

<b>Policy: Family &amp; Domestic Violence Policy</b>	
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Policy Owner: <b>Head of People. Safety and Compliance</b>	Authorised by: <b>CEO</b>
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## **1. Introduction**

### **Policy Statement**

Family and domestic violence is widespread in the broader community and may directly impact employees of ARA. Family and domestic violence can have severe health and economic impacts on persons to whom family and domestic violence is directed, including an employee's family.

## **2. Purpose**

ARA wishes to assist employees experiencing family and domestic violence to seek professional assistance and to provide support to the employee to maintain their ongoing employment. The Support section of this policy details the support available to an employee. At times, a family and domestic violence matter may directly impact the workplace via a perpetrator contacting the employee or others at the workplace. The Workplace Safety & Security section also outlines what actions may be taken to protect the employee or others in the workplace in these circumstances.

ARA also advises employees who may be perpetrators of family and domestic violence that such conduct will become a workplace matter and subject to this and/or other relevant workplace policies when:

- family and domestic violence is perpetuated either in the workplace, during work time, uses work resources, impacts workplace health and safety, or detrimentally impacts productivity or team functioning; and/or
- family and domestic violence becomes subject to a court order impacting the workplace or working relationships.

## **3. Definitions**

### **For the purposes of this policy:**

**Close relative** means:

an employee's:

- spouse or former spouse
- de facto partner or former de facto partner
- child
- parent
- grandparent
- grandchild
- sibling
- an employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or

- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

A reference to a spouse or de facto partner includes a former spouse or de facto partner.

**Family and domestic violence** means:

- violent, threatening, or other abusive behaviour by a close relative of an employee, a member of an employee's household, or a current or former intimate partner of an employee of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

Examples of behaviour that may constitute family and domestic violence include (but are not limited to):

- an assault
- a sexual assault or other sexually abusive behaviour
- stalking
- repeated derogatory taunts
- intentionally damaging or destroying property
- intentionally causing death or injury to an animal
- unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support
- unreasonably denying the family member the financial autonomy that he or she would otherwise have had
- preventing the family member from making or keeping connections with his or her family, friends or culture
- unlawfully depriving the family member, or any member of the family member's family, of his or her liberty

**Work anniversary** means the date on which an employee's employment started.

#### 4. Application of the policy

This policy applies to every employee and contractor (worker) of ARA

#### 5. Support

##### 5.1. HR/Management Support

ARA acknowledges the very personal and sensitive nature of family and domestic violence and the impact on an employee. Employees who are experiencing family and domestic violence are encouraged to speak in confidence to Human Resources. Human Resources will assist and encourage the employee to explore the options for support under this policy and ensure prompt action in relation to any requests for support or identified actions in relation to workplace safety and security.

##### 5.2. Counselling

Employees who are experiencing family and domestic violence are encouraged to seek support via 1800 RESPECT (female or male employees or other counselling organisations offering support and advice in relation to domestic violence):

TEL: **1800 RESPECT** 1800 737 732

TTY: 1800 671 442

Web: [www.1800respect.org.au](http://www.1800respect.org.au)

### 5.3. Employee Assistance Program

Employees are also encouraged to seek the support of ARA's Employee Assistance Program for confidential counselling and advice available to the employee and their family members impacted by domestic violence.

Contact details:

LifeWorks 1300 361 008 (AUS) or 0800 155 318 (NZ)

## 6. Family and domestic violence leave

All employees can access 10 days of paid family and domestic violence leave each year. This includes full-time, part-time and casual employees.

Employees must be experiencing family and domestic violence to be eligible to take paid family and domestic violence leave.

An employee's paid leave entitlement is available in full immediately and resets on their work anniversary. It doesn't accumulate from year to year.

Paid family and domestic violence leave is a standalone leave entitlement. This means employees get it separately from other types of leave, such as annual leave or paid sick and carer's leave.

Family and domestic violence leave will be paid at the employee's full rate of pay for the hours that the employee would have worked if they had not taken leave. Casual employees will be paid for hours on which they have been rostered or accepted an offer to work. A casual employee may take family and domestic violence leave over a period when they have not been rostered or accepted work, but the family and domestic violence leave will be unpaid.

Family and domestic violence leave is for the purpose of allowing an employee to do something to manage the impact of family and domestic violence where it is impractical for the employee to perform that activity outside their work hours. Examples of circumstances in which family and domestic violence leave might be used include:

- Seeking medical, counselling, financial, or legal assistance relating to family and domestic violence
- Attending Centrelink to obtain a benefit
- Attending a financial institution to arrange financial autonomy from a perpetrator of family and domestic violence
- Accessing police services;
- Attending court in relation to family and domestic violence perpetrated on the employee or family member
- Finding or moving into safe accommodation
- To make other related safety arrangements (e.g. changing locks, repairing doors/windows, installing alarms/video cameras)
- Relocating a family pet subject to family and domestic violence to a safe location and/or seeking urgent veterinary attention for the pet

An employee wishing to access family and domestic violence leave must notify their manager of the leave as

soon as practicable and advise of the expected duration of the leave. Unless exceptional circumstances apply, the employee is expected to provide notice prior to the leave commencing.

The granting of family and domestic violence leave is subject to an employee producing evidence satisfactory ARA that the leave requested relates to the purpose above.

A permanent employee who has used all their family and domestic violence leave may also apply for annual leave to attend to the matters listed above, and ARA will not unreasonably refuse such a request.

Casual employees who have exhausted or do not wish to access their entitlement to family and domestic violence leave may decline to work on days on which they need to attend to matters relating to domestic violence. Even if not accessing family and domestic violence leave, casual employees are encouraged to report their concerns to Human Resources and explore the support and workplace security and safety support available to them in this policy.

## **7. Requesting a flexible work arrangement**

An employee who is experiencing family and domestic violence, or who needs to provide care or support to a member of their household or immediate family because of family and domestic violence may request a change to their work arrangements. Such a request could involve a change to:

- Hours of work (e.g. changes to start and finish times)
- Patterns of work (e.g. change shifts or become part-time or job share)
- Locations of work (e.g. site or working from home).

### **7.1. Making a request**

A request for a flexible working arrangement must be made in writing to Human Resources and include details of the change being sought and the reason for the request.

Casual employees can make a request if:

- They have been working for the same employer regularly and systematically for at least 12 months; and
- There is a reasonable expectation of continuing work with the employer on a regular and systematic basis.

### **7.2. Responding to a request**

Before responding to a request made under this policy, the organisation will discuss the request with the employee and genuinely try to reach an agreement on a change in working arrangements that will reasonably accommodate the employee's circumstances having regard to:

- (a) the needs of the employee arising from their circumstances.
- (b) the consequences for the employee if changes in working arrangements are not made; and
- (c) any reasonable business grounds for refusing the request.

In circumstances in which an employee's request may not be capable of being met in full, ARA will seek to consult with an employee in relation to a possible alternative flexible work arrangement that may meet both the employees' needs and ARA's operational needs.

The organisation will provide a written response to the request within 21 days, stating whether the request has been granted.

If the request is not granted, the written response will include details of the business reasons for the refusal

and how the business reason or reasons apply.

Where an agreement to change working arrangements is not reached, the written response will state whether there are any other changes in working arrangements that the organisation can offer the employee to accommodate the employee's circumstances, and if other changes are available, set out those potential changes.

### **7.3. Reasonable business reasons for refusal**

The organisation can refuse a request for a change in working arrangements on reasonable business grounds. Reasonable business grounds can include (but are not limited to):

- the new working arrangements requested by the employee would be too costly for the organisation;
- there is no capacity to change the working arrangements of other employees to accommodate the working arrangements requested.
- it would be impractical to change the working arrangements of other employees, or recruit new employees, to accommodate the new working arrangements requested.
- the new working arrangements requested by the employee would be likely to result in significant loss in efficiency or productivity.
- the new working arrangements requested by the employee would be likely to have a significant negative impact on customer service.

## **8. Confidentiality & privacy**

ARA will treat information related to a request for support or for actions related to securing workplace security and safety as confidential and private to the full extent possible in the circumstances. The matter is personal and sensitive, and we understand many employees would not wish other employees to know of their circumstances unless they choose to divulge it.

The existence of family and domestic violence perpetuated against an employee will only be revealed on a 'needs to know' basis. For example, IT or security (staff or contractors) may need sufficient detail to assess employees' security and safety needs and take appropriate actions.

In this example, the IT personnel may be advised to reject emails from the perpetrator, create an automated bounce back message, obtain a photograph to identify a perpetrator before they can enter the workplace etc. An employee's manager would also be aware of an application for leave to deal with matters related taking leave in accordance with the Support section of this policy.

Any disclosure under this policy will be restricted to "needs to know" and only to the level of detail necessary for the employee or contractor to fulfil their role related to providing Support and Workplace Safety and Security under this policy. They would not need to know any details regarding the family and domestic violence– just the nature of any support and safety/security actions required.

An employee will be consulted about any disclosure that seems necessary in the circumstances and in the development of any workplace safety and security measures.

All employees and managers are responsible to ensure the confidentiality of any disclosure made to them and that the information obtained is used only for the purpose it was provided.

## **9. Workplace safety & security**

In some circumstances, family and domestic violence can be perpetuated against an employee in the

workplace. For example, a perpetrator sending harassing emails, phoning, stalking or harassing an employee at work. Some perpetrators may extend their abuse or threats to other employees in the workplace.

The nature of this behaviour may also be a breach of court orders, be criminal behaviour or impact the organisation's obligations to provide a safe system of work. Therefore, a review of the workplace safety and security needs of the employee will be conducted, and any reasonable safety and security measures taken upon the organisation becoming aware of the potential for family and domestic violence to occur in the workplace.

This review should examine issues such as:

- Is the perpetrator likely to attend the workplace?
- Does the employee's workstation or role put them at risk of exposure to the perpetrator?
- Is the perpetrator contacting (or likely to contact) the employee in the workplace via mail, email or telephone?
- Is the perpetrator contacting (or likely to contact) other employees in the workplace?
- Can the employee travel safely to and from the work location?
- Do the employee's work hours or pattern of work hours place them or others at risk?

A key safety and security measure is for an employee to give permission for Human Resources to have a copy of any Intervention or Restraining Orders (e.g. AVO). This will enable the organisation to promptly report any breaches of an Order to police and obtain urgent police assistance if this is required.

Several actions may occur depending upon the outcome of the workplace safety and security review. These may include but are not limited to the following examples:

- The employee providing a copy of a court order to the employer
- The employee being encouraged to ensure any order includes the workplace
- Diverting an employee's email/ mail/telephone to another employee, mailbox or voicemail to enable review of content and referral to police if necessary
- Changing an employee's email and telephone number
- Activating caller ID
- Co-workers and managers screening phone calls or visitors to site
- Changing a work location or hours of work
- Enhanced security patrols
- Enhanced secure access to the workplace
- Staff being asked to be vigilant and question or report strangers appearing in the workplace or loitering outside
- Changing work duties to ensure an employee does not work alone
- Staff being instructed to be alert to queries regarding an employee's location and movements and report queries promptly to a nominated contact
- The employee providing a photograph of the perpetrator for use by reception, security or even placement on staff notice boards as required by the circumstances

### 10. Disciplinary action

At times, the perpetrator of family and domestic violence may be an employee of ARA. This will become an organisational issue in a range of circumstances.

Any actions or behaviours constituting family and domestic violence committed in the workplace or related to work will constitute misconduct in the workplace and be subject to disciplinary action including warnings and/or termination of employment.

In other circumstances, a perpetrator may be engaging in family and domestic violence against a person who is not an employee but is using company resources (such as the organisation's computer or telephone system) or is engaging in the conduct during work time. Such behaviour will constitute misconduct and may give rise to disciplinary action including warnings and may include termination of employment.

### 11. Compliance with court orders

Instances of family and domestic violence might also become subject to a court order. In circumstances where a court order relating to family and domestic violence applies to one or more employees in the workplace, \ ARA, may also give reasonable directions to employees to ensure compliance. Failure to comply with these directions will constitute misconduct attracting disciplinary action including warnings and/or termination of employment.

In addition, ARA will comply with a court order that impacts the employee's contact, actions or behaviour in the workplace and may report breaches of the order to the police.

Employees who are committing or who feel they may commit acts of family and domestic violence are encouraged to seek counselling assistance from the Employee Assistance Program provider in the Support section of this policy, or a service such as those listed below that provides anonymous and confidential telephone counselling, information and referral to help perpetrators stop using violent and/or controlling behaviour.

Men's Referral Service

1300 766 491

[www.mrs.org.au](http://www.mrs.org.au)

MensLine Australia

1300 78 99 78

[mensline.org.au](http://mensline.org.au)

### Change Register

Revision Number	Date	Change
1	03/02/2023	New Policy
2	01/8/2023	Review against FWC <a href="https://www.fairwork.gov.au/leave/family-and-domestic-violence-leave">https://www.fairwork.gov.au/leave/family-and-domestic-violence-leave</a>