



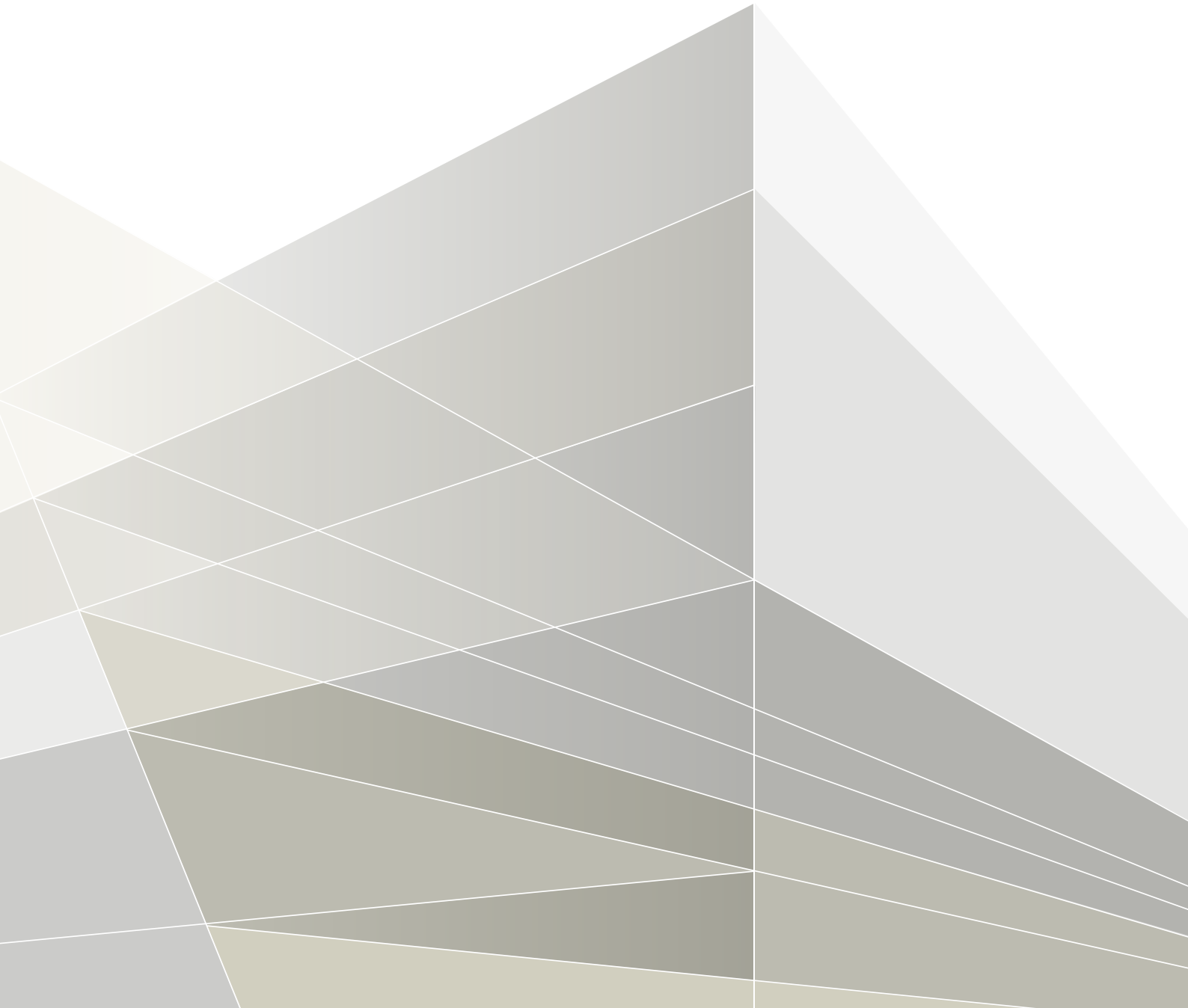
# FAMILY VIOLENCE POLICY

## Policy Document

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## I. DEFINITION & PURPOSE OF THIS POLICY

### Definition:

The *Fair Work Act* defines family and domestic violence as violent, threatening or other abusive behaviour by an employee's **close relative** that seeks to coerce or control the employee and causes them harm or to be fearful.

### Who is a **close relative**?

A close relative is:

- › 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.

### Purpose of this Policy:

The purpose of this family violence policy is to demonstrate our commitment to providing a workplace in which family violence is not tolerated or excused, as well as a commitment to managing the impact it has on employees and their participation in the workplace.

