Procedure 6.05.10 Domestic and Family Violence

Directorate: Business & Governance

Responsible Officer: Executive Manager | People & Governance

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Introduction/background

Bega Valley Shire Council ("Council") is committed to providing a supportive environment whereby victims of family violence are encouraged to come forward for help and support. Council recognises employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work.

Scope

This procedure applies to all employees of Council.

Definitions

‘Council’ means Bega Valley Shire Council.

‘Family and Domestic Violence’ means:

- Family violence includes physical, sexual, psychological, emotional and verbal abuse. It can also take the form of economic abuse, harassment and/or stalking. These various forms of abuse often occur simultaneously. It involves violent, abusive or intimidating behaviour carried out by a person against a partner or family member to control and dominate that person and causes physical and/or psychological harm. It can also affect the family’s social and financial wellbeing.

- Domestic violence as defined in the Crimes (Domestic and Personal Violence) Act 2007. It is an offence committed by a person with whom the person who commits the offence has, or has had, a domestic relationship.

Confidentiality

Council will ensure all personal information, especially that concerning domestic and family violence is kept in accordance with the Privacy and Personal Information Protection (PPIP) Act 1998, and in particular with Council’s Privacy Management Plan. Some types of disclosures to Council officers may potentially indicate criminal behaviour which may trigger mandatory reporting requirements.

Support for Victims of Family Violence

Employees who require assistance or advice about issues concerning domestic and family violence they or a member of their family is dealing with, may contact their Manager, Coordinator or a member of the Employee Support Services in order to discuss their particular circumstances and requests for assistance. An employee may also ask another staff member or family member to seek assistance on their behalf.

Employees are entitled to request flexible working arrangements in accordance with Award and other Council policy provisions to assist them in managing and resolving domestic and family violence situations.

All employees are entitled to seek counselling assistance utilising Council’s Employee Assistance Program (EAP). Information concerning accessing Council’s EAP service can be obtained via the staff intranet or by speaking to a member of the Employee Support Services (ESS) team.

Council will aim to ensure a safe workplace for employees who are victims of domestic and family violence by changing their work email address, phone number or location when requested by the affected individual or by a support agency (e.g. Police).

No adverse action will be taken against an employee if their work attendance or performance suffers as a result of experiencing domestic and family violence provided the required evidence has been provided if requested.
Leave Provisions

Award leave entitlements (sick leave, annual leave, long service leave) may be used by employees needing to utilise the provisions of this procedure.

If an employee's existing leave balances have been exhausted, Council may grant special leave on full pay for up to 3 days' pay per calendar year, to be used for absences from the workplace to attend to matters arising from domestic and family violence situations.

To approve this leave, Council will need to be satisfied that domestic and family violence has occurred and may require proof in the form of a document issued by the Police Force, a Court, a Doctor or Psychologist, a Family Violence Support Service or Lawyer.

Any leave required to be taken as a consequence of domestic and family violence may be taken as consecutive days, single days, or as a fraction of a day. Leave can be taken without prior approval provided appropriate evidence is provided upon the employee’s return to work.

An employee who supports another employee of Council who is experiencing domestic and family violence may apply for paid leave to accompany them to Court, to a medical facility, a refuge centre, or other service provider involved with resolution of family violence cases. Prior approval of such leave must be sought from the Executive Manager |Organisational Development and Governance in consultation with the individual's manager or coordinator.

Employees who Commit Acts or Threats of Family Violence

Any employee who threatens, harasses or abuses a family or household member at, or from the workplace may be subject to disciplinary action in accordance with Council’s Disciplinary Action procedure. If necessary the matter will be reported to the Police. This includes employees who use workplace resources such as phones, fax machines, email, mail or other means to threaten, harass or abuse a family or household member.

Some positions within Council may give an employee access to certain types of information or resources. If an employee uses this access to knowingly enable a perpetrator to harm a victim, or uses this information for their own benefit, the matter will be managed according to Procedure 5.04.10 Disciplinary Action.