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Public Service Commission

Directive 4/15

Commission Chief Executive Directive: Support for employees affected by domestic and family violence

1. Purpose:

To provide information on the support and options available for public service employees who are affected by domestic and family violence.

2. Effective date:

25 November 2015

3. Legislative provisions:

Section 53 of the *Public Service Act 2008* (PSA)

4. Application:

This directive applies to public service employees as defined under the PSA.

5. Related information:

- Directive relating to special leave
- Directive relating to sick leave
- Directive relating to recreation and long service leave
- Directive relating to leave and travel concessions – isolated centres
- Directive relating to leave without salary credited as service
- *Family Leave (Queensland Public Sector) Award – State 2012*
- *Work Health and Safety Act 2011*
- *Domestic and Family Violence Protection Act 2012*



Directive:

6. Commitment

The Queensland Government is strongly committed to providing a healthy and safe working environment for all public service employees. It is recognised that employees sometimes face difficult situations in their work and personal life, such as domestic and family violence, that may affect their attendance, performance at work or safety.

Domestic and family violence 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, coercive or aimed at controlling or dominating the other person through fear.

Domestic and family violence can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.

Public service leaders, managers, supervisors and all employees are committed to making the public service a great place to work. The workplace can make a significant difference to employees affected by domestic and family violence by providing appropriate safety and support measures.

Domestic and family violence is unacceptable in any setting including the workplace. Any public service 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 include behaving in a way that promotes a work environment free from any form of violence and supporting those who are affected by domestic and family violence.

Fostering a workplace culture where employees affected by domestic and family violence are supported in the workplace, contributes to a healthy and safe working environment for all.

7. Confidentiality and disclosure

Employees have the right to choose whether, when and to whom they disclose information about being affected by domestic and family violence. However this directive does not override any legal obligations to disclose information.

Information disclosed by an employee in relation to domestic and family violence will be kept confidential, except to the extent that disclosure is required or permitted by law.

8. Policy and awareness raising

All departments must put in place a policy that outlines the workplace commitment to supporting employees affected by domestic and family violence.

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

9. Support options available to employees

There are a number of support options available to assist employees affected by domestic and family violence. In relation to clauses 9.3 to 9.6, these arrangements should be reviewed at regular intervals to ensure that they are appropriate.

9.1 Documentation

When considering the support options outlined below:

- a) departments acknowledge that employees affected by domestic and family violence may not be in a position to provide supporting documentation. An employee's access to leave and other support options should not be denied in the absence of supporting documentation;

- b) any related communications must be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.

9.2 Leave entitlement

- a) An employee who is affected by domestic and family violence will have access to a minimum of 10 days per year of paid leave.
- b) The reasons 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 for the purposes of attending to matters arising from domestic and family violence or supporting the person affected by domestic and family violence.
- c) Leave should be granted where the chief executive is satisfied that the employee requires leave because the employee is affected by domestic and family violence. However, leave should not be denied in the absence of supporting documents.
- 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.
- e) The employee may also access further paid or unpaid leave including special leave, sick leave, carers leave, recreation leave, long service leave or other accrued time to attend to matters arising from domestic and family violence. This will be in accordance with the directives relating to each type of leave.

9.3 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 domestic and family violence 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.

9.4 Flexible working arrangements

- a) Departments will provide employees affected by domestic and family violence access to flexible working arrangements. Employees are encouraged to discuss their request for flexible working arrangements with their managers, in the first instance.

9.5 Counselling support services

- a) Departments will offer the employee assistance provider (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 managers to support employees affected by domestic and family violence.

9.6 Other workplace support and role adjustments

- a) Departments may also consider:
- (i) workplace safety needs and arrangements to protect the employee and colleagues following a risk assessment, including increased security measures;
 - (ii) supporting employees to have the workplace included in a Domestic Violence Order issued by the courts, where appropriate; and
 - (iii) 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.

Responsibilities

Leaders/managers/supervisors will:

- Model the public service values, including behaviour in a way that promotes a work environment free from any form of violence
- Actively participate in domestic and family violence related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace
- Encourage employees to actively participate in domestic and family violence-related learning and development activities
- Sensitively communicate with employees affected by domestic and family violence
- Take prompt and appropriate action to address any reports of employees affected by domestic and family violence
- Ensure appropriate levels of support are provided to employees affected by domestic and family violence
- Ensure appropriate management of work performance and monitoring of attendance issues.

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 domestic and family violence-related learning and development activities
- Sensitively communicate with colleagues affected by domestic and family violence
- Ensure colleagues are aware of available support services and encourage colleagues to seek assistance.

Definitions

Unless otherwise defined, the terms in this directive have the meaning set out in the *Public Service Act 2008*.

Domestic and family violence has the same meaning as domestic violence as defined in the *Domestic and Family Violence Protection Act 2012*.