The purpose of a workplace family violence policy is to:

- › Raise awareness among employees about family violence and the impacts it has on people in the workplace, and how to support co-workers
- › Create a safe working environment that promotes gender equity and models non-violent and respectful relationships
- › Guide responses to employees who are affected by family violence
- › Create a supportive environment that will encourage people experiencing family violence to seek support.

In addition, by implementing this policy Neo Construct demonstrates their commitment to supporting paid employment for people experiencing family violence. Paid employment is a known protective factor for women experiencing family violence, and also plays an important role in promoting the independence and wellbeing of women when they are trying to leave or have left a violent relationship.

While family violence leave policies generally apply to all employees regardless of their gender or sexuality, it is important to acknowledge that the majority of family violence victims are women and they are therefore more likely to require the support afforded by this policy.

## 2. SIGNS OF FAMILY OR DOMESTIC VIOLENCE

Recognising the signs that an employee is experiencing family and domestic violence gives managers and co-workers the opportunity to provide the employee with support and help them explore their options. It's critical that workplaces know the signs that someone may be experiencing family and domestic violence, so they can help employees access the support they need.

Behaviours that may signal a person is experiencing family and domestic violence include:

- › excessive absence or lateness [especially on Mondays]
- › a sudden or sustained drop in productivity
- › frequent unexplained bruises or injuries
- › wearing concealing clothing, even in warm weather
- › frequent or unusual work breaks, or unusual start and finish times
- › displaying anxiety
- › appearing distracted, depressed or overly jumpy
- › lack of concentration or difficulty making decisions
- › inability to take work-related trips
- › receiving excessive personal calls, texts or visits.

If managers suspect that an employee may be experiencing family and domestic violence, it is appropriate for them to raise their concerns with the employee. While managers are not counsellors or confidantes, it is important that they feel equipped to raise their concerns and support their employees.

If co-workers suspect that one of their co-workers may be experiencing family and domestic violence, they may raise their concerns with their co-worker or their manager. As with managers, it's important that co-workers feel equipped to raise their concerns and support their fellow co-workers.

### **3. RESPONDING TO DISCLOSURES OF FAMILY VIOLENCE**

Employees experiencing family violence are encouraged to raise the matter with either their immediate supervisor or the director. However, they may feel more comfortable disclosing their experience to a peer or close colleague, therefore it is important that all employees understand this document and how to respond to a disclosure and are aware of their responsibilities in these situations.

While all employees require an understanding of how to respond to family violence disclosures, it is likely that supervisors, managers, designated family violence officers will have primary responsibility for supporting employees experiencing family violence. Therefore, it is important that people in these roles are provided with adequate training and resources to support them with the process.

### **4. EMPLOYEE CONFIDENTIALITY**

Family violence issues should always be discussed in a safe and confidential place.

As it is important that the privacy of employees experiencing family violence is strictly maintained, disclosures of family violence are only provided to other employees as required, and only with the consent of the employee experiencing the violence.

Furthermore, information pertaining to a disclosure of family violence is kept strictly confidential and is not recorded on the employee's personnel file without their express permission [with the exception of recording family violence leave]. If an employee chooses to record information about their family violence experience, only information that relates to the workplace is documented, as this information could be used if a family violence issue is brought before the courts.

Family violence incidents involving children may need to be reported to a relevant authority, in line with relevant legislation. This is to be undertaken in consultation with the employee experiencing violence as well as a specialist family violence service.

### **Documenting Employee Disclosures of Family Violence**

The following information is to be recorded and stored securely and confidentially by the Director in a password protected file:

- › The date and time discussions occurred
- › The details of family violence incidents as relevant to the workplace
- › The details of support Neo Construct has provided to the employee, including referral options, workplace safety planning and information provided
- › Whether a referral has been made to justice services, for example, the police or child protection.

## **5. PROVIDING SUPPORT**

Neo Construct will make all reasonable efforts to create a safe and supportive workplace for employees experiencing family violence.

Employees who disclose their experience of family violence must be listened to, believed and given complete control over how to manage their situation, including accessing the support options available to them. Neo Construct will provide support to the employee regardless of whether or not they plan to take the matter further, for example making a formal report to police or engaging with a family violence support service.

