



# WALCHA COUNCIL

## ADMINISTRATION POLICY

### Domestic and Family Violence Policy

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#### Applicability

All Council Staff

#### Publication Requirement

Internal

#### Assigned Responsible Officer

Manager Human Resources

#### Document Status

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**Domestic and Family Violence Policy**

Our Ref: WO/2022/00632

**1. POLICY OBJECTIVE**

The purpose of this Policy is to recognise the impact that domestic and family violence can have on the lives of those who experience such abuse, including on their working lives and financial security. Council recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Therefore, Council is committed to providing support to employees that experience domestic and family violence.

**2. POLICY SCOPE**

This policy will apply to full-time, part-time and casual employees.

**3. DEFINITIONS**

Family and Domestic violence: means violent, threatening or other abusive behaviour, by a family member of an employee or another person living in the same household as the employee, that seeks to coerce or control the employee and that causes them harm or to be fearful.

Behaviours that can be exhibited in domestic violence can include but are not limited to threats, physical assault, emotional abuse, sexual abuse, financial exploitation, humiliation and economic deprivation.

An employee is not considered to be experiencing domestic violence if they have been the victim of violence from someone who is not intimately known to them.

Survivor or victim: An individual who is currently subject to, or has in the past, been subjected to domestic violence.

Perpetrator: An individual who commits or threatens to commit an act of domestic violence.

**4. CONFIDENTIALITY**

Where an employee discloses to Council that they are experiencing domestic violence and such information is personal / confidential, the information will be managed in accordance with applicable legislation, including but not limited to the Privacy and Personal Information Protection Act 1998 and the Government Information (Public Access) Act 2009.

Without limiting the forgoing, confidential information which discloses that an employee is experiencing domestic violence will be kept confidential, provided that the Council may disclose the information if it believes on reasonable grounds that the disclosure is necessary to obtain advice and / or to prevent or lessen a threat to the life or health of the individual concerned or another person.

**5. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Council's Employee Assistance Program provides counselling and support to any employee seeking assistance with challenging issues or to improve their health and wellbeing.

Council have two EAP providers, Healthwise and Centacare, both do video calls/telehealth as well as face to face.

Healthwise 02 6771 1146

Centacare 02 6738 7200

**6. LEAVE OPTIONS**

Council will make all reasonable efforts to assist victims of domestic violence who require time off for medical, legal or counselling appointments for court appearances and those who are



escaping domestic violence.

Where an employee is experiencing domestic or family violence, the following leave options are available, upon discussion with Human Resources and / or the immediate manager:

Entitlement to paid leave:

- (a) An employee, other than a casual employee, is entitled to up to 20 work days' paid leave to deal with the impact of family and domestic violence. This leave is available in full at the start of each 12-month period of the employee's employment and the leave does not accumulate from year to year.
- (b) Casuals, who have been employed by Council for a period of 12 months or more, may be eligible for paid special leave at the discretion of the General manager.
- (c) An employee who supports a person experiencing domestic and family violence may take 10 days special leave to accompany them to court, hospital or to mind children.
- (d) The General Manager may grant an employee additional paid leave if satisfied that extenuating circumstances exist.

## **7. FLEXIBLE WORKING ARRANGMENT**

An employee who is experiencing domestic violence or is escaping domestic violence may require time off work during ordinary working hours that they would not otherwise require.

Such time off work may include time for appointments for health, legal or financial matters or attendance in court or caring for children. Flexible work is designed to enable an employee time away from work to attend to such matters.

The types of flexible work arrangements may include but are not limited to:

- (a) make up time;
- (b) flexi time;
- (c) time in lieu;
- (d) special leave (with or without pay);
- (e) variation to ordinary hours and rosters.

The terms of a flexible work arrangement shall be in writing and will be kept on the employee's personal file; however, it shall not include any reference to domestic violence.

## **8. RETURNING TO WORK**

Where an employee is returning to work after leave due to domestic violence related issues, employees are encouraged to speak with their immediate supervisor or manager and / or Human Resources regarding any on-going safety concerns.

Employees who have identified a risk to their safety or to that of their colleagues in the workplace are encouraged, in conjunction with their manager, to develop a workplace domestic violence safety plan, or to review a safety plan which was previously in place (if one already existed).

Workplace Safety Plan strategy will be developed, in collaboration with a victim, to implement workplace safety options, including but not limited to: handling of court protection orders; procedures for alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules, locations, contact information, and requests for escorts to and from workplace facilities.



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Council will, where possible, do all they can to assist an employee on a case by case basis to ensure the safety of their employees. All proposed matters will be at the discretion of the general manager.

**9. RESPONSIBILITIES**

The Human Resources section is responsible for ensuring confidentiality is maintained and that no confidential information regarding domestic violence is stored on an employee's personal file unless there is express written permission to do so.

Managers to whom an employee has disclosed domestic violence have an obligation to keep such information confidential, unless the manager believes on reasonable grounds that the disclosure is necessary to obtain advice and / or to prevent or lessen a threat to the life or health of the individual concerned or another person.

Where an employee discloses that they are suffering domestic violence, the manager should offer support through Council's usual support mechanisms as well as consider requests for flexibility and leave in accordance with this and other related policies.

**10. PERPETRATING DOMESTIC VIOLENCE**

Council does not tolerate domestic violence being perpetrated in or from the workplace.

Any employee who threatens, harasses or abuses a family or household member at or from the workplace will be subject to disciplinary action.

If an employee is observed or suspected of perpetrating domestic violence from the workplace, managers have a responsibility to take immediate appropriate action.

If a report is received that an employee has committed non-workplace-related domestic violence, immediate discussions should be initiated with the goal of referring the employee to services for the prevention of further perpetration. Materials that assist in a domestic violence offence, whether at or away from the workplace, shall constitute a disciplinary matter.

**11. POLICY COMMITMENT**

Council commits to continue to have a policy that in approved situations outlines the leave to be used to cover time off for domestic and family violence offences.

**12. RELATED LEGISLATION, POLICIES AND REVIEW**

The following are relative to this policy:

- Crimes (Domestic and Personal Violence) Act 2007 No 80;
- Code of Conduct;
- Local Government Act 1993 NSW;
- NSW Local Government (State) Award 2020;
- Industrial Relations Act 1996 (NSW);
- Privacy and Personal Information Protection Act 1998 and the Government Information (Public Access) Act 2009.