
Domestic and Family Violence Workplace Support Policy – Guiding Principles for Agencies

The NSW Government strongly supports initiatives that enable and support victims of domestic and family violence to continue to participate in the workforce.

A Domestic and Family Violence Workplace Support Policy has been developed to assist agencies to support NSW Government Sector employees who experience domestic and family violence.

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The workplace can make a significant difference to employees experiencing domestic and family violence by providing appropriate safety and support measures. Fostering a workplace culture where employees experiencing domestic and family violence are supported at work while also having access to adequate leave contributes to a healthy and safe working environment for all.

A Domestic and Family Violence Workplace Support Policy – Guiding Principles for Agencies has been prepared by Public Sector Industrial Relations and Women NSW (Department of Family and Community Services) in consultation with the Public Service Commission.

See Attachment: Domestic and Family Violence Workplace Support Policy – Guiding Principles for Agencies .

This circular supersedes NSWTC 14-16.

Michael Pratt AM
Secretary

Further Information: Public Sector Industrial Relations
ph 9228 5987, psir@industrialrelations.nsw.gov.au

NSW Treasury website: www.treasury.nsw.gov.au/

Which agencies does this Circular apply to?

This Circular applies to all Government Sector Agencies, as defined in the *Government Sector Employment Act 2013*. Other Public Sector agencies and State Owned Corporations are encouraged to provide the same support to their employees.

Who needs to know about this Circular?

Secretaries, Chief Executives, Senior Executives, Managers, Payroll, Industrial Relations, Human Resources.

Web: www.treasury.nsw.gov.au

Date: 28 June 2019

This circular supersedes NSWTC 14-16



Domestic and Family Violence Workplace Support Policy – Guiding Principles for Agencies

Summary: This policy is designed to assist agencies to support NSW Government Sector employees who experience domestic and family violence



Document approval

The Domestic and Family Violence Workplace Support Policy – Guiding Principles for Agencies has been endorsed and approved by:

Michael Pratt AM

Secretary, NSW Treasury

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Michael Coutts-Trotter

Secretary, Family and Community Services

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1 Purpose of policy

1.1 Purpose

The NSW Government strongly supports initiatives that enable and support victims of domestic and family violence to continue to participate in the workforce.

The workplace can make a significant difference to employees experiencing domestic and family violence by providing appropriate safety and support measures. Fostering a workplace culture where employees experiencing domestic and family violence are supported at work while also having access to adequate leave contributes to a healthy and safe working environment for all.

This policy supports the NSW Government's commitment to tackling domestic violence under the *Domestic and Family Violence Blueprint for Reform 2016-2021: Safer Lives for Women, Men and Children*, which sets out directions and actions to reform the domestic violence system in NSW over a five year period.

The Blueprint provides the framework for building an effective system that addresses the causes and responds to the symptoms of domestic and family violence. It includes strategies to prevent domestic and family violence, intervene early with individuals and communities at risk, support victims, hold perpetrators to account, and improve the quality of services and the system as a whole.

1.2 What are the impacts of domestic and family violence on work performance and attendance?

Domestic and family violence can have wide ranging impacts on a person's life including upon their physical and mental health, social and financial situations. The consequences of domestic and family violence to an employee can be significant and may occur over prolonged periods of time.

The implications which may be faced include relocation costs and workplace disruption in order to attend to the consequences of the violence. Time is often needed away from work to attend court, counselling or health appointments for themselves and/or their children and find new accommodation and schooling when leaving violence.

Paid work is critical in providing financial stability to people experiencing domestic and family violence. It also enables victims to make informed decisions about their safety while recovering from the effects of the violence they have experienced.

1.3 Background

This policy was developed by Women NSW (Department of Family and Community Services) and Public Sector Industrial Relations (NSW Treasury), in consultation with the Public Service Commission.

2 Definitions

2.1 Domestic and family violence

Domestic and family violence includes any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. It is usually manifested as part of a pattern of controlling or coercive behaviour¹.

Domestic and family violence can include physical and sexual violence. It can also include verbal, emotional, social, psychological, and financial abuse, and other behaviours that limit a person's freedom to think and act.

An intimate relationship refers to people who are (or have been) in an intimate partnership whether or not the relationship involves or has involved a sexual relationship. A family relationship includes people who are related to one another through blood, marriage or de facto partnerships, adoption and fostering relationships, sibling and extended family relationships.

While anyone can experience domestic and family violence, women are disproportionately affected. The results of the ABS 2016 Personal Safety Survey indicate that 17 per cent of women and 6 per cent of men had experienced violence – including physical and/or sexual violence - by a partner since the age of 15. One in four women and one in six men had experienced emotional abuse by a partner since the age of 15. These statistics relate to previous and current partners that respondents had lived with.

2.2 Family Violence in Aboriginal Communities

The term Family Violence is accepted amongst Aboriginal and Torres Strait Islander people as a more appropriate term to describe violence perpetrated against Aboriginal people, families and communities².

The term Family Violence includes violence perpetrated within intimate partner relationships, however, it also encompasses other forms of violence

¹ NSW Government. (2014). *It Stops Here: Standing together to end domestic and family violence in NSW*. Retrieved from <https://www.facs.nsw.gov.au/download?file=593053>

² Department of Communities and Social Inclusion, Government of South Australia. *Domestic Violence Workplace Policy Staff Guidelines*. Retrieved from https://officeforwomen.sa.gov.au/__data/assets/pdf_file/0019/16363/DCSI_DomesticViolenceWorkplacePolicy_Staff-_Guidelines.pdf

perpetrated against individuals, families and communities. Whilst the term domestic violence is commonly used, it is important to recognise for Aboriginal employees, the term family violence may be more appropriate³.

3 Scope and application

This policy applies to all Government Sector Agencies, as defined in the *Government Sector Employment Act 2013* (NSW).

Other Public Sector agencies and State Owned Corporations are encouraged to provide the same support to their employees.

This policy should be read in conjunction with the following:

- Premiers Memorandum [M2018-03 Support for Employees Experiencing Domestic and Family Violence Leave](#)
- [Determination No. 3 of 2018 Support for Employees Experiencing Domestic and Family Violence](#) which applies to the Public Service

4 Legislation

- *Government Sector Employment Act 2013* (NSW)
- *Work Health and Safety Act 2011* (NSW)

5 Roles and responsibilities

All NSW Government sector agencies are encouraged to implement a domestic and family violence workplace support policy that is tailored to the particular needs of their workforce.

This policy provides a framework for agencies to use when developing their own workplace domestic and family violence policy which is to be at least as beneficial as, and can sit alongside this policy.

³ Department of Communities and Social Inclusion, Government of South Australia. *Domestic Violence Workplace Policy Staff Guidelines*. Retrieved from https://officeforwomen.sa.gov.au/__data/assets/pdf_file/0019/16363/DCSI_DomesticViolenceWorkplacePolicy_Staff-_Guidelines.pdf

6 Policy statement

6.1 Leave entitlements

NSW Government Sector employees are entitled to ten days paid domestic and family violence leave per calendar year. This leave is to be non-cumulative and can be taken in part-days, single days, or consecutive days. This leave entitlement can be accessed without the need to exhaust other existing leave entitlements first.

Both ongoing and temporary employees are entitled to the leave. Temporary and part-time employees are entitled to the leave on a pro-rata basis. The domestic and family violence leave entitlement does not extend to casual employees.

Where there is an existing arrangement for paid domestic and family violence leave in an industrial instrument, it is intended NSW government sector employees will have access to the more beneficial arrangement (but not both).

Employees affected by domestic violence may use leave for purposes including:

- seeking safe accommodation,
- attending medical, legal, police or counselling appointments relating to their experience of domestic and family violence,
- attending court and other legal proceedings relating to their experience of domestic and family violence,
- organising alternative care or education arrangements for their children; or
- other related purposes approved by the agency head.

6.2 How to apply for paid domestic and family violence leave

The process for employees to access paid domestic and family violence leave should not be onerous. When approving leave, the agency head needs to be satisfied, on reasonable grounds, that domestic and family violence has occurred, and may require proof such as:

- a provisional, interim or final Apprehended Violence Order (AVO);
- a certificate of conviction;
- a family law injunction;
- a medical certificate; or
- an agreed document issued by the Police Force, a court, a domestic violence support service or a member of the legal profession.

Managers and human resources (HR) officers should manage documentation in a sensitive manner. Any documentation sighted should be returned to the employee unless the employee requests otherwise. Any documentation that is not returned to an employee should be handled in accordance with NSW privacy legislation and other applicable legislation (e.g. *State Records Act 1988* (NSW)) that deals with retention and disposal of personal records, and relevant agency policies.

6.1 Recording of domestic and family violence leave data

Agencies' HR and payroll systems should be capable of allowing for the separate identification and recording of domestic and family violence leave.

6.2 Confidentiality and disclosure

It is an employee's choice whether, when and to whom they disclose information about experiencing domestic and family violence. If an employee discloses to a manager or to human resources that they are experiencing domestic and family violence their information will be kept confidential.

However, there may be some situations where information is required or permitted to be disclosed due to legal obligations or where there is a serious risk to health and safety for employees. When an obligation to disclose arises, it should always be made known to the person making the disclosure.

An example of a legal obligation to report domestic and family violence may be for mandatory reporters who receive information that children are being harmed or are at serious risk of harm. An example of a serious health and safety risk may be if a perpetrator of domestic violence has threatened to come to the workplace.

If an employee seeking to access leave or other support does not feel comfortable or safe disclosing their experience of domestic and family violence to their direct manager, they may disclose to an alternative manager or directly to the human resources section of the agency.

6.3 Workplace health and safety

Agencies should be aware of their obligations to ensure the health and safety of employees under the *Work Health and Safety Act 2011* (NSW), and associated legislation, when determining workplace responses to domestic and family violence including risk assessments and safety planning.

Safety planning in the workplace involves a manager or HR representative helping an employee to put plans in place to eliminate or minimise risks in the workplace related to domestic and family violence. Potential risks and issues to consider include:

- Whether the perpetrator has threatened the employee at the workplace in person, over the phone or via email.
- Whether the perpetrator has attended or has threatened to attend the workplace.
- Whether stalking has been occurring.
- Any concerns the employee has about travelling to work and arriving at or departing from the workplace.
- Any other concerns the employee has about the impact of domestic and family violence upon them in the workplace.

6.4 Other workplace support

The NSW Government strongly supports initiatives that enable and support victims of domestic and family violence to continue to participate in the workforce rather than addressing the issue solely through the availability of leave.

When an employee discloses that they are experiencing domestic and family violence to a manager or HR representative, the manager or HR representative can work with the employee to develop a plan to address their safety and support needs at work. Please also see *Managers Guide – Supporting employees experiencing domestic and family violence* at Schedule A.

Supports and actions put in place should align with the agency's workplace health and safety principles and policies.

Subject to operational requirements, there are a number of support options available to assist employees affected by domestic and family violence. Where appropriate, these may include:

- Flexible working arrangements, including changes to start and finish times, span or pattern of hours, as outlined in the agency's flexible working arrangements policy.
- Changes to an employee's work location, or work station where practicable.
- Changing an employee's work contact details including email address and/or phone number.
- Employee assistance provider support for employees and their immediate families.
- Role adjustments where practicable.
- Increased security measures including secure parking and support from security staff where practicable.

- Where an employee has obtained or wishes to obtain an Apprehended Domestic Violence Order (ADVO), including the workplace as a location the perpetrator is prevented from approaching.
- If there is an ADVO in place that includes the workplace, providing the ADVO to management and security.
- Supporting an employee to save any threatening emails, texts, other electronic messages or voicemail messages and assisting to provide them to the police if the employee consents.

6.5 Counselling support services

Agencies will offer an employee assistance provider (EAP) or similar, that is available to all employees and their immediate family members. The EAP should offer free and confidential support services through face-to-face, telephone and online counselling.

Agencies will ensure that the EAP has the capacity and expertise to provide services to employees and their immediate family members affected by domestic and family violence. The EAP should also have the capacity to provide advice to managers supporting employees affected by domestic and family violence.

In addition, employees who identify as female have the option of contacting the NSW Domestic Violence Line on 1800 65 64 63 (operated by the NSW Department of Family and Community Services), which is a 24-hour service that offers counselling services and helps victims to access accommodation and other supports.

All employees can contact 1800 RESPECT (1800 737 732), a 24-hour service which offers crisis support and referral to appropriate local domestic violence support services.

6.6 Review of workplace supports and safety arrangements

When an employee returns from paid domestic and family violence leave may be a key time for managers to discuss their employee's workplace support needs. Workplace supports and safety arrangements should be reviewed at regular intervals to ensure that they are still appropriate.

7 Workplace culture

7.1 Awareness raising

Agencies should take reasonable steps to promote awareness of their domestic and family violence policy for all employees. Agencies should also work more broadly to raise awareness of domestic and family violence and its impacts.

7.2 Training on domestic and family violence issues

Agencies should ensure that staff and managers have access to and regularly complete evidence based training on increasing awareness of and responding to domestic and family violence in the workplace, and promoting safe workplaces for all staff.

Training should include information on the drivers of domestic violence including gender inequality.

Training should also provide all employees with information on how to seek help and how to support colleagues who disclose that they are experiencing domestic and family violence. Specific training for managers should provide support on how to respond and support an employee in the event of a disclosure.

Training should be reviewed at regular intervals to ensure that it remains current and appropriate.

For further information about external training around responses to domestic and family violence, agencies can contact White Ribbon Accredited Workplace Training Providers: <https://www.whiteribbon.org.au/workplace-approved-training-providers>

If agencies would like to discuss their options for domestic and family violence training, please contact Women NSW on 9248 0800.

7.3 Providing safe workplaces

Agencies should work to ensure safe work places, free from harassment and bullying, and address any perpetration of any violence in the workplace. Agencies should have other policies in place to support a respectful workplace including policies that promote cultural safety.

Senior leaders, managers and employees will model the public service values, including behaving in a way that promotes a work environment free from any form of violence.

Agencies will ensure that managers and those responsible for implementation of this policy including HR officers receive adequate support.

8 Monitoring, evaluation and review

Women NSW and Public Sector Industrial Relations, NSW Treasury will monitor and update this policy when required. This policy will be reviewed every three years and when any significant new information, legislative or organisational change warrants review.

9 Support and advice

You can get advice and support about this policy from:

- Women NSW, NSW Department of Family and Community Services:
 - Phone: 9248 0800
 - Email: womennsw@fac.s.nsw.gov.au
- Public Sector Industrial Relations, NSW Treasury:
 - Phone: 9228 5987
 - Email: psir@industrialrelations.nsw.gov.au

Further information for employees seeking support in relation to domestic and family violence or seeking information to provide someone else with support may be found at:

- **1800 RESPECT** – National Sexual Assault, Domestic Family Violence Counselling Service: 1800 737 732 or <https://www.1800respect.org.au/>
- **NSW Government Domestic Violence Line:** 1800 656 463 or <http://www.domesticviolence.nsw.gov.au/>
- **NSW Victims Services** – Confidential support, free counselling, financial assistance, referral and information for all victims of domestic and family violence in NSW. 1800 633 063, Aboriginal Line: 1800 019 123; www.victimsservices.justice.nsw.gov.au
- **ACON** – LGBTI health organisation offering information, referrals, counselling, advocacy and practical support for LGBTI people in NSW experiencing domestic and family violence. (02) 9206 2000; www.acon.org.au
- **Aboriginal Family Domestic Violence Hotline** – Victims Services has a dedicated contact line for Aboriginal victims of crime who would like information on victim's rights, how to access counselling and financial assistance. 1800 019 123

- **Women’s Domestic Violence Court Advocacy Service (WDVCAS)** – WDVCAS’ assist women and children who are or have been experiencing domestic violence to obtain effective legal protection through applications for Apprehended Domestic Violence Orders (ADVOs). 1800 938 227
- **Women’s Legal Service** – Women’s Legal Services NSW (WLS NSW) provides free confidential legal advice and referrals to women in NSW, with a focus on family law, parenting issues, domestic violence, sexual assault and discrimination. 1800 019 123; <https://www.wlsnsw.org.au/>
- **Aboriginal Medical Services** – Aboriginal Medical Services (AMS) are Aboriginal community-controlled health care services that aim to improve the health standards in Aboriginal communities across Australia. Their locations can be found at: <http://www.ahmrc.org.au/members.html>
- **Aboriginal Legal Service (ALS) (NSW/ACT)** – The ALS assists Aboriginal and Torres Strait Islander men, women and children through representation in court, advice and information, and referral to further support services. <https://www.alsnswact.org.au/>
- **National Family Violence Prevention Legal Services (NFVPLS)** – The goal of the Forum is to work in collaboration across Family Violence Prevention Legal Services (FVPLSs) and increase access to justice for Aboriginal and Torres Strait Islander victim/survivors of family violence. The Forum provides advice and input to Government and ensures a unified FVPLS response to addressing Aboriginal and Torres Strait Islander family violence. www.nationalfvpls.org
- **Binaal Billa Family Violence Prevention Legal Service (Forbes)**
 Phone: (02) 6850 1234, Free call: 1800 700 218
 Address: 18 Spring Street Forbes NSW 2871, PO Box 631 Forbes NSW 2871
 Website: <http://www.binaalbilla.com.au/>
- **Many Rivers Family Violence Prevention Legal Service (Kempsey)**
 Phone: (02) 6562 5856
 Address: 39 Elbow St, West Kempsey NSW 2440
 Website: <http://www.manyriversfvpls.com.au/>
- **Thiyama-li Family Violence Service Inc. NSW (Moree HO, Bourke, Walgett)**
 Phone: (02) 6751 1400 or (02) 6752 1188
 Address: Shop 6/96 Balo Street Moree NSW 2400

Facebook: <https://www.facebook.com/Thiyamali-Family-Violence-Service-Indigenous-Corporation-479707398770132/>

- **Warra-Warra Family Violence Prevention Legal Service (Broken Hill)** – WWLS provides services for Aboriginal and Torres Strait Islander people who are victims/survivors of domestic and family violence or sexual assault. WWLS assists clients with family and domestic violence matters, victim of crime compensation, apprehended violence orders, family law and child protection matters. Broken Hill based, outreaching to Menindee and Wilcannia. Phone: (08) 8087 6766; <http://www.farwestclc.org.au/links>.

Schedule 1: Manager's Guide - Supporting employees experiencing domestic and family violence

What to do when an employee discloses their experience of domestic and family violence⁴

If you believe the person is in imminent danger call the Police – 000.

Managers are not expected to be counsellors, but there are some important things you can do if a staff member discloses their experience of domestic and family violence, including:

- Believe and validate the person's experience.
- Affirm that the person is blameless.
- Be non-judgemental.
- Be supportive, encouraging, open and honest.
- Give accurate information.
- Support the person to seek advice.
- Keep in touch with the person to see how they are going.
- Respect their privacy, confidentiality and their personal boundaries.
- Respond swiftly to their workplace safety needs.
- Ensure appropriate and sensitive management of their work performance and monitoring of attendance issues.

It is important that someone making a disclosure is not forced into acting. You can talk about their options, but they must feel in control of the situation and what happens next.

If a person discloses violence to you, they are showing enormous trust and it is important to maintain this trust where possible by ensuring that the situation is only made known to those relevant to provide safety or other support.

Remember: An employee experiencing domestic and family violence may be justifiably concerned that by disclosing their experience of violence, they are placing themselves in greater danger from the person using the violence. The victim's concerns must be respected and your actions should reflect these concerns.

⁴ NSW Department of Family and Community Services, *Domestic and family violence training module*. Accessed 11 December 2018.

Support services

Managers should also have available the contact numbers of support services for victims of domestic and family violence, including:

- **1800 RESPECT** – National Sexual Assault, Domestic Family Violence Counselling Service: 1800 737 732 or <https://www.1800respect.org.au/>
- **NSW Government Domestic Violence Line:** 1800 656 463 or <http://www.domesticviolence.nsw.gov.au/>
- **NSW Victims Services** – Confidential support, free counselling, financial assistance, referral and information for all victims of domestic and family violence in NSW. 1800 633 063, Aboriginal Line: 1800 019 123; www.victimsservices.justice.nsw.gov.au
- **ACON** – LGBTI health organisation offering information, referrals, counselling, advocacy and practical support for LGBTI people in NSW experiencing domestic and family violence. (02) 9206 2000; www.acon.org.au
- **Aboriginal Family Domestic Violence Hotline** – Victims Services has a dedicated contact line for Aboriginal victims of crime who would like information on victim's rights, how to access counselling and financial assistance. 1800 019 123
- **Women's Domestic Violence Court Advocacy Service (WDVCAS)** – WDVCAS' assist women and children who are or have been experiencing domestic violence to obtain effective legal protection through applications for Apprehended Domestic Violence Orders (ADVOs). 1800 938 227
- **Women's Legal Service** – Women's Legal Services NSW (WLS NSW) provides free confidential legal advice and referrals to women in NSW, with a focus on family law, parenting issues, domestic violence, sexual assault and discrimination. 1800 019 123; <https://www.wlsnsw.org.au/>
- **Aboriginal Medical Services** – Aboriginal Medical Services (AMS) are Aboriginal community-controlled health care services that aim to improve the health standards in Aboriginal communities across Australia. Their locations can be found at: <http://www.ahmrc.org.au/members.html>
- Your employer's Employee Assistance Program (EAP).

Self-care for managers

Managers should also take care of themselves after listening to a disclosure of domestic and family violence by a staff member. This may include:

- Seeking support or guidance from your manager where possible, whilst always being mindful of confidentiality.
- Acknowledging the difficulties or changes you are experiencing in your thoughts, emotions and attitudes. If you are concerned, discuss them with someone or seek professional help.
- Seeking help and additional support through your employer's EAP if required.