



A·S·U

Australian Services Union
Victorian and Tasmanian
Authorities & Services Branch

Australian Services Union
Authorities and Services Victoria and Tasmanian Branch's
Submission to the
Royal Commission into Family Violence
29 May, 2015

The ASU gratefully acknowledges the work of Maurice Blackburn in drafting Part 3 of this submission on Law Reform.

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Part 1

Workplace Strategies and the Family Violence Clause

Our Purpose in Submitting to the Royal Commission into Family Violence

The Australian Services Union Authorities & Services Branch (ASU) submits to the Royal Commission into Family Violence that the workplace has a role in delivering strategies to support victims of family violence and in preventing family violence. The extensive acceptance of the family violence clause (FVC) in workplace Enterprise Agreements and Awards, demonstrates employer and employee recognition for the role the workplace has as a site of support and in challenging attitudes that perpetuate violence against women. The ASU has acted as a national and international leader in advocating for workplace based prevention and support strategies since 2010, when the ASU negotiated the first FVC into the *Surf coast Shire Enterprise Agreement 2010*.ⁱ

The ASU represents community sector employees who work in family violence services and who provide critical support to victims and others affected by family violence. We wish to advocate on behalf of our members to improve their safety and efficacy. We do not claim expertise as family violence service providers, we seek to advocate as the Union representing employees who do provide those services and have that expertise. The role of these front line employees is critical in the response to family violence and we believe that there are very clear signs of worker 'burn out' and service strain that need to be urgently addressed.

Australian Services Union Authorities & Services Branch and Family Violence

Our Victorian and Tasmanian members hail from diverse industries including local government, social and community services, water, energy, transport, shipping, travel, information technology and exclusive to Tasmania airlines and clerical/administration.

At the time agreement was reached to include the Family Violence Clause(FVC) in the *Surf Coast Shire Agreement 2010*, the clause was credited as being world's best practice in workplace strategies to support those affected by family violence. It is our understanding that this remains the case. Since that time the ASU has worked with its membership and their employers providing training and support on the issue. The Victorian and Tasmania Authorities and Services Branch of the ASU is committed to continue working for the goal of eliminating family violence through industrial and workplace initiatives. The ASU remains a leader in advocating for the inclusion of clauses in workplace agreements aimed specifically at eliminating family violence and providing support to those in the workplace experiencing family violence.

A resolution of the Branch's Delegates State Conference committing the ASU to continuing its work to prevent family violence and to support affected employees became branch union policy on October 6, 2010.ⁱⁱ Nationally the ASU passed a similar resolution soon after. Since 2010 the ASU has successfully negotiated 240 of the 740 Australian agreements Enterprise Agreements that contain some or all of the Family Violence provisions, of the ASU FVC. The ASU is aware of the gendered nature of the issue, but for the purposes of introducing an innovative clause into industrial agreements has chosen gender neutral terms, to focus on gaining support for the clause across diverse workplaces.

Background to the ASU Family Violence Clause

In 2010 an ASU delegate, herself a recent victim of family violence, heard about the advent of the clause and became determined to get the clause into her workplace agreement, to prevent others experiencing the difficulties she had in maintaining her employment as a victim of intimate partner violence. The Australian Domestic and Family Violence Clearing House (ADFVCH) had developed the clause in consultation with the NSW Public sector union, the ASU and Domestic Violence Victoria. At the time the capacity to gain acceptance from an employer to include the clause in an agreement was unknown.

The ASU had already taken a keen interest in the work of members working in family violence. The union undertook a consultation across Family Violence services to assess member interest and support for the ASU organising a commemoration for the lives of women lost to domestic homicide. The ASU acted as auspice for *Not1More* a commemoration held at Federation Square for women murdered by their intimate partners between 2009 and 2013. When Ludo McFerran's (ADFVCH) work on the FVC came to light, the ASU became a strong advocate of it. According to the Australian Bureau of Statistics in 2006 the majority of women experiencing family violence are in paid work. Limited Australian data existed beyond the ABS data and almost none on Australian working women's experience of family violence. In 2011 the first Australian data gathering began through the ADFVCH surveying working women on the impacts of intimate partner violence. Their survey provided evidence that the violence impacted on women's capacity to get to work and reduced their effectiveness and safety on the job.

In the ASU's experience most employers first become aware of their employees experience of violence in the home when their reduced performance draws negative attention to them

Impact of violence on the workplaceⁱⁱⁱ

- Nearly half of those who had experienced domestic violence reported that the violence affected their capacity to get to work. This was mainly due to the abuser inflicting physical injury or restraint (67%), followed by hiding keys and failing to care for children
- Nearly one in five respondents (19%) who experienced domestic violence in the previous twelve months reported that the violence continued at the workplace. This commonly took the form of abusive phone calls and emails (12%) and the partner physically coming to work (11%)
- The main reported impact was on work performance, with 16% of victims reporting being distracted, tired or unwell, 10% needing to take time off and 7% being late for work

The ADFVCH survey of working women identified that employees were discussing their experiences at work, but not necessarily with supervisors or human resource managers who could assist them by modifying their working arrangements. The ASU felt strongly that employees should be afforded appropriate protection against deeply ingrained community prejudices and blame so often attributed to the victims of family violence. We advocate that relevant personnel undertake workplace training to learn about underlying attitudes and appropriate responses to family violence.

Disclosure and help seeking^{iv}

- Of the respondents affected by domestic violence in the past twelve months, 45% had discussed the violence with someone at work, primarily co-employees or friends rather than supervisors, human resources (HR) staff or union representatives.
- Of those who had discussed the domestic violence with someone at work, almost half (48%) had disclosed the violence to their manager/supervisor, though only 10% found their response helpful.
- For those who did not discuss the problem at work, the major reason given was privacy, followed by reasons of shame and fear of dismissal.
- Over one-third of all respondents who had experienced domestic violence reported the violence to the police. A quarter of all respondents who had experienced domestic violence had obtained a protection order but less than half (41%) included their workplace in the order.

When member campaigns and negotiations began in earnest across Victorian Local Government Authorities for the FVC, it was commonplace for the clause to be considered ‘inappropriate’ for workplace agreements by employers. It was regularly argued that family violence was not a workplace issue, yet employers were frequently able to cite occasions when support to address some of the consequences of a violent relationship on staff or the workplace had been necessary. From experience the ASU knew these individuals’ employment was at risk of being terminated. There was often no opportunity to discuss the violence that preceded their absences or reduced performance at work. Employees were unlikely to raise their concerns without evidence or certainty of workplace supports.

The ASU has relied on the following principles in discussions with employers to support the inclusion of the clause:

1. **Family Violence impacts on staff performance, attendance and attention at work.**
Those affected most often come to the notice of the employer when the issues of their absenteeism and poor work performance become evident.
2. **Leaving the realities of the violence unaddressed** can lead to workplace safety being compromised for the employee directly affected and others.

