of the CLA Code of Conduct.

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- CLA 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.
- CLA will not tolerate domestic and family violence being perpetrated in or from the workplace. CLA Code of Conduct requires CLA 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
- An employee suspected of perpetrating violence will also be referred to the relevant support services.
- 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.
- 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.
 1. 1800Respect – National sexual assault, domestic family violence counselling service: 1800 737 732
 2. Lifeline: 13 11 14 – 24 hour crisis support and referral
 3. Relationships Australia: 1300 364 277
 4. Mensline: 1300 789 978
 5. Services Australia Family and Domestic Violence Services – 1800 737 732
 6. Department of Social Services – Family Safety Pack - <https://www.dss.gov.au/family-safety-pack>
 7. WWILD-Sexual Violence Prevention Association Inc – 3262 9877
 8. DVConnect – 1800 811 811
 9. Safesteps – 1800 015 188
 10. Another Closet – Domestic and Family Violence in LGBTIQ Relationships – 1800 656 463