



## **1. Scope**

All permanent, part time, casual and temporary employees of Oberon Council.

## **2. Purpose**

To provide a framework to support employees who experience domestic and family violence and to provide a supportive environment where victims of domestic and family violence are encouraged to come forward for help and support. Council is also committed to supporting a staff member experiencing domestic and family violence to continue to participate in the workforce and maintain their employment through a broad range of support.

## **3. Definitions**

3.1 “Council” means Oberon Council.

3.2 “Domestic and Family Violence” means - Domestic and family violence includes physical, sexual, psychological, emotional and verbal abuse. It can also take the form of economic abuse, harassment and/or stalking. These various forms of abuse often occur simultaneously. It involves violent, abusive or intimidating behaviour carried out by a person against a partner or family member to control and dominate that person and causes physical and/or psychological harm. It can also affect the family’s social and financial wellbeing. A family relationship has a broader definition and includes people who are related to one another through blood, marriage or de facto partnerships, adoption and fostering relationships, sibling and extended family relationships. It includes the full range of kinship ties in Aboriginal and Torres Strait Islander (ATSI) communities, extended family relationships, and families within lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) communities.

## **4. Policy Intention**

- 4.1 Employees who require support or advice in the workplace, particularly those who are surviving domestic and family violence are strongly encouraged to seek Council’s assistance by contacting their Director/Manager or the Human Resources Coordinator in order to discuss their particular circumstances and requests for assistance. Every employee will receive the highest levels of confidentiality from the first instance and this will remain so throughout the process. An employee may also ask another staff member to seek assistance on their behalf. The request for assistance would then need to be addressed discreetly with the employee.
- 4.2 Employees are entitled to request flexible working arrangements in accordance with Award and other Council policy provisions to assist them in managing and resolving domestic and family violence situations.

- 4.3 All employees are entitled to seek counselling assistance utilising Council's Employee Assistance Program.
- 4.4 Council will ensure that personal information concerning domestic and family violence will be kept confidential (see section 6 of this Policy).
- 4.5 Council will aim to ensure a safe workplace for employees who are victims of domestic and family violence and will consider reasonable requests from the employee experiencing domestic and family violence, for example changing their work email address and phone number as needed.
- 4.6 A staff member who experiences situations of violence and abuse in their domestic and family life which may adversely impact on their attendance and/or performance at work will not be disadvantaged in their employment at Council.
- 4.7 Council will co-operate with all legal orders protecting a staff member experiencing domestic and family violence.

## **5. Leave Provisions**

- 5.1 Award leave entitlements may be used by employees experiencing domestic and family violence.
- 5.2 Council will grant up to 10 days paid Domestic Violence Leave in total per calendar year for permanent employees to be used for absences from the workplace to attend to matters arising from domestic and family violence situations. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day. This leave does not accrue from year to year. Casual and temporary employees can access up to 10 days unpaid Domestic Violence Leave per year.
- 5.3 Council will need to be satisfied that domestic and family violence has occurred and may require proof in the form of a document issued by the Police Force, a court, a doctor, a counsellor or support worker, a Family Violence Support Service, a lawyer, or by proving a Statutory Declaration.

## **6. Confidentiality**

- 6.1 Council recognises that matters of this nature are often difficult to discuss. Any employee seeking assistance is assured that the matter will be treated with the highest levels of confidentiality. An employee may nominate to contact their Director/Manager, Human Resources Coordinator up to and including the General Manager. This is also the case for those commencing contact on behalf of another employee.
- 6.2 Any records relating to an employee who requires assistance due to being a victim of domestic and family violence will be kept highly confidential and only accessible by the Human Resources Coordinator. No records, including proof in the form of a document issued by the Police Force, a court, a doctor, a counsellor or support worker, a Family Violence Support Service or a lawyer, or Statutory Declaration, will be kept on the employee's personal file.
- 6.3 Unless otherwise required by law, under no circumstances will any information regarding the issue be disclosed to any other person or used for any other purpose in relation to the affected employee, except with the individual's explicit written consent or request.

- 6.4 Records must be kept relating to any Domestic Violence Leave payment made by Council to an employee for auditing purposes but it will be recorded as Special Leave and will not be described as domestic and family violence within the payroll system.

## **7. Employees who commit acts or threats of domestic and family violence**

- 7.1 Any employee who threatens, harasses or abuses a family or household member at, or from, the workplace will be subject to disciplinary action up to and including termination of employment. This includes employees who use workplace resources such as phones, fax machines, email, mail or other means to threaten, harass or abuse a family or household member.
- 7.2 Some job positions may give an employee access to certain types of information or resources. If an employee uses this access to knowingly enable a perpetrator to harm a victim, that employee will be subject to disciplinary action up to and including termination of employment.

## **8. References**

Local Government (State) Award 2017

Fair Work Act 2009 (Cth)

Industrial Relations Act 1996 (NSW)

Crimes (Domestic and Personal Violence) ACT 2007

### **8.1. Policies**

Equal Employment Opportunity Policy

Positive Working Relationships for an Anti-Bullying and Harassment Free Workplace

Handling Complaints

Leave Policy

## **9. Support Services**

1800RESPECT (1800 737 732/ [www.1800RESPECT.org.au](http://www.1800RESPECT.org.au)) , is a confidential and interactive online and telephone counselling service, available 24 hours a day, 7 days a week. The service provides support to people who are experiencing or are at risk of sexual assault, family and/or domestic violence, as well as those who have experienced this in the past. It also provides support to the family and friends of people subjected to domestic violence.

Mensline 1300 78 99 78 or [www.mensline.org.au](http://www.mensline.org.au). MensLine offers support to men with family and relationship concerns, including those who experienced domestic violence, and also assists perpetrators not to reoffend.

Approving Authority	Oberon Council
Approval	Ordinary Meeting 19 May 2020 Item No. 13.02 Minute No. 09 190520
Next Review Date	May 2022
Issue Date to staff	May 2020