

# Model Clause For Domestic and Family Violence

## DOMESTIC AND FAMILY VIOLENCE LEAVE AND OTHER SUPPORT

### 1 Background

- (a) The employer considers that all forms of violence are a violation of fundamental human rights. Violence threatens the victim's physical health, housing security and mental wellbeing. People exposed to violence are at greater risk of developing a range of health problems, and are more likely to report poorer physical health overall and engage in practices that are harmful to their health. And while family and domestic violence cuts across socio-economic groups, it is reported at higher rates among disadvantaged Queenslanders.
- (b) The employer recognises that employees may face domestic and family violence that affects their attendance or performance at work. The employer is committed to providing leave and other support to staff that experience domestic and family violence.
- (c) Domestic and Family violence for the purpose of this policy includes physical, sexual, financial, verbal, psychological, spiritual, or emotional abuse of a person by an immediate family member, or who has been or is in a continuing social relationship of a romantic or intimate nature with the victim, or who is or has continually or at regular intervals lived in the same household as the victim.

### 2 Special Leave for employees experiencing domestic and family violence

Full time, part time or fixed term employees personally experiencing domestic and family violence may access up to 20 days per year of paid Special Leave for medical appointments, legal proceedings, attending to accommodation matters, childcare and education matters and other activities, which are related to domestic and family violence. This may be taken in units of one hour. Employees may also access any or all of their accrued Personal Leave, Family and Community Leave, TOIL, Flex, or Recreation Leave for medical appointments, legal proceedings, attending to accommodation matters, addressing childcare and education matters and other activities, related to domestic and family violence.

### 3 Leave for employees supporting a person experiencing domestic and family violence

Employees supporting a person experiencing domestic and family violence may take Personal Leave or any other form of accrued leave to accompany them to court, to hospital, or to assist with childcare, accommodation or other matters.

An employee including a casual employee who provides support to a person experiencing family and domestic violence is entitled to access family and domestic violence leave for the purpose of:

- (a) accompanying that person to legal proceedings, counselling, appointments with a medical or legal practitioner;
- (b) assisting with relocations or other safety arrangements; or

(c) other activities associated with the family and domestic violence including caring for children.

This leave will be in addition to existing leave entitlements, may be taken as consecutive or single days or as a fraction of a day, and can be taken without prior approval.

#### **4 Notice and notification**

While notice is not strictly required prior to taking the leave, an employee should notify their manager as soon as reasonably practicable of their intention to take or remain on Special or other leave for this purpose. Proof of domestic and family violence may be required and can be a document issued by the Police Service, a Court, a Doctor, a Domestic and Family Violence Support Service or Lawyer, or a statutory declaration.

#### **5 Individual Support**

In order to provide support to an employee experiencing domestic and family violence and to provide a safe work environment, the employer will approve any reasonable request from an employee for changes to their span of hours or pattern or hours and/or shift patterns; job redesign or changes to duties; changes to their telephone number or email address to avoid harassing contact; or any other appropriate measure including those available under existing family friendly or flexible work arrangements. Employees experiencing domestic and family violence may wish to be referred to the Employee Assistance Program (EAP) or other appropriate domestic violence support services. The employer EAP includes professionals trained specifically in domestic and family violence.

#### **6 Confidentiality**

An employee experiencing domestic and family violence may raise the issue with their supervisor or the relevant manager responsible for human resource management. The supervisor may seek advice from the human resource manager. All personal information concerning domestic and family violence will be kept confidential and only shared with employees who have a genuine need to know. No information will be kept on an employee's personnel file without their express written permission.

The employer will work collaboratively with the employee who is experiencing domestic violence to develop protocols to restrict access to the employee's personal information and contact details.

#### **7 Adverse action**

No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing domestic and family violence provided they make a confidential disclosure of the violence to their supervisor or the human resource manager. The Employer may require evidence of domestic and family violence as per sub clause 4.

#### **8 Contact person**

The employer will identify a contact who will be trained in domestic violence, discretion and privacy issues. The contact will be in possession of appropriate resources and referral information. The employer will advertise the name of the contact within the workplace and provide the details at induction for new staff.

The employer will nominate a contact person to provide support for employees experiencing family and domestic violence and notify employees of the name of the nominated contact person. The nominated contact person must be trained in relation to family and domestic violence and privacy issues such as family violence risk assessment and risk management and receive paid time off work to attend such training. The contact person may be a union delegate, OHS Representative or HR Representative.

An employee experiencing family and domestic violence may raise the issue with the nominated contact person, their immediate supervisor, or their union delegate.

Where requested by an employee, the contact person will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of support.

The employer will develop guidelines to supplement this clause which detail the appropriate action to be taken in the event that an employee reports family and domestic violence.

## **9 Workplace Safety Planning Strategies**

The employer will develop and implement workplace safety planning strategies to ensure the protection of all employees. The employer will ensure all employees are aware of and trained in the safety planning strategies.

Safety planning can include:

- Accompanying employees to the car park or transport when leaving work.
- Notifying relevant staff not to disclose private information about employees' locations or movements.
- Ensuring employees do not work alone at locations with public access.
- Providing a photo of the abusive person to front desk staff, so that they can identify them and call the police if necessary.
- Developing a policy on workplace violence.
- Strategies to protect employees from abusive phone calls and emails.