3. **Employees are most likely to need support from their workplace** when they are leaving or putting an end to their violent relationship. This is when leave to attend to legal, financial, counselling or housing related appointments is needed. It is well known that separation is the time that violence is likely to escalate and maintaining safety is most critical.
4. **Acceptance of the Family Violence clause in a workplace agreement** and the subsequent policy and training implementation, is an excellent vehicle to further workplace dialogue about the value of respectful behaviours and the employer's values. This approach aligned particularly well with the excellent work that some Local Government Authorities have been undertaking in their communities to prevent violence against women.
5. **Preventing job loss** as a consequence of leaving family violence and likely disadvantage as a result is a critical benefit of the FVC. The ASU wants to support its members to maintain their employment and economic independence.
6. **Family Violence often does come into the workplace.** Many women are harassed via email and through their phones. Women working in publically accessible buildings are at risk of being assaulted, harassed or potentially killed at work. Perpetrators have and will continue to use workplaces to contact and intimidate. Employers have a duty of care to ensure that the health and safety of their employees is maintained.
7. **The provisions of the Clause be included in an enforceable Enterprise Agreement** rather than a workplace policy to ensure employees can be confident of their entitlements. Not only does this reduce uncertainty for employees, we believe it increases their confidence in making a disclosure to contact officers, human resources or the appropriate workplace contact.

Support for the Clause

Resistance to include the clause in agreements is almost non-existent in Local Government now. The Clause is now in 130 Victorian ASU agreements, 74 are Victorian LGAs that contain the clause, and the remainder are in the Community services and Water industries. Some have accepted scant wording referring to family violence, others have committed to improving their clauses in future negotiations. In 2013 the achievement of Australian unions and employers negotiating family violence provisions that provided an entitlement of up to twenty days of leave into industrial

agreements was recognised in the Report of the U.N. Secretary for the Commission on the Status of Women 57 (CSW57) on General Multisectoral services and responses for women and girls subjected to violence. Significantly collective agreements have been included as one of a range of measures to address violence against women .

There are now approximately 740 industrial agreements in Australia that include a FVC. Industrial instruments now provide family violence provisions for a figure approaching 2 million employees. The Victorian & Tasmanian Branch of the ASU have negotiated more than 30% of all the Victorian agreements containing Family Violence provisions.

Our general experience is that employers initially resist the inclusion of the clause in agreements, fearful of the potential liabilities and costs they believe will arise from the clause. Often there is a lack of appreciation of the need for all sectors in the community to work to eliminate family violence. There has also been, unfortunately, an unconscious yet common prejudice about family violence and those who experience it, which inhibits agreement. Overtime, resistance has dissipated.

The inclusion of the clause in our log of claims has enabled our membership and staff to commence a dialogue otherwise unlikely to occur in workplaces about the extent of family violence and its impacts. Potential job loss and marginalisation are well documented experiences of victims of family violence and our union has sought to mitigate these impacts for our members. Our members have demonstrated responsibility and compassion on the issue. On numerous occasions ASU staff have been approached by members and delegates who have related their own experiences of violence in the home. Their pride in the ASU's work in the Clause has galvanised many ASU members into becoming active opponents of family violence.

It has taken longer to convince the community sector of the value of the clause and its relevance to the workforce. Social and Community Services employers are now accepting the clause in their agreements.

ASU Family Violence Survey 2014.

A survey of ASU members employed by Victorian LGAs where the clause is in agreements, indicates that there is a high level of support for the Clause, but that more work could be done by the ASU and employers to ensure staff are aware of the clauses and its provisions.

The Survey was sent to members who had the FVC across 106 different workplaces.

Responses: 515 - Male: 32% Female: 68%

- Two thirds of the employees knew that their Enterprise Agreement (EA) included Family Violence entitlements. It is important to note that over 20% of employees who responded were union delegates.
- Employees believed that their employers had a role to play in helping to prevent family violence in the community. This ranged from protection against adverse action upon disclosure (95%) to provision of appropriate training (79%).
- Overwhelmingly participants supported workplace entitlements for family violence in their EA (96%).
- Only 33% said that their organisation had trained either themselves or other people.
- A sizable minority (40%) did not know whether their employers had family violence policies and 53% did not know if their organisations had family violence contact officers. This is very interesting given that two thirds of the employees completing the survey said they knew that their organisation had entitlements.
- In terms of knowledge about aspects of the Clauses other than leave, responses sat at roughly 50/50.
- Over 95% believed that the union and employers had a role to play in implementing measures to reduce family violence. At the time just over 2% had accessed the leave.
- Those that had accessed the entitlements had accessed leave in 100% of cases and over 70% of those that had accessed entitlements found their experience in accessing entitlements 'extremely helpful'.
- Over 75% of employees said that they would access the entitlements if they needed to.
- In terms of comments the most significant comments included a concern regarding men experiencing family violence

Many employers have argued against the clause, expressing a preference for an organisational policy instead. The ASU rarely concedes this as an appropriate compromise, as a principle of our campaign has been to enshrine its provisions as workplace rights. Recognising the distress, chaos and disempowerment so often associated with the impacts of family violence, we have sought to reduce

ambiguity, and employer discretion, so employees know the supports they can rely on from their employer.

One woman's experience of using the clause – ASU Member

██████ had read the work place agreement and seen the clause. Last year her supervisor told her she could access it when she heard about her situation.

- ██████ accessed 7 days leave under the clause, she used the clause to attend court, mediation and family violence counselling, and to have her locks changed.
- The clause was accessed easily and her supervisor was supportive

“My workplace has been amazing throughout this whole ordeal they never questioned me, or made me feel guilty instead they showed me compassion, empathy and respected my privacy. I was reassured me that this would have no effect my career and if there was anything they could do to support me all I had to do was let them know. “

“...to be able to come to work and feel safe and not judged and not worrying if I will lose my job then stress and worry about how would I support my son was such a weight lifted off my shoulders .”

“I have been able to rebuild my life and provide a safe environment free from violence for my son to grow up and now hopefully we have broken the cycle.”

- If I not had access to the clause it is likely that I would have lost my job, or stayed in a violent relationship not have counselling which my son and I were in desperate need of. and I may have even lost my son.
- Without the clause I could have been made homeless or not be able to support my child and mentally unstable due to stress fear and anxiety.

The ASU has trained delegates about the family violence clause and the value of workplace strategies to support affected employees. Take up and response from employers and employees indicate that there is strong support for the clause and that it has been effective. A number of employers in the industries we cover have participated in an ACTU and University of NSW survey to ascertain the experiences of employers who have the clause. This information provides further

evidence of employer acceptance and employee use of the clause. This information also supports the ASU and ACTU claim under the Modern Award Review for ten days paid leave for employees affected by family violence.

