



# BOULIA SHIRE COUNCIL

## Domestic and Family Violence Leave Policy

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<b>Due for Revision:</b>	Three years unless otherwise impacted by legislation
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<b>Related documents:</b>	Policy 116 - Workplace Health, Safety, Environment and Quality Policy 137 - Employee Assistance Program Policy Policy 146 - Code of Conduct
<b>Responsible Section:</b>	Executive
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Legislation:</b>	<ul style="list-style-type: none"> <li>- Domestic and Family Violence Protection Act 2012</li> <li>- Work Health and Safety Act 2011</li> <li>- Public Service Act (2008)</li> <li>- Code of Conduct for the Queensland Public Service</li> <li>- Family Leave (Queensland Public Sector) Award – State 2012</li> <li>- Domestic and Family Violence Leave Procedure</li> <li>- Leave Application Form</li> <li>- Workplace Safety Plan Agreement</li> <li>- Domestic and Family Violence Risk Assessment Checklist</li> </ul>

## PURPOSE

Boulia Shire Council (“Council”) is strongly committed to providing a healthy and safe working environment for all employees. It is recognised that employees sometimes face difficult situations in their work and personal life, such as domestic and family violence (“DFV”), which may affect their attendance and performance at work.

DFV occurs when one person in a relationship uses violence and abuse to maintain power and control over the other person. This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, and coercive or aimed at controlling or dominating the other person through fear. DFV can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.

Council leaders, managers, supervisors and all employees are committed to making Council a great place to work. Council can make a significant difference to employees affected by DFV by providing appropriate safety and support measures.

DFV is unacceptable in any setting, including the workplace. Any Council employee who perpetrates violence and abuse from the workplace, including by telephone, fax, mail, email, internet or social media may be subject to disciplinary action.

All employees have a responsibility to model the public service values, which includes behaving in a way that promotes a work environment free from any form of violence and supporting those who are affected by DFV. Fostering a workplace culture where employees affected by DFV are supported in the workplace, contributes to a healthy and safe working environment for all.

## APPLICATION

This policy applies to employees of Council, including contractors, agency temporary staff, work experience and industry placements, trainees and volunteers.

## POLICY

### 1.1 Confidentiality and Disclosure

Council employees have the right to choose whether, when and to whom they disclose information about being affected by DFV. This policy does not override any legal obligations to disclose information. Information disclosed by an employee in relation to DFV will be kept confidential, except to the extent that disclosure is required or permitted by law.

### 1.2 Awareness Raising

Council will make available and promote the online awareness raising program, *Recognise, Respond, Refer: Domestic Violence and the Workplace*, jointly developed by the Queensland Government and **Australia’s CEO Challenge DV**. All employees are strongly encouraged to complete the program. Council will ensure that information on support options are made available to employees.

### 1.3 Support Options Available to Employees

There are a number of support options available to assist employees affected by DFV. In relation to clauses 1.3.3 to 1.3.6, these arrangements should be reviewed at regular intervals to ensure that they are appropriate.

### 1.3.1 Evidence

An employee is required to provide evidence that the employee has experienced DFV and needs to take leave as a result. Acceptable evidence includes;

- a) evidence from the police; or
- b) evidence of a legal proceeding or court report; or
- c) evidence from a doctor or other health practitioner; or
- d) a report from a Counsellor; or
- e) written advice or a statutory declaration from the employee.

### 1.3.2 Leave Entitlement

- a) An employee, other than a casual employee, is entitled to 10 days of DFV leave on full pay in a calendar year (non-cumulative) if -
  - i. The employee has experienced DFV; and
  - ii. The employee needs to take DFV leave as a result of DFV.
- b) The employee may need to take DFV leave if the employee is -
  - i. Recovering from an injury caused by the violence; or
  - ii. Attending an appointment related to the violence, including an appointment to attend counselling, to obtain legal advice, for medical treatment or with police officers; or
  - iii. Preparing for a court appearance related to the violence; or
  - iv. Attending court for a proceeding related to the violence; or
  - v. Finding housing that is necessary because of the violence; or
  - vi. Organising child care or the education of a child that is necessary because of the violence.
- c) All applications for DFV leave are to be made in writing to a Human Resources representative and are required to include evidence as outlined in subsection 1.3.1.
- d) The employee does not have to use other leave entitlements before accessing this leave. This leave can be taken as consecutive days, single days or a fraction of a day.

The employee may also access further paid or unpaid leave, including sick leave, carers leave, annual leave, long service leave, special unpaid leave or other accrued time to attend to matters arising from DFV - this will be in accordance with the directives relating to each type of leave.

### 1.3.3 Requirement for Employee to Give Notice

- a) An employee's entitlement to DFV leave is conditional on the employee giving Council notice of -
  - i. the employee's absence from work; and
  - ii. if it is possible to notify Council before the leave is taken, the approximate period the employee will be absent.

- b) The employee must give Council notice under section 1.3.3 a)
  - i. before or on the day the employee is to take leave; or
  - ii. if it is not possible to notify Council before the leave is taken, during the leave or as soon as possible after the leave ends.

#### 1.3.4 Work Performance and Attendance

- a) Work performance or attendance may be influenced by factors not connected with work. Employees will be supported and encouraged to raise concerns about their personal circumstances, including whether DFV is a contributing factor to work performance and attendance.
- b) It may also be necessary to include additional support and provide reasonable workplace and role adjustments for a period of time. Regular reviews, a return to work plan and a performance improvement process may still be required.

#### 1.3.5 Flexible Working Arrangements

- a) Council may provide employees affected by DFV with access to flexible working arrangements. In the first instance, employees are encouraged to discuss their request for flexible working arrangements with their supervisors.

#### 1.3.6 Counselling Support Services

- a) Council will offer the Employee Assistance Program (EAP) or similar, to all employees and their immediate family members. The EAP offers free and confidential support services through face-to-face, telephone and online counselling.
- b) The EAP also provides specific advice to supervisors to support employees affected by DFV.

#### 1.3.7 Other Workplace Support and Role Adjustments

Council may also consider:

- a) workplace safety needs and arrangements to protect the employee and colleagues following a risk assessment, including increased security measures;
- b) supporting employees to have the workplace included in a Domestic Violence Order issued by the courts, where appropriate;
- c) providing other support and reasonable adjustments in the workplace, such as:
  - job redesign or changes to duties;
  - changes to working hours or patterns of work;
  - changes to email address and telephone numbers;

## 1.4 Safety In The Workplace

Of paramount consideration is the safety and wellbeing of all Council employees in the workplace. Fostering a workplace culture where employees affected by DFV are supported contributes to a healthy and safe working environment for all.

In situations where an employee affected by DFV is concerned for their safety or that of their colleagues, it is recommended that the employee work in consultation with their supervisor to develop a Workplace Safety Plan Agreement.

A DFV Risk Assessment Checklist should be completed by the supervisor in consultation with the employee affected by DFV, prior to completing a Workplace Safety Plan Agreement, and include any necessary support and reasonable adjustment.

The Workplace Safety Plan Agreement should outline the specific workplace safety needs and arrangements to support the employee, such as:

- any changes in relation to any work patterns, practices or work location;
- any precautionary plans to be undertaken pre or post-work (e.g. travel arrangements, etc.) to support the safety of the employee;
- any workplace changes and/or security measures to protect the employee and their colleagues where necessary; and
- updated emergency contacts and/or next of kin details.

Arrangements should be reviewed at pre-determined intervals to ensure currency and to ascertain ongoing appropriateness.

## **RESPONSIBILITIES**

Managers/Supervisors will:

- a) model the public service values, including behaviour in a way that promotes a work environment free from any form of violence;
- b) actively participate in DFV related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace;
- c) encourage employees to actively participate in DFV related learning and development activities;
- d) sensitively communicate with employees affected by DFV;
- e) take prompt and appropriate action to address any reports of employees affected by DFV;
- f) ensure appropriate levels of support are provided to employees affected by DFV; and
- g) ensure appropriate management of work performance and monitoring of attendance issues.

Employees will:

- a) model the public service values, including behaving in a way that promotes a work environment free from any form of violence;
- b) actively participate in DFV related learning and development activities;
- c) sensitively communicate with colleagues affected by DFV; and
- d) ensure colleagues are aware of available support services and encourage colleagues to seek assistance.