

# Family and Domestic Violence Policy

## Review:

This document was:

<b>Reviewed by:</b>	Operations Team	<b>Review/Revise Date:</b>	Jan 2024
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## Purpose

Whizdom is committed to supporting employees affected by family and domestic violence, and providing a workplace environment that promotes safety and flexibility in times of need. A sensitive and holistic approach to supporting employees allows them to continue to participate in the workplace during a difficult time.

This policy provides a framework to support employees who experience family and domestic violence. Employees who are experiencing, or who are at risk of experiencing, family and domestic violence are encouraged to seek support from the workplace. This policy also acts as a guide for managers and colleagues to support employees whose work life is affected by family and domestic violence. It outlines support available within and outside the workplace for individuals, their managers, and their colleagues.

## Introduction

Family and domestic violence is a pattern of abusive behaviour in a 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. Family and domestic violence can include, but is not limited to:

- physical violence
- sexual assault or other sexually abusive behaviour
- emotional or psychological abuse
- verbal abuse
- spiritual or cultural abuse
- stalking
- economic or financial abuse.

Employees may sometimes experience situations of violence or abuse in their personal life which may affect their attendance or performance at work.

## Immediate Danger

If you are feeling unsafe in the workplace right now or if someone is in danger, call **000**. The police must be notified of any incidents of family and domestic violence in the workplace.

## Confidentiality

Whizdom will take all reasonable steps to keep information about the employee's situation that they receive as part of an employee taking family and domestic violence leave confidential. This includes:

- information about the employee giving notice that they are taking leave
- any evidence provided

Whizdom will only disclose this information if:

- required by law
- it's necessary to protect the life, health or safety of the employee or another person
- if the employee consents

Information about an employee's experience of family and domestic violence is sensitive, if information is mishandled, it could have adverse consequences for the employee including injury or harm. Whizdom will work with the employee to discuss and agree on how this information is handled.

## Roles and Responsibilities

### Employees

Employees experiencing family and domestic violence, and wish to access any of the support available within the workplace can contact the following people:

- their immediate manager;
- an executive team member; or
- Whizdom's Employee Assistance Program (EAP), MindFit at Work on 1300 993 842

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 family and domestic 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 their immediate manager or an executive team member.
- referring them to this policy, the EAP, or any of the external support services listed at the end of this document.

If an employee is concerned about a colleague's health and safety, they must speak to an executive team member. Employees who have had information disclosed to them are encouraged to seek support for themselves in or outside the workplace, including through the EAP or an external support service.

### Managers

Managers are responsible for ensuring employees are aware of this policy and providing support consistent with this policy to employees affected by family and domestic 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. It is important to remember that an employee may choose not to talk about the concerns.

Where family and domestic violence raises work health and safety concerns, managers must discuss these directly with an executive team member. Managers should fully facilitate support for an employee in the workplace.

If a manager needs support as a result of an employee disclosing family and domestic violence to them, they can also contact EAP services or one of the external support services listed below.

## Support

Employees experiencing family and domestic 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.

**Flexibility in performance management**—family and domestic 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.
- offer to develop workload strategies for work to be managed and performance assessed.
- Refer the employee to internal and external support services listed at the end of this document.
- Provide access to leave entitlements in accordance with this policy.
- Any other measures or changes to normal arrangements that are considered appropriate by the executive team.

## Leave

Employees are entitled to 10 days of paid family and domestic violence leave per annum upfront, meaning it does not need to be accumulated. This includes full-time, part-time, and casual employees. The leave does not accumulate from year to year if it is not used and will reset to 10 days on the anniversary of commencement each year. These days do not need to be taken in a continuous batch.

Employees must experience family and domestic violence to be eligible to take paid family and domestic violence leave. Employees can take paid leave to deal with the impact of family and domestic violence. This could include:

- making arrangements for their safety, or the safety of a family member (including relocation)
- attend court hearings or accessing police services
- attending counselling, appointments with medical, financial or legal professionals

For the purposes of this leave entitlement, family member includes:

- your spouse, de facto partner (including a former spouse or de facto partner), child, parent, grandparent, grandchild or sibling
- a child, parent, grandparent, grandchild or sibling of your spouse or de facto partner, or
- a person related to you according to Aboriginal or Torres Strait Islander kinship rules.

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, Whizdom will make reasonable allowances. This may include the employee accessing other leave including annual leave, long service leave or leave without pay. Employees may be given flexibility in work hours and may be allowed to make up time where leave cannot be used.

### Notice and Evidence

If you take family and domestic violence leave you are required to provide Whizdom with notice as soon as reasonably practicable and advise of the period (or expected period) of the leave. Whizdom may require you to provide evidence that the leave will be, or was, taken for the purpose as outlined in this policy.

Depending on the circumstances such evidence may include:

- a document issued by the police service
- a court or a family violence support service
- a statutory declaration

### 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 kept secure, in line with the [Privacy Policy](#).

To ensure confidentiality, leave can be directly requested with an executive team member.

Pay slips must not mention paid family and domestic violence leave, including any leave taken and leave balances. An amount paid to an employee for taking paid family and domestic violence leave must be recorded on a pay slip as:

- ordinary hours of work; or
- another kind of payment for performing work, such as an allowance, bonus or overtime payment.
- Annual leave (only if requested by the employee)

### Perpetrators of Family and Domestic Violence

Whizdom understands that the workplace may include not only employees who are victims of, or affected by family and domestic violence, but also perpetrators—and that this must also be handled appropriately and sensitively.

Whizdom will not tolerate family and domestic violence being perpetrated in or from the workplace. The Whizdom [EEO Policy](#) requires employees, when acting in connection with their employment, to treat people with respect and courtesy and without harassment. Whizdom will not tolerate an 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, including EAP services. Family and domestic violence is a criminal offence and is subject to the relevant state or territory laws.

### Protections from Discrimination

Employees will not be discriminated against in the workplace because they are or have been experiencing family and domestic violence. Employees will be protected under the [Whistle Blower](#) policy if they disclose information in confidence, regarding a colleague's potential or current family and domestic violence situation.

### Further Assistance

If you or someone you know is experiencing family and domestic violence, or you simply want to find out more, the following external services are available to provide information and assistance:

- [1800RESPECT](#) – National sexual assault, domestic family violence counselling service: 1800 737 732.
- Employee Assistance Program; [MindFit at Work](#) 1300 993 842
- [Fair Work Ombudsman](#): Family and domestic violence leave information