Another woman's experience of using the clause – ASU Member

In 2013 Karen (Name changed to protect her identity. worked for a Victorian Local Government Authority when she accessed family violence leave of between 13 to 15 days over twelve months.

This leave was used for;

- appointments with lawyers,
- compulsory family separation courses and mediation,
- court appearances,
- family psychological assessments,
- attendance at child psychologist appointments and
- to sort out financial affairs

In addition to this Karen accessed the Employee Assistance Program for counselling.

Without the clause:

- Karen would have used all her leave, which was important to preserve for her children who needed her at this time.
- Her reduced flexibility would have extended time frames to attend appointments related to the business of separating; the stress would have undermined the quality of her work potentially threatening her employment.
- Unpaid leave would have jeopardised her ability to pay the mortgage and bills.
- Karen was being harassed on the phone by her former partner and at the time of separation there was an increase in abuse impacting on the family, dealing with issues quickly was paramount,
- Work was a stable part of Karen's life and assisted in keeping routines normal for her children, both of whom suffer from anxiety. One was suffering from serious anxiety and panic attacks. With no job Karen would have struggled to pay child psychologists, lawyers and barristers, ultimately losing the house and security for her family. Keeping the family home was paramount for her children.

The Victorian State Government has the opportunity under this Royal Commission to announce its support for the ASU model FVC and endorse the inclusion of the FVC in all state government Industrial Agreements. The government should also extend its support for the FVC to the ASU and ACTU claim for ten days paid family violence leave under the Modern Award Review. This action would be in line with commitments and actions taken by state governments in NSW and Tasmania.

Recommendation 1.

Family Violence Clause for the Victorian Public Sector

We urge the Victorian State Government to recommend the inclusion of a Family Violence clause in Enterprise Agreements of all Victorian Public Services and Victorian Statutory Services and adopt the ASU standard.

Victorian Local Government Authorities Family Violence Clause Implementation

Workplaces that have taken a positive and proactive responsibility to be a part of a community solution and address the problem of family violence and gender equity have embraced workplace strategies. We believe that it would be of value for state government to showcase the work of employers and unions in delivering and implementing family violence supports and workplace based education on family violence.

Yarra City Council

- The City of Yarra Family Violence Policy^v was endorsed in August 2014
- The Executive Management group undertook 2 x 2 hour training sessions on the Family Violence Awareness Training, which included discussion on the family violence statistics and experiences from a workplace perspective; details of the organisational Family Violence policy and the procedure when supporting staff experiencing family violence.
- The Family Violence Contact Officer undertook a full day training on the above.
- Managers and key staff teams will also be attending Family Violence Training, with a refresher session for the Contact Officers.
- Calls for expressions of interest for additional Family Violence Contact Officers will be undertaken in the next 12 months
- A family violence information page is on the intranet

- Council continues to support the elimination of violence against women and endorsed the Building a Respectful Community - Northern Region Strategy for the Prevention of Violence against Women in 2013. This is a three year strategy and Council is continuing to work on initiatives and actions developed to support this key initiative in the region.
- In 2013 Council endorsed Yarra's Gender Equity Strategy – Strategy for a Respectful, Just and Fair Yarra 2013 – 2016. The organisation is committed to providing a respectful and equitable workplace for all, and is focused on actions which include, addressing the barriers to women's leadership and participation, as well as addressing unconscious bias and applying a gender lens to all the work that we undertake.

Fred Warner, Executive Manager, People and Culture, Yarra City Council said:

'Yarra City Council says no to violence against women and children. As an employer of over 1100, and over 50% women, we take very seriously our responsibilities to address this critical issue - both as an employer and as a leader in the community. We are committed to eliminating violence against women and to promote a safe and respectful environment for all. Introducing the family violence leave entitlements, along with the organisational policy, training and contact officers, have provided important ways for staff to engage on this issue and to get the support, information and resources they need.'

City of Whittlesea Implementation case Study

- City of Whittlesea (CoW) accepted the clause as part of the ASU's log of claims in 2011.
- 14 of the 1100 employees of CoW had accessed some provisions of the FVC by the end of 2014.
- Every manager at the council undergoes mandatory training to assist those who have suffered domestic violence.

Anne McLeish, the team leader of employee relations at the Council, was quoted in The Age saying that she implored other employers to follow the lead.

McLeish from Whittlesea says that it's clear that those who experience domestic violence are more likely not to be able to perform their jobs to the best of their abilities. And they will skip work to avoid the humiliation because they need to have time to see the police, to go to court, to go to the doctors.^{vi}

To her employees, she says this: *"We know that's going to happen but don't be afraid to come forward. We will support you."*^{vii}

Hobson's Bay Implementation case study

- The Clause was included in the 2013 Hobson's Bay City Council Agreement. The employer endorsed its Family Violence Policy on 27 November 2014.^{viii}
- To date they have had four employees access the policy – 3 females and 1 male. The main provision of the policy utilised has been the leave. To date no staff member has requested change in hours or job design. Employees have been referred to the Council's Employee Assistance Program.
- Managers, contact officers, union representatives and appropriate Operational Development staff have participated in family violence training in November 2014. The training provided an understanding of what family violence is, support networks available, supporting staff that may be experiencing family violence and breaking down the stereotypes of family violence.
- As the policy is fairly new Hobsons Bay's main aim has been to monitor the policy to ensure it is working effectively for their employees.

Chris Eddy CEO Hobson's Bay City Council said;

"Hobson's Bay City Council is strongly committed to raising awareness of family violence issues, and promoting strategies to prevent men's violence against women in particular. As part of this commitment, a family violence policy was introduced to assist any employee who may find they are dealing with the impacts and effects of family violence. The introduction of the policy has led to an increased level of awareness amongst our staff, and has provided employees with a safe place to discuss a sensitive and challenging matter."

Important role of Local Authorities is at risk

Just as the ASU has led the union movement in accepting that Family Violence is a work place issue so too have LGAs have provided leadership for employers. As outlined above, a number of LGAs have shown a real commitment to implementing the FVC effectively; demonstrating their clear understanding that this work is of immediate benefit not only for their workforce, but also for their broader community. The ASU has recently made a submission to the *Local Government Rates Capping & Variation Framework Review* arguing that proposed 'market testing' will undermine the leadership that Local Government has shown on a range of progressive initiatives for women's employment. The ASU believes that the innovation and public benefits so critical to the work of LGAs

that has enabled it to be proactive on this issue and others will be entirely compromised by moves to rate cap and 'market test' services delivered by LGAs. In addition to this decent wages and conditions of employment for a largely female workforce will be at risk, particularly in the caring sectors where women's work has traditionally been undervalued.

