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CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 6 OF 2016

FAMILY VIOLENCE - WORKPLACE SUPPORT

The Government is committed to providing workplace support measures to employees in situations of Family Violence. The attached Policy Statement provides guidance to public sector employers in supporting employees at work through the compassionate administration of leave and working arrangements.

The meaning of Family Violence is in accordance with the definition in the *Restraining Orders Act 1997* (new Section 5A) as amended by the *Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016* (currently awaiting proclamation, see below for link¹).

The Policy Statement has public sector wide application, and all public sector agencies are required to comply with it. It is effective from 14 December 2016.

The Policy Statement should be read in conjunction with applicable existing industrial agreement provisions.

Should you have any questions on the Policy Statement please contact your agency's labour relations adviser.

KRISTIN BERGER
A/EXECUTIVE DIRECTOR
LABOUR RELATIONS AND INDUSTRY DEVELOPMENT

14 December 2016

¹ [http://www.parliament.wa.gov.au/Parliament/Bills.nsf/5B414010DBFD1DCA48258027000789E8/\\$File/Bill210-2.pdf](http://www.parliament.wa.gov.au/Parliament/Bills.nsf/5B414010DBFD1DCA48258027000789E8/$File/Bill210-2.pdf)

FAMILY VIOLENCE – WORKPLACE SUPPORT

POLICY

- This policy provides guidance to Public Sector employers (employers) on support at work for Public Sector employees (employees) in situations of Family Violence through the compassionate administration of leave and working arrangements.
- This policy recognises that an employee's attendance, needs or performance at work may be affected by situations of Family Violence in their personal life.
- This policy has effect from 14 December 2016.

GUIDELINES

- Requests from employees raising issues at work associated with Family Violence should be treated compassionately and receive confidential, sensitive (including culturally sensitive) and appropriate consideration.
- In considering an appropriate response to a request from an employee in situations of Family Violence options include:
 - access to paid and unpaid leave entitlements within the terms of the applicable industrial provisions;
 - modified or flexible working arrangements within the terms of the applicable industrial provisions;
 - return to work support e.g. where extended leave has occurred to recover from health, including mental health impacts, such as changes to hours of work and/or work location (if possible);
 - access to confidential counselling support via the agencies' employee assistance program (EAP).

Absences from the Workplace

- Leave may be granted where the employer is satisfied that the employee requires leave because the employee is affected by Family Violence.
- Leave entitlements may be accessed for activities related to Family Violence including attendance at medical appointments, legal proceedings, and other matters of a compassionate or pressing nature which arise without notice and require immediate attention.

➤ Paid leave:

Forms of paid leave include:

- a) personal/sick leave entitlements; and/or
- b) annual leave; and/or
- c) accrued long service leave; and/or
- d) purchased leave; and/or
- e) accrued time off in lieu of overtime, flexi leave or banked hours.

Paid leave requests for Family Violence reasons are subject to usual approval requirements and considered in accordance with this Policy Statement.

➤ Supporting evidence:

Supporting evidence of Family Violence may be required to access paid leave entitlements however this should not be onerous on the employee. Leave can be granted without supporting documentation when the manager/supervisor is satisfied that it is not required.

- Evidence may be in the form of a document issued by the Police, a Court, a legal service a health professional or a counsellor trained in providing support to people experiencing the effects of Family Violence; or a specialist family violence counselling or women's refuge service. A statutory declaration may also be provided.

- Such evidence will be dealt with in accordance with the Confidentiality statement in this policy.

➤ Leave without pay:

Approval of leave without pay is subject to the provisions of the employee's industrial instrument.

Working Arrangements

Employees' personal safety and health should be considered when considering working arrangements on the request of an employee affected by Family Violence.

If needed modifications to working arrangements may include:

- changes to hours and/or days worked e.g. part time, working different days or length of days, changed shift/rostering arrangements;
- flexible work arrangements in accordance with their industrial instrument;
- changes to the employee's telephone number and email address and, where appropriate/practicable, the employee's work location.

CONFIDENTIALITY

- Employers will take reasonable steps to ensure any information or documentation provided by an employee regarding Family Violence is kept confidential.
- Subsequent disclosure within an organisation should be on a need-to-know basis, for example if there is a potential for workplace safety to be impacted and generally with the prior consent of the employee.
- This policy does not override any legal obligations to disclose information.

RESPONSIBILITIES

- Employees, supervisors and managers are to be made aware of this policy, and of the support available to those employees affected by Family Violence.
- Employers should develop response protocols and procedures consistent with this policy including:
 - the respective roles and responsibilities of employees, managers, supervisors and Human Resources;
 - ensuring new and existing employees, managers and supervisors are aware of these roles and responsibilities;
 - for personal leave and/or use of other leave entitlements:
 - how employees should notify of absences
 - management of supporting evidence requirements
 - who makes decisions on reasonable supporting evidence
 - how confidentiality of information and documentation will be managed;
 - for modified working arrangements and where this is appropriate and can be accommodated:
 - that Family Violence is accepted as a reasonable basis to request changes to existing work arrangements
 - who is the decision maker
 - the process to request changes to working arrangements
 - a timeframe or circumstances for review.

WORKPLACE SAFETY AND EMERGENCY PLANNING

- Where an employee raises issues of Family Violence the manager/supervisor should establish with the employee the level of risk and seek advice from their human resource/safety specialist to assist with reviewing safety and emergency management systems and plans.

***FOR MORE INFORMATION**

If in immediate danger call Police	000
Crisis Care (24 hours)	(08) 92231111
Country Free Call	1800 199 008
Crisis Care via translating and interpreting service	131450
Family Helpline	(08) 92231100
Country Free Call	1800 643 000
Women's Domestic Violence Helpline	(08) 92231188
	1800 007 339
Men's Domestic Violence Helpline	(08) 92231199
	1800 000 599
Victim Support Service	08 94252850
Country Free Call	1800 818 988

**not exhaustive*