In addition to providing a safe and supportive environment, we will support employees in the following ways:

- › Providing information on the Employee Assistance Program (EAP)
- › Providing information on the family violence resources and support services available externally
- › Providing information on the organisation's family violence leave options [refer to Section 6], and supporting employees to access it
- › Supporting changes to duties and responsibilities when requested
- › Supporting changes such as relocation, change of hours and change of contact details in order to increase their safety
- › Supporting them to develop a workplace safety plan, in consultation with a specialist family violence service (refer to Section 8).

## **6. FAMILY VIOLENCE LEAVE**

People experiencing family violence are likely to require time away from the workplace. Family violence leave provisions ensure that employees are supported to take time off, for reasons including:

- › To seek medical or legal assistance
- › To attend appointments, including with various support services and health professionals
- › To attend court appearances
- › To relocate to new accommodation
- › To make safety arrangements

- › To take action relating to the wellbeing of their children.

If an employee exhausts their paid family violence leave and requires further time away from work, they will be supported with access to other paid leave options, such as personal leave and annual leave before being required to take leave without pay.

### **Evidence for Leave**

Employees experiencing family violence may be required to provide evidence of their need to access family violence leave. Evidence may include an agreed document issued by the police [including a statutory declaration], a court, a family violence support service, health professional, or legal professional. Neo Construct will take all reasonable steps to ensure that this is not burdensome, it does not cause them unnecessary additional stress, and it does not impact on their ability to access leave or maintain employment. This may include only requiring the employee to provide evidence upon their first disclosure of violence, rather than for every occasion of leave they seek.

### **Recording Family Violence Leave**

The company's leave and payroll systems have the capacity to record this information securely to ensure that only the employee and the relevant management staff are able to access these details.

## **7. SUPPORTING EMPLOYEE WORK PERFORMANCE**

Family violence can affect the wellbeing, productivity and performance of people in their workplace, and can lead to increased work interruptions and absenteeism.

Employees experiencing family violence are not subject to any adverse or disciplinary action if their attendance or performance at work suffers as a result.

Employees are also to be protected against adverse action or discrimination on the basis of their disclosure, experience of, or perceived experience of family violence, in line with Equal Employment Opportunity legislation.

It is important that when a manager or supervisor becomes aware that an employee's productivity and performance is being impacted by family violence, that they consider all aspects of the employee's situation and that they make reasonable efforts to resolve performance issues.

Employees experiencing violence should be supported to develop and implement a modified work plan that enables them to continue in their role and manage their workload. In some instances, this may involve modifying job duties and responsibilities and/or changing the pattern of hours worked.

## **8. DESIGNATED FAMILY VIOLENCE OFFICER**

Neo Construct's director will perform the role of the designated family violence officer [DFVO], employees experiencing family violence can confide in the DFVO. The DFVO will also allocate a support officer to oversee and advise on the implementation of the workplace family violence policy and procedure should the need arise. This includes providing advice and support to supervisors/managers who are supporting a staff member experiencing family violence.

Training on the organisational workplace policy and procedure will be provided, as well as specifically on responding to family violence disclosures in the workplace.

## 9. FAMILY VIOLENCE EDUCATION

Ongoing training will be provided to all employees on:

- › The causes, impacts and indicators of family violence
- › Responding appropriately to a disclosure of family violence
- › Understanding how to appropriately identify and respond to a disclosure of family violence
- › Understanding how to refer for family violence support within the organisation.

It is recommended that managers, and he designated Family Violence Officers be provided with training and supervision on:

- › Referring an employee experiencing family to appropriate support services
- › Providing support to employees on attendance and performance at work
- › Supporting employees to put a Workplace Safety Plan in place
- › Accessing support for their own self-care [recognising the impact providing family violence support can have on their own wellbeing].

## 10. WORKPLACE SAFETY PLAN FOR EMPLOYEES

Managers have a responsibility to offer support to employees experiencing family violence, which includes determining whether the employee requires a workplace safety plan, please refer to **Appendix B**.

A workplace safety plan should be developed in consultation with the employee experiencing violence. When developing a workplace safety plan, consider the changes that may need to be made to the employee's working arrangements [such as work schedules, location and contact details].

Consideration should also be given to the potential risk of physical harm to other employees.

In instances where there is a threat to the safety of an employee, the police should be contacted immediately.

In the instance an employee prefers not to seek support, is not eligible to receive support from a specialist service or is waiting to gain access to a specialist service, organisations may refer to **Appendix A** for guidance on how to support employees to develop a workplace safety plan.

## 11. EMPLOYEES WHO COMMIT ACTS OR THREATS OF FAMILY VIOLENCE

Employees who threaten, harass or abuse a current or ex-partner or family member from or at the workplace will be subject to disciplinary action, including possible dismissal [in line with organisational policy and procedures regarding misconduct].

In instances where there is a threat to the safety of an employee, the police should be contacted immediately.

Should the need arise management will also consider if there is a safe pathway for the victim of the employee’s behaviour to be offered support and safety planning by an appropriate service or support person, even if that victim is not an employee of the organisation.

Employees who have perpetrated family violence from or at the workplace and employees who disclose that they have perpetrated family violence should be provided with information on services for perpetrators and encouraged to contact and seek support from an appropriate specialist men’s family violence service or men’s behaviour change provider.

It is outside the scope of this policy to provide guidelines on responding to employees who disclose their own use of violence. Engaging with a perpetrator on his use of violence can be complex and fraught with risks if not approached in a skilled and appropriate way. For this reason, organisations are encouraged to contact the *Men’s Referral Service on 1300 766 491* for advice and support with matters relating to perpetrators of family violence.

## 12. DELEGATION OF RESPONSIBILITY

The table below outlines key responsibilities that need to be undertaken for an organisational response to staff disclosures of family violence.

ROLE	DIRECTOR	SENIOR MANAGERS	SITE MANAGERS	FAMILY VIOLENCE OFFICERS	ALL EMPLOYEES
Understand the impact of family violence on people in the workplace					
Provide a safe & supportive environment for people experiencing family violence					
Respond appropriately to disclosures in line with this policy					
Maintain confidentiality of family violence disclosures					
Manage/approve access to family violence leave					
Provide information on workplace supports & referral options					
Implement appropriate					



ROLE	DIRECTOR	SENIOR MANAGERS	SITE MANAGERS	FAMILY VIOLENCE OFFICERS	ALL EMPLOYEES
workplace safety strategies					
Provide appropriate FV training opportunities					
Promote the implementation of this policy					

### 13. POLICY REVIEW

It is recommended that this policy be reviewed and updated every three years.

### 14. LEGISLATION

It is recommended that this policy be reviewed and updated every three years.

- › *Family Violence Protection Act 2008*
- › *Stalking Intervention Orders Act 2008*
- › *Occupational Health and Safety Act 2004*
- › *Fair Work Act 2009*
- › *Victorian Equal Opportunity Act 2010*
- › *Human Rights and Equal Opportunity Commission Act 1986*
- › *Information Privacy Act 2000*
- › *Victorian Charter of Human Rights and Responsibilities Act 2006*

### 15. RELATED NEO CONSTRUCT POLICIES

- › Equality Opportunity Policy
- › Harassment Policy
- › Occupational Health and Safety Policy
- › Gender Equity Policy
- › Equal Opportunity Policy
- › Enterprise Agreement
- ›

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EFFECTIVE DATE: 01/04/2021

## APPENDIX A: Information & Resources:

Detailed below is a list of services which may be of assistance in situations of Family Violence;

FAMILY VIOLENCE SERVICES		
Service	Information	Contact
<b>Berry Street Family &amp; Domestic Violence Service</b>	Receives all police referrals for women who have experienced violence in the Northern Metropolitan Region. Provides telephone support as well as face-to-face risk assessment and safety planning, court support, short and medium term and intensive case management, counselling, group work and secondary consultation to workers.	03 9429 9266
<b>In Touch Multicultural Centre Against Family Violence</b>	State-wide service, which provides services, programs and responses to issues of family violence in CALD communities.	03 8413 6500 1800 755 988
<b>Elizabeth Morgan House Aboriginal Women's Service</b>	Provides a range of support to Aboriginal women and children experiencing family violence, including intake and assessment and secondary consults. Mon-Fri, 9am-5pm	03 9482 5744
<b>Safe Steps Family Violence Resource Centre</b>	Provides telephone crisis counselling, referral, information and support and is the central contact point for women's refuges in Victoria. 24 hours, 7 days	1800 015 188
<b>Women's Health West</b>	Information, crisis support, counselling and referral for women and children affected by family violence.	03 9689 9588
<b>Men's Referral Service</b>	Anonymous and confidential telephone counselling, information and referrals to help men stop using violent and controlling behaviour. Mon – Fri, 9am – 9pm	1800 065 973
<b>Kids Help Line</b>	Provides support and information for children. 24-hour support	1800 551 800
<b>1800 Respect</b>	National sexual assault, family and domestic violence counselling line. 24-hour support.	1800 737 732
<b>Sexual Assault Crisis &amp; Counselling Line</b>	State-wide, after-hours, confidential, telephone crisis counselling service for victim/survivors of both past and recent sexual assault.	1800 806 292

## **APPENDIX B: FV Workplace Safety Plan Outline**

It is recommended that employees are provided with referral information for accessing a specialist family violence service, as they will undertake a full risk assessment and develop comprehensive safety plan with the employee.

However, this template may assist to identify important safety needs within the workplace, and to put a basic safety plan in place in instances where an employee has not had contact with a specialist service.

When developing a safety plan, the person experiencing family violence should feel empowered to determine their needs and lead their preferred response. Workplace safety planning is a process of assessing each person's individual situation, creating a plan relevant to their needs and adapting it when their circumstances change.

It is important to be mindful about providing employees with written information that can be found by a perpetrator, as this may increase their risk of violence.

Where there is an immediate threat to the safety of an employee, the police should be contacted by calling 000.

It is recommended that a delegated contact person is appointed that an employee experiencing family violence can discuss their situation with and provide updates to as their circumstances change. It is important that the delegated person treats the information as confidential, and only discloses to another employee when it is necessary, and always in consultation with the affected employee. It is recommended that a safety action plan be developed that incorporates the following strategies, and which assigns responsibilities and timelines for review.

### **Current factors that present a safety risk/concern in the workplace:**

Examples may include, but are not limited to:

- › Perpetrator repeatedly contacting the employee at work
- › Perpetrator presenting at the workplace
- › Perpetrator stalking the employee [this could include stalking via mobile or internet technologies, or proxy stalking]
- › Perpetrator behaving aggressively towards other employees/clients
- › Perpetrator waiting for the staff member in the car park or reception areas
- › Perpetrator hiding work clothes which means the employee attends work without a uniform [where applicable]
- › Perpetrator inflicting visible or painful injuries
- › Perpetrator controlling the employee's income
- › The threat of any of the above.

### **Safety strategies that may be implemented in the workplace:**

Examples may include, but are not limited to:

- › Changes to work schedule, work space, pattern of hours or work location
  - Changes to start and finish times (variations reduce predictability and the likelihood of stalking)

- Ensure that there is more than one person on a shift.
- › Changes to electronic payroll transfers or benefits to mitigate the impact of financial abuse
- › Possible changes to job duties or any other appropriate measures, including those available under existing provisions for flexible work arrangements
- › Changes to telephone responses or email to avoid harassing contact for example:
  - Another delegated employee screens all incoming calls and takes messages for the affected employee
  - Transfer all calls to a voicemail service
  - Provide a secondary work email address and phone number.
- › Have a copy of the Intervention Order [if there is one in place] on file with the employee's permission
  - Develop strategies to respond to the perpetrator if they attend the workplace
  - Develop strategies to respond to the perpetrator if they attempt to contact the workplace seeking information about the victim
  - Develop strategies to mitigate risks to other staff/clients
  - Develop a process report breaches of the Intervention Order to the police.
- › Review of parking/transport arrangements
  - Ensure the employee can access safe and secure parking [well-lit and close to the workplace]
  - If this is unavailable, consider options for having employees escorted to their car [by a security or appropriate employee].
- › Grant the employee permission to carry a mobile phone
- › Provide the employee with a desk/under counter duress alarm
- › Provide the employee with cards or keys to access staff only areas, or create these areas if they do not already exist
- › Install CCTV/Video surveillance and post signs to notify people it is in use
- › Consider the employment of security/regular security patrols
  
- › Encourage the employee to develop code words that can be used with delegated co-workers
- › Request that the employee provide a description of the abusive partner and their vehicle that can be provided to security staff or reception staff
- › Maintain contact with the employee even while they are on family violence leave.

**Safety strategies that the staff member can implement:**

- › Examples may include, but are not limited to:
- › Contact a specialist family violence service for information and support
- › Contact a lawyer for legal advice
- › Keep a copy of the intervention order at work
- › Be aware of all building exits and practice escape routes. Consider informing other employees of the escape plan
- › Keep a journal in relation to any incidents of family violence that occurs at/affects their work
- › Avoid specific duties/tasks if they pose a risk
- › Maintain contact with the delegated member in the organisation even while on family violence leave.