ACTU Congress endorsed the Family Violence Clause in 2012 and the following seven core principles from the original ASU FVC were confirmed as the model Clause standard.

1. Dedicated additional paid leave for employees experiencing family or domestic violence;
2. Confidentiality of employee details must be assured and respected;
3. Workplace safety planning strategies to ensure protection of employees should be developed and clearly understood by the parties concerned;
4. The agreement should provide for referral of employees to appropriate domestic violence support services;
5. Provision of appropriate training and paid time off work for agreed roles for nominated contact persons (including union delegates and health and safety representatives if necessary);
6. Employees entitled to family and domestic violence leave should also be able to access flexible work arrangements where appropriate; and
7. Employees must be protected against adverse action or discrimination on the basis of their disclosure of, experience of, or perceived experience of, family and domestic violence

Integrity of the Clause

It is our strong view that each of these principles is critical in any FVC. Consideration was given in drafting the clause to ensure it balances the needs of employees and employers. Clauses have been adopted that significantly reduce the standard provisions and each of these compromises creates the potential for future difficulties for employers and employees. For instance clauses that have not included training provisions have the potential to expose employees who disclose to unchecked harmful attitudes.

Equally where employers have refused to include the adverse action provision;

'No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of being a victim of family violence.'

We fear that employees are potentially playing double jeopardy if they disclose their circumstances to an employer who sees their circumstances as an unwelcome liability. Until family violence is recognition as an attribute in Section 6 of the *Victorian Equal Opportunity Act 1995* (E.O Act Vic) we believe that it is critically important to maintain the adverse action provision of the model clause.

Family Violence as an attribute of Section six of the EO Act Vic.

There were a number of clauses negotiated particularly when the clause was first introduced that do not meet all seven of the core principles. The ASU has undertaken an audit of clauses in its agreements and is seeking to improve those that do not meet this standard as agreements are renegotiated. Of concern are workplaces that have introduced some provisions without including commitments to privacy, training and that no adverse action will be taken against an employee who discloses family violence. We are acutely aware that there are still many deeply ingrained prejudices in the community toward family violence and violence against women. We believe that women who need or are compelled to disclose their experiences at work should be afforded protection against discrimination. The ASU supports the recommendation of the ALRC's Inquiry into Family Violence and Commonwealth Laws 2012 **Recommendation 16—8**^{ix}

The Australian Human Rights Commission, in the context of the consolidation of Commonwealth anti-discrimination laws, should examine the possible basis upon which status as an actual or perceived victim of family violence could be included as a protected attribute under Commonwealth anti-discrimination law.

Recommendation 2

Recognise family violence as an attribute under Section 6 of the EO Act Vic

The ASU supports Recommendation 16-8 of the *Australian Law Reform Commissions Inquiry into Family Violence and Commonwealth (Employment and Superannuation) Laws 2012* (ALRC Report 2012) and urges the Victorian State Government to amend the *Victorian Equal Opportunity Act 1995* to incorporate the attribute of family violence under Section 6.

Part 3 of this submission authored by Maurice Blackburn deals more comprehensively with the issue of law reform.

Resources and Training

The high take up of the clause across private and public sector employers is compelling support for workplace support strategies. The ASU believes it is timely for the State Government to provide family violence resources for workplaces to assist them in implementing supports that might assist employees and workplace responses. Government initiatives to resource small employers and businesses that recognise the value of introducing provisions for employees but do not have the resources or knowledge to do so are justified.

Recommendation 3

Training and resources for employers

That the Victorian State Government develop training, information resources and standard referral listings for all Victorian regions to assist small employers who would like to implement workplace strategies for those affected by family violence.

There are a dozen or so LGAs that have been dedicated to thorough implementation of Family Violence policy and training once they have included the clause in their agreements. Both during and after the ADFVCH project former project worker Ms. Robyn Dale provided family violence training for Victorian Local Authorities to contact staff, supervisors, human resource staff and senior managers. Ms. Dale reports that over 400 staff attended training and implementation sessions that she has run. Where senior staff or Human Resources Director took an active interest in the issues implementation outcomes have been strongest. It is notable that a change over time has been evident at these sessions in attitudes to family violence and implementation of the clause and policy. An understanding of family violence as an issue for the whole community including the workplace has been evident. A number of employers were quite enthusiastic to include the clause in their Workplace Agreements and have embraced policy implementation and workforce training. There seems to be a correlation between Local Authorities enthusiasm in practical implementation of the clause and policies and the level of their engagement in prevention strategies in the community. The ASU believes that the more active the Local Authority is in working in the community to prevent family violence the more likely they are to recognise the value of community education for their workforce.

Recommendation 4

Preventing violence against women through educating workforces

The ASU supports Recommendation 15–1 of the ALRC Report 2012. The Australian Government should initiate a coordinated and whole-of-government national education and awareness campaign about family violence and its impact in the employment context.

an employee to access the employers EAP service:

‘An employee experiencing family violence will be offered a referral to the Employee Assistance Program (EAP) and/or other local resources. The EAP shall include professionals trained specifically in family violence.’

The ASU has been made aware of Family Violence (FV) sector employees concerns that there is an absence of transparent standards, accreditation or training for psychological therapists and counsellors services providing services for those affected by family violence. An inferior version of the FVC has been negotiated into LGA agreements that require an employee to use an EAP to receive a recommendation to the employer about the types of supports the employee requires access to prior to the provisions of the clause being approved. The ASU is opposed to any interpretation of the FVC that reduces the autonomy of the affected employee. It is well known in the family violence sector that enabling those affected to make their own decisions about the best course of action for themselves is critical in building confidence and developing control over their lives. For these reasons we share the concern in the sector that there is no standard or family violence framework that ensures community prejudices are not replicated through counselling and psychological services. It is imperative that individuals grappling with the experience of family violence not be hindered by the common prejudices, mythologies and latent misogynist attitudes that can lead to punitive and judgemental responses to family violence. If the Clause continues to be taken up at the rate that it has over the last five years, there will be an increased expectation that employer provided EAP services are equipped to recognise and respond appropriately to family violence.

Recommendation 5

Family Violence quality framework for Employee Assistance Programs

The Victorian State Government investigates an appropriate Family Violence accreditation system for EAP and general counselling services. Employees from the family violence sector should be involved in the development of this standard, and the development of any prescribed training.

Part 2

Family Violence Workforce

Employees in the family violence sector are often motivated to work in the field for reasons in addition to or other than remuneration. It is understood within the sector that it is not uncommon for these to be:

- a close identification with the client group,
- an altruistic desire to help others and
- a desire to affect positive systemic change in the broader community and society. ^x

These motivations have implications for the sustainability of the workforce. The sector is in danger of relying on the passion of employees surviving on sub-optimal wages and conditions. Increasingly over loaded these workers are at risk of burn out. Without sector renewal and appropriate resourcing, specialist experience and service standards are likely to be jeopardised. It has been acknowledged in the Queensland Equal Pay case for social and community services^{xi} and elsewhere that the nature of the client group can cause employees to compensate for shortfalls in funding by providing unpaid or underpaid work. It is for these reasons that the ASU seeks to ensure that the needs and well-being of those employees at the frontline of service delivery are also acknowledged through this inquiry

Whatever recommendations are to be made by this Royal Commission it needs to ensure that services are sustainable and well positioned to provide best practice. It is the ASU's view that for family violence organisations to be most effective, workforce measures are critical to ensure that the multiple needs of clients are met. A quality workforce is at the core of meeting these needs – a workforce that is highly skilled, professionally valued and recognised, well trained and dynamic.

Family violence workers deliver services across the community sector, from those who work in family violence agencies in outreach, refuges and as case managers in direct service provision for women escaping violence, to advocacy and policy roles concerned with system improvement and reform and in housing, mental health, drug and alcohol, financial aid and social supports services. These are professionals performing roles as social workers, welfare employees, and community development employees and in the areas of policy, health promotion and training.

In addition to the day to day experience and knowledge base the ASU has developed through sector representation, the ASU conducted a workforce survey across the social and community services workforce in December 2014. A comparison of results from this survey between those employees engaged in family violence work compared to other areas of community services found some startling differences:

1. 61% of family violence employees were reliant on minimum wages and conditions provided by the federal Award systems compared with 51% of those working in community services;
2. 93% of respondents noticed an increase in demand for services compared to an 84% increase in the rest of community services;
3. 58% of employees regularly worked more than their contracted hours (unpaid), with 88% of these working up to an additional 6 hrs per week;
4. 33% of managers in family violence services reported a problem in retaining high quality staff "all the time", compared with other parts of community services where the rate was 17%. Commonly cited reasons for the difficulties included low wages, lack of career opportunities and difficult/risky work.

These findings are consistent with those published in a KPMG report commissioned by Department of Human Services^{xii} which reported that the family violence sector:

1. Saw increasing demand for limited resources, with increasing incidence of homelessness.
2. Has significantly higher levels of unpaid overtime, with 43% of the workforce working more than 15% of their time in an unpaid capacity.
3. Employers noted attraction, recruitment and selection as a significant challenge. Similarly, the ACOSS Australian Community Sector Survey 2010 found that 71% of respondents indicated that low salaries made attracting and retaining staff more difficult.

In addition to these findings, a consultation was held by the ASU with family violence employees from various services from across the state on 31 March 2015 to further discuss these issues to inform our submission into this inquiry.

Despite an incremental uplift in Award wages as a result of the Equal Remuneration increase in 2012^{xiii}, the well documented increased reporting of family violence incidents, leading to ever increasing demand for services remains a major issue.

These issues include:

Occupational Health and Safety risks

- Limited resources means that employees are forced to “choose” unsafe work practices due to resource shortages such as driving their own cars, on their own, to out-postings which are often dangerous. They may be faced by threats or actual violence by the perpetrator of the client they are supporting;
- There is a definite increase in workload. This not only causes concerns regarding quality of service in an attempt to get through more work, but causes significant health and safety issues for employees who suffer increased levels of stress, burnout and increased taking of sick leave as a result. According to KPMG, family violence staff were most likely to report job related stress (55% answered always or often in relation to this domain);^{xiv}

Recent high profile cases, that have attracted strong media coverage, have led to increases in reporting to police and impossible workloads. With little to no increase in funding to deal with demand it has been reported that family violence incident reports are in some instances taking months to follow up. Poor pay and conditions, are leading to a turnover churn of appropriately skilled employees who do not want to do the job when the personal costs are so high.

Continued undervaluing of employees through low pay, minimum conditions, and limited resources to address issues such as vicarious trauma and opportunities for workplace and self-advocacy are negative contributing factors to the health and safety of front line family violence workers:

- There is limited funding for employees to do early intervention work such as outreach at Centrelink. Excessive caseloads that are primarily crisis driven are leading to increased stress and burnout. Employees have told the ASU ^{xv} that early intervention work was a break from the relentless crisis work and gave them work satisfaction that would be otherwise unavailable.
- Workplace practices of some sector employers have left employees feeling voiceless. “Toughen up” is often the mentality coming from management, governments and the community more broadly. Many employees feel silenced, with limited avenues to address workplace issues, especially when award reliant. Some employees also report occupational violence through bullying managers in their own workplaces. Employees

see their experiences paralleling the family violence situations that employees are advocating to address.

An ageing workforce

- There are a higher proportion of older employees in the family violence workforce than that of the general workforce.^{xvi} Data indicates that the ageing demographic of the workforce will continue. The number of employees in the health and community sector aged over 45 years was predicted to increase to 5.5% by 2014, and the supply of staff aged less than 45 years is forecast to decrease by a further 6.7%. The impact of burn out on older employees is more acute. Members report to us they are feeling burnt-out but that they are unable to speak up or leave the workforce. This phenomenon, coupled with young women coming in to the sector and then leaving after relatively short periods of time due to high cost of living, low pay, poor conditions and workplace stress is leading to significant brain drain in this highly specialised sector;
- Skill shortages are also likely to grow as a high proportion of the workforce retires and cannot be replaced, particularly in rural and remote areas.

Lower conditions of employment, pay, recruitment and retention issues

- Since the equal remuneration order, the ASU has seen many instances of employers re-classifying roles in the family violence sector in order to avoid paying higher wages that the order requires. The outcome has been a de-skilling of the work such that lower qualified staff with less experience are delivering work, or employees are continuing to work at higher levels but “accepting” lower levels of pay for it.
- There are limited opportunities for leadership roles in a non-management capacity in this sector. This leads to low morale and highly experienced employees leaving the sector. Further contributing to significant specialist family violence knowledge and experience lost.
- Employees report limited time and resources to do more than “tread water”. Increased demand means there is not enough time to do work thoroughly, always feeling like they are catching up or on the back foot. This crisis driven workload also means there is little time for training and skill enhancement, professional development and little capacity for frontline employees to provide input to work such as submissions to this Royal Commission and other initiatives.

- KPMG’s report highlights lack of recognition of skills, adequate valuing of the work, workload pressure, stress/impact on emotional help, lack of career pathways and need for financial security as reasons for employees to leave the sector;
- According to the KPMG report,^{xvii} the average turnover rate for the community managed housing and support workforce is 25%, however staff working within the family violence sector were most likely to leave their existing workplace within a two year time frame, with 39% of staff indicating that they had this intention. Part of the explanation for the high level of staff turnover in the industry may be the reliance on unpaid work by staff (ACOSS Paper 138 – Australian Community Sector Survey Results, 2005).

The broader community sector workforce

Family violence is often the catalyst for requests for support from the community sector, including mental health, housing and homelessness, out of home care, foster care, community legal centres and beyond. The increasing prevalence and reporting of family violence and resultant family breakdown means increasing pressure on community services beyond frontline family violence services supporting survivors and their families. Effects of this on the broader community sector workforce are similar to those outlined above, and include:

- Increase in workload causing health and safety risks such as stress, worker burnout and increased absenteeism.
- As in family violence services experienced employees are feeling burnt-out but powerless to fix the systemic sector issues, while new employees commencing work in the sector are then leaving after relatively short periods of time to get better paid jobs elsewhere. This leads to significant brain drain in the community sector at large;
- Award reliance and continued undervaluing of employees (low pay, conditions, difficulty addressing issues such as vicarious trauma, and opportunities for workplace/self-advocacy) are major contributing factors in burnout, stress and turnover.
- Difficulties in recruiting highly qualified staff who can get better paying jobs elsewhere, leaving inexperienced graduates and lesser qualified staff to fill vacancies.

- There is also mounting evidence that the needs of service users are becoming increasingly complex as clients present with disadvantages that require a multi-faceted response. This in turn has led to a new emphasis on 'professionalism' by both government and sector employers who now generally require employees to have higher qualifications. This has not, however, been matched by support for improving qualifications, career paths or on-going professional development opportunities for staff.
- The ACOSS Australian Community Sector Survey 2014 reports 80% of sector services reported being unable to fully meet demand.

Recommendations to address Workforce issues:

Recommendation 6

The Victorian Government facilitate and support all stakeholders in the family violence sector to develop a comprehensive workforce development strategy that includes:

- a. Training and development, including strategies to address current barriers faced by employees to participate in training and development.
- b. Strategies to improve attraction, recruitment and selection of staff.
- c. Developing case studies for best practice conditions of employment.
- d. Resources and frame works for improved support and supervision.
- e. Retention strategies for existing experienced staff.
- f. Career development and pathways.

Recommendation 7

Review funding levels for workforce in these services. The Productivity Commission Research report into the Not-for-Profit-Sector (NFPS) noted that less than full cost funding of many services have resulted in substantial wage gaps for NFP staff. Furthermore, as the Productivity Commission has noted:

Governments should recognise the effect of not paying the full costs of service delivery. Part funding can make it difficult for the NFPS to make competitive wages to attract and retain employees, with the cumulative effects of underinvestment in employees, technology, and planning putting pressure on the quality and sustainability of service delivery. Full funding may be one of the most important steps to address the workforce issues in the relevant human services sectors

Recommendation 8

Review contract lengths for service provision. The problems of workforce retention are compounded by uncertainty associated with short-term contracts. As demands for services rises with population ageing, workforce shortages are likely to become profound, requiring major adjustment.

Recommendation 9

Specific resourcing for a comprehensive occupational health and safety strategy overseen by Worksafe, with input from all stakeholders that specifically looks at prevention as well as responses to health and safety issues raised in this submission.

Conclusion

Assisting women who leave violence with no income support leads to far more complicated outcomes etc. The family violence clause is a positive innovative strategy that actions rhetoric about FV being a whole of community issues.

- The Family violence clause is an important strategy to support women's workforce participation.
- Existing employer support for the clause demonstrates that employers have the capacity to include the clause in their agreements and implement strategies that are effective, cheap and easy to implement to support employees so affected
- The Family violence clause not only provides employees affected by family violence with a set of provisions to assist in maintaining their employment and juggling the myriad of pressures and issues it also provides a vehicle for employers who want a role in being part of a broader campaign to prevent FV.
- The Clause has a community education benefit, providing an opportunity for employers to bring the issues in to the open and start a conversation with their workforce about respectful behaviours and attitudes to violence against women. The added benefit is that if union led the discussion is not top down and employees will have greater engagement.

The ASU FVC has enabled women to feel safe and supported at work, make choices about ending the violence in their lives without placing their future economic security in jeopardy.

The ASU believes that there is ample evidence of the ability of employers to accept and implement the family violence clause effectively for their workforces. This has not been a costly or difficult exercise and has a myriad of benefits for the entire workforce, not the least of which is the health and well-being of their employees. Workforce supports should be seen as an essential element in assisting women to make choices, to be free of the violence and maintain their economic security. The ASU urges the Royal Commission to make strong recommendations about the value of the Victorian State Government endorsing and adopting the provisions we recommend into Victorian Industrial Relations Policy and legislation.

Victoria's family violence workforce deserves better conditions and recognition for their hard work dealing with the continuing family violence crisis. We urge the Royal Commission to give consideration of the resource constraints and the need to appropriately resource services to retain specialist and skilled staff.

PART 3

Law Reform

These notes respond to the ASU's request for help with the following aspect of their submission to the Victorian Royal Commission into Family violence:

The Australian Law Reform Commission in 2012 made a recommendation that experience of family violence be made an attribute under HEREOC – we would recommend that the Victorian State Government amend the Victorian EO Act to include Family Violence.

RECOMMENDED LAW REFORM

1. Amend the Victorian *Equal Opportunity Act* to Include Family Violence

- 1.1. We submit that the Victorian Government should amend section 6 of the *Equal Opportunity Act 2010* (Vic) ("EO Act") to include the status 'victim of family violence' as a protected attribute on the basis of which discrimination is prohibited.
- 1.2. The inclusion of the status 'victim of family violence' as a protected attribute would play an important role in protecting Australians, especially women, from both the immediate and consequential harm resulting from domestic or family violence.
- 1.3. Financial independence is vital for many women trying to escape violent relationships. Hence, maintaining secure, paid employment often provides a pathway for women out of family violence situations.^{xviii} ("ALRC Report")

2. Improving Legal Frameworks

- 2.1. This submission to amend the Victorian law is supported by the Australian Law Reform Commission's report *Family Violence and Commonwealth Laws—Improving Legal Frameworks*^{xix} ("ALRC Report")
- 2.2. The ALRC Report, published in February 2012, focused on the Commonwealth Laws but the arguments presented apply here. The ALRC Report recommended that the "*Australian Human Rights Commission should examine the possible inclusion of a family violence – related protected attribute under Commonwealth anti-discrimination law.*"^{xx}
- 2.3. The ALRC Report found that two thirds of women who report violence by a current partner are in paid employment.^{xxi} Not surprisingly the Report found that many people experiencing

family violence face ongoing difficulties in gaining and retaining paid employment and in disclosing family violence where it may have an impact on their employment.

- 2.4. In calling for the inclusion of family violence –related protected attribute under Commonwealth anti-discrimination law the ALRC acknowledged the role that financial security and independence through paid employment can play in protecting people experiencing family violence.
- 2.5. We submit that being supported to remain in paid employment can provide the first step on the path out of family violence.
- 2.6. Several overseas jurisdictions have enacted legislation that prohibits workplace discrimination against workers who are victims of family violence.^{xxii} Protections extend to not taking adverse action against an employee if they, for example, need to take time off work to testify in criminal proceedings or seek medical attention.
- 2.7. The ASU submits that the Victorian government should follow international best practice in this area.

3. Family violence as a form of discrimination

- 3.1. The United Nations Committee on the Elimination of Discrimination Against Women has called on all member states, including Australia, to take *“all legal and other measures that are necessary to provide effective protection of women against gender-based violence”*.^{xxiii}
- 3.2. Family violence of itself was found by the Committee to be a form of discrimination. It was described as;

[O]ne of the most insidious forms of violence against women. Lack of economic independence forces many women to stay in violent relationships. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.^{xxiv}
- 3.3. International human rights standards are the bare minimum of what every person should expect to enjoy in their daily lives. Including the status ‘victim of family violence’ as a protected attribute is consistent with Australia’s human rights obligations.
- 3.4. For these reasons we call on the Victorian Government to provide protection for women against gender-based violence by the inclusion of the status ‘victim of family violence’ as a protected attribute in the EO Act.

4. Victorian Law

- 4.1. In line with Australia's international human rights obligations the *Human Rights and Responsibilities Act 2008* (Vic) (the "Charter") protects the right to recognition and equality before the law (s 8). Specifically s 8(2) provides that every person has the right to enjoy his or her rights without discrimination and s8 (3) provides that that "...every person has the right to equal and effective protection against discrimination."
- 4.2. Section 8(3) of the Charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination. Discrimination, in relation to a person, means discrimination within the meaning of the EO Act on the basis of an attribute set out in section 6 of that act.
- 4.3. In his second reading speech for the EO Bill in 2010 the Attorney General Rob Hulls stated that Victoria's equal opportunity legislation must progress with the community it is designed to protect.^{xxv} Today we are more openly aware of the impacts of family violence on mainly women.
- 4.4. It is our submission that the EO Act should be extended to protect employees from discrimination in the workplace, and elsewhere, because of the impacts of family violence.
- 4.5. The meaning of family violence should follow the broad definition as outlined in s 5 *Family Violence Protection Act 2008* (Vic) to include physical, sexual, emotional, economical and psychological abuse, when directed by a person towards a family member.

5. Balancing Labour Market Needs

5.1. The ASU acknowledges the concerns the business sector might have at being required to consider the needs of employees who meet the status of victim of family violence.

5.2 In response we again refer to Attorney General Rob Hulls' Second Reading Speech for the Equal Opportunity Bill;

We know that society flourishes, both socially and economically, when all members are able to contribute productively to its social and economic life; when businesses are more innovative and diverse; when workforces and communities are more healthy, cohesive, stable and secure. In turn, we are all harmed when discrimination occurs.

5.3 We submit that the inclusion of the status of victim of family violence as a protected attribute under the EO Act will not unnecessarily impact labour market engagement or economic productivity.

- 5.4 The EO Act provides a framework that balances business needs with the rights of the individual. This is explained by Hon Rob Hulls in the Second Reading Speech;
Duty-holders are, of course, only required to take measures that are reasonable and proportionate.
Including the words ‘as far as possible’ ensures practicability and that any costs of meeting their obligations are proportionate to the size and operations of the organisation. By providing a list of factors relevant to consideration of when a measure is reasonable and proportionate, the bill recognises that different duty-holders have different capacities to eliminate discrimination; and that what may be possible for one organisation will not be possible for another.^{xxvi} (p 785)
- 5.5 In light of the high proportion of people experiencing family violence who are employed and the enormous social and economic costs at stake, it is in the business sector’s best interest to ensure victims of family violence are supported and not discriminated against in the workplace.
- 5.6 Furthermore, keeping victims of family violence in the workforce may provide a measure of financial security, independence, confidence and, therefore, safety to the affected individuals.
- 5.7 We urge the Victorian Government to capitalise on the momentum for change embodied in the establishment of this Royal Commission and extend protection to victims of family violence from discrimination by amending s 6 EO to include the status ‘victim of family violence’ as a protected attribute.

ⁱ ASU Family Violence Clause Appendix 1

ⁱⁱ ASU Victorian and Tasmanian Branch Family Violence Policy 2010 Appendix 2

ⁱⁱⁱ McFerran, Fast Facts Six Australian Domestic and Family Violence Clearing House.

^{iv} McFerran, *ibid*

^v City of Yarra Family Violence Policy Appendix 3

^{vi} Price, Jenna ACTU breaks ground on domestic violence with Fair Work Commission claim The Age, October 27, 2014

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- vii Price *The Age* 27 October 2014
- viii Hobson's Bay City Council's Family Violence Appendix 4
- ix Australian Law Reform Commission, Family Violence – Commonwealth Laws, 16. *Fair Work Act 2009* (Cth) 117 Nov., 2011. Section 16 p411
- x ASU Family Violence Sector consultation
- xi Queensland Industrial Relations Commission, Queensland Services, Industrial Union of Employees AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (A/2008/5)
- xii *KPMG report commissioned by DHS – survey of the community managed housing and support workforce, final report September 2007*
- xiii In 2012, Fair Work Australia handed down a decision (<https://www.fwc.gov.au/documents/decisionsigned/html/2012fwafb5184.htm>) that workers in social and community services were underpaid because:
1. Social and community services industry is female dominated
 2. the work in the Social and Community services industry is undervalued
 3. and the undervaluation is due to the industry being female dominated.
- Wage increases between 23% and 45% (phased in over 8 years) were awarded to address this undervaluation
- xiv Ibid KPMG DHS 2007
- xv ASU Family Violence Sector consultation
- xvi The Health and Community Services industry has a relatively older workforce, with a median age of 43 years in 2006 significantly higher than the median age for all industries. *Department of Employment and Workplace Relations: Industry Outlook, Health and Community Services, June 2007 Australian Government*
- xvii *KPMG report commissioned by DHS – survey of the community managed housing and support workforce, final report September 2007*
- xviii Australian Law Reform Commission, Family Violence – Commonwealth Laws, Discussion paper No76 (August 2011) at paras 14.11-14.13, available at www.alrc.gov.au/publications/family-violence-and-commonwealthlaws0dp-76-summary.
- xix Family Violence and Commonwealth Laws – Improving Legal Frameworks, ALRC Report 117, 2012
- xx Family Violence and Commonwealth Laws – Improving Legal Frameworks, ALRC Summary Report 117, November 2011, p18
- xxi Family Violence and Commonwealth Laws – Improving Legal Frameworks, ALRC Summary Report 117, November 2012, p362
- xxii See, eg, *California Labor Code* (US) §§ 230, 230.1; *Victims Economic Security and Safety Act* 820 Illinois Compiled Statutes 180 (US) § 30; *New York State Executive Law* (US) §§ 296-1(a); *New York City Administrative Code* (US) § 8-107.1; *Revised Code of Washington* 49 § 4976 (US) § 49.76; *Unlawful Action Against Employees Seeking Protection 2007* Fla Stat §741–313 (US) § 741.313; *Colorado Revised Statutes* (US) §24-34-402.7; *Anti-Violence Against Women and Their Children Act 2004* (Philippines) s 43.
- xxiii Committee on the Elimination of Discrimination Against Women, General Comment No. 19, 11th session, 1992 at paragraph 23.

^{xxiii} Committee on the Elimination of Discrimination Against Women, General Comment No. 19, 11th session, 1992 at paragraph 24(t).

^{xxiv} Hon Rob Hulls Attorney General. Second Reading Speech. Parliamentary Debates, Victorian Legislative Assembly 10 March 2010 p 783.

^{xxv} Ibid p 784.

^{xxvi} Ibid p 785.



A•S•U

Australian Services Union
Victorian Authorities and Services Branch

ASU FAMILY VIOLENCE CLAUSE

XX.0 FAMILY VIOLENCE

XX.1 General Principle

- (a) This Employer recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Therefore, the Employer is committed to providing support to staff that experience family violence.

XX.2 Definition of Family Violence

- (a) This Employer accepts the definition of Family violence as stipulated in the ***Family Violence Protection Act 2008 (Vic)***. The definition of family violence includes physical, sexual, financial, verbal or emotional abuse by a family member.

XX.3 General Measures

- (a) Proof of family violence may be required and can be in the form an agreed document issued by the Police Service, a Court, a Doctor, district nurse, maternal and health care nurse a Family Violence Support Service or Lawyer. A signed statutory declaration can also be offered as proof.
- (b) All personal information concerning family violence will be kept confidential in line with Employer Policy and relevant legislation. No information will be kept on an employee's personnel file without their express written permission.
- (c) No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of being a victim of family violence.
- (d) The employer will identify contact/s in Human Resources and across the organisation who will undertake training in handling family violence and privacy issues sensitively. The employer will advertise the name of the contact/s within the across its workforce.
- (e) An employee experiencing family violence may raise the issue with their immediate supervisor or the Human Resources contact. The supervisor may seek advice from Human Resources if the employee chooses not to see the Human Resources contact.
- (f) Where requested by an employee, the Human Resources contact will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation

on the most appropriate form of support to provide in accordance with sub clauses 4 and 5.

- (h) The Employer will develop guidelines to supplement this clause which details the appropriate action to be taken in the event that an employee reports family violence.

XX.4 Leave

- (a) An employee experiencing family violence will have access to 20 days per year of paid special leave for medical appointments, legal proceedings and other activities related to family violence. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.
- (b) An employee who supports a person experiencing family violence may also access this leave to accompany the person they are supporting to court, to hospital, to mind children or provide support for other related matters.

XX.5 Individual Support

- (a) In order to provide support to an employee experiencing family violence and to provide a safe work environment to all employees, the Employer will approve any reasonable request from an employee experiencing family violence for:
 - (i) changes to their span of hours or pattern or hours and/or shift patterns;
 - (ii) job redesign or changes to duties;
 - (iii) relocation to suitable employment within the Employer;
 - (iv) a change to their telephone number or email address to avoid harassing contact;
 - (v) any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.
- (b) An employee experiencing family violence will be offered a referral to the Employee Assistance Program (EAP) and/or other local resources. The EAP shall include professionals trained specifically in family violence.

An employee that discloses to HR or their supervisor that they are experience family violence will be given a resource pack of information regarding support services.

ASU FAMILY VIOLENCE POLICY



ASU Family Violence Policy

The ASU acknowledges the serious impact of family violence on individuals and communities. The overwhelming majority of victims of family violence are women and children and this experience has a devastating effect on their health and welfare, often into the long term. The impact of family violence is also felt in workplaces and in our broader community. We believe that the ASU can play an important role in eliminating family violence and has a responsibility to work towards this goal. The Victorian and Tasmania Authorities and Services Branch of the ASU therefore commits to working towards the goal of eliminating family violence by:

- Showing leadership in advocating for industrial and workplace based initiatives aimed at preventing family violence and/or providing support to victims seeking to escape family violence;
- Advocating for the inclusion of clauses in workplace agreements aimed specifically at eliminating family violence and providing support to those in the workplace experiencing family violence;
- Raising awareness of the issue amongst our members, encouraging ASU members to participate in events and activities aimed at eliminating family violence and providing financial and/or other support as appropriate to such events and activities;
- Building partnerships with other organisations in order to achieve these ends. This will include in the first instance becoming a Project Partner in the Domestic Violence Workplace Rights and Entitlements Project with the Australian Domestic and Family Violence Clearinghouse (ADFVC) to build the capacity of our union to implement domestic violence workplace provisions.

This resolution was unanimously endorsed by State Conference Delegates to become branch union policy on October 6, 2010.

Review of Policy

This policy shall be reviewed after a period not exceeding three years. The Branch Secretary is responsible for overseeing the review.

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Family Violence POLICY

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1. Introduction

Family Violence is a fundamental violation of human rights and is unacceptable in any form.

Council acknowledges that family violence affects everyone, regardless of a person's gender, sexual orientation, age, occupation, cultural background or economic status and it can occur in all kinds of families and family-like relationships.

Whilst family violence can be experienced by anyone, the evidence indicates that it is predominantly perpetrated by men against women and children. It is a significant health and human rights issue for women and results in major health, social and economic consequences for women, their families and the whole community (VicHealth, 2012).

Yarra City Council acknowledges the role that local government has as an employer, in providing a safe, supportive and responsive workplace where family violence is not tolerated or excused for ALL staff, regardless of gender, sexual orientation or relationship status.

Family violence is also a significant workplace issue, with two thirds of people in family violence situations, currently in paid employment. Employers have a significant role to play in addressing family violence, by providing organisational support measures, particularly in terms of income security, so an employee can deal with their family violence situation (ASU, 2011).

Council is committed to building a culture within the City of Yarra where violence against women and children is unacceptable, where all relationships are gender equitable, respectful and non-discriminatory.

2. Purpose

Yarra City Council made a formal commitment to addressing violence against women and through the endorsement of the *Building a Respectful Community- