

# Support for employees affected by domestic and family violence

## 1. Purpose

This policy sets out a framework for the support available to employees of the Department of Justice and Attorney-General who are affected by domestic and family violence (DFV).

## 2. Policy statement

The Department of Justice and Attorney-General (DJAG) is strongly committed to the safety, health and wellbeing of our employees. We recognise that employees may experience DFV, and that it is likely to affect their attendance and performance at work, and their safety.

DFV occurs when one person in a relationship uses violence and abuse to maintain power and control over the other person. Section 8 of the *Domestic and Family Violence Protection Act 2012* (Qld) (DFVP Act) defines DFV as behaviour which is physically, sexually, emotionally, psychologically or economically abusive, threatening or coercive, and aimed at controlling or dominating the other person through fear for their own or another person's safety and wellbeing. DFV can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.

Our Charter has a commitment to integrity and respect, and our officers are committed to making DJAG a great place to work. DJAG can assist employees affected by DFV by providing safety and support measures if required.

DFV is unacceptable in any setting, including the workplace. Any DJAG employee who is found via an investigative disciplinary process to be using or have used violence and abuse in, or from the workplace, including by telephone, fax, mail, email, internet or social media may be subject to disciplinary action following the findings of that process.

All employees have a responsibility to comply with the Queensland Public Service Code of Conduct and the *Public Sector Ethics Act 1994* (Qld). This responsibility includes behaving with integrity. All employees are entitled to work in an environment free from any form of violence.

DJAG aims to foster a workplace culture where employees affected by DFV are supported in the workplace to contribute to a healthy and safe working environment for all.

## 3. Application

This policy applies to all permanent and temporary employees of DJAG, as well as contractors, subcontractors, employment agency staff, clients, work experience students and volunteers (who are defined as workers in the *Work Health and Safety Act 2011*) while working for DJAG.

Subject to specific application outlined above, this policy applies to:

DJAG       ODCPL       OPG       OVC       FSQ



## 4. Definitions

**DFV** has the same definition as outlined in section 8 of the *Domestic and Family Violence Protection Act 2012*.

An **affected employee** can mean an employee who:

- is subjected to domestic and family violence
- uses domestic and family violence against another person
- is supporting someone else subjected to or using domestic and family violence.

An **employee** has the same meaning as defined in section 9(1) of the [Public Service Act 2008](#). That is all public service officers and temporary employees.

## 5. Policy

### 5.1 Confidentiality and disclosure

DJAG 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.

### 5.2 Awareness training

The online awareness-raising program, **Recognise, Respond, Refer: Domestic violence and the workplace**, jointly developed by the Queensland Government and Australia's CEO Challenge, is available on the Evolve training platform.

This training is mandatory for all staff as defined with paragraph 9.1(d) of Public Service Commission directive 03/20. Following the implementation of this policy, all employees must have completed the training by 30 June 2021. All new employees will be required to complete this training as part of their induction package.

### 5.3 Support options available to employees

There are support options available to assist employees affected by DFV. In relation to items 5.3.3 to 5.3.6 below, arrangements should be reviewed regularly to ensure that they are appropriate.

#### 5.3.1 Documentation

When considering the support options outlined below:

- We acknowledge that employees affected by DFV may not be able to provide supporting documentation. An employee's access to leave and other support options will not be denied in the absence of supporting documentation. Any documentation sighted must be returned to the employee unless the employee requests otherwise.
- Any communications regarding documentation must be conducted in a sensitive and non-judgmental manner.



### 5.3.2 Leave entitlement

- a) A DJAG employee who is affected by DFV will have access to a minimum of 10 days paid leave per year:
  - i. without being required to provide supporting documentation
  - ii. without being required to first use other leave types
  - iii. that may be taken as consecutive days, single days or fractions of a day
  - iv. for purposes arising from DFV **OR** supporting a person affected by DFV. Purposes may include but are not limited to attending medical, legal, police or counselling appointments; attending court and other legal proceedings; and organising alternative accommodation, care or education arrangements
  - v. that does not accrue from year to year and is not an entitlement to be paid out on separation.
- b) For the purpose of 5.3.2(a) and acknowledging the complexity of DFV situations, the Director-General or Delegate may approve additional paid leave in excess of 10 days paid leave per year, having regard to the individual circumstances and needs of the employee affected by DFV.
- c) An employee who is applying for leave related to their use, alleged use or potential use of DFV is entitled to leave under 5.3.2(a) or (b) only if the following requirements are satisfied:
  - i. The leave is required to attend a behavioural change program approved under s75 of the DFVP Act by the Chief Executive of the department administering that Act. The provider delivering the program must also be approved under s75.
  - ii. The employee must provide written evidence of their enrolment and attendance in the behaviour change program.
  - iii. The employee must first exhaust all other paid recreation or long service leave, and accrued time prior to applying for DFV leave.
  - iv. These restrictions apply only to leave related to an employee's use, potential use or actual use of DFV.

### 5.3.3 Work performance and attendance

- a) Work performance or attendance can be influenced by factors outside 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 be necessary to include additional support and provide reasonable workplace and role adjustments to positively and appropriately support employees. Regular reviews, a return to work plan and a performance improvement process may still be required.

### 5.3.4 Flexible working arrangements

We will provide employees affected by DFV with access to flexible working arrangements. Employees are encouraged to discuss their request for flexible working arrangements with their managers in the first instance.



### 5.3.5 Counselling support services

DJAG offers an employee assistance program (EAP) to all employees and their immediate family members. The EAP offers free and confidential support services through face-to-face, telephone and online counselling, and a range of digital resources.

The EAP also provides specific advice to managers to support employees affected by DFV i.e. manager hotline.

Other referral pathways are outlined on the [intranet](#).

### 5.3.6 Other workplace support and role adjustments

We may also consider:

- workplace safety needs and arrangements to protect the employee and colleagues following a risk assessment, including increased security measures
- supporting employees to have the workplace included in a Domestic Violence Order issued by the courts, where appropriate
- 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
  - alternative suitable employment in other teams, offices and locations
  - changes to email address and telephone numbers
  - secure parking.

## 5.4 Safety in the workplace

The safety, health and wellbeing of all DJAG employees in the workplace is paramount. 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 manager, supervisor or human resources officer to develop a workplace safety plan agreement.

A DFV risk assessment checklist should be completed by the manager, supervisor or human resources officer in consultation with the employee, prior to completing a workplace safety plan agreement, and including 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 for before or after work (e.g. travel arrangements, secure carpark) to support the safety of the employee
- any workplace changes or security measures to protect the employee and their colleagues where necessary
- updated emergency contacts and next of kin details.

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



Leaders/managers/supervisors will:

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

Employees will:

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

## 6. References

*Domestic and Family Violence Protection Act (2012)*

*Work Health and Safety Act (2011)*

*Public Service Act (2008)*

Code of Conduct for the Queensland Public Service

Family Leave (Queensland Public Sector) Award – State 2012

Directive relating to supporting employees affected by domestic and family violence

Directive relating to special leave

Directive relating to sick leave

Directive relating to recreation leave

Directive relating to long service leave

Directive relating to leave and travel concessions – isolated centres

Directive relating to leave without salary credited as service

## 7. Review

Review of this policy will be completed no longer than 3 years from the date of approval.

## 8. Amendment register

**New policy version:** v2.0

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**Approval date:** 26 May 2021

**Review date:** April 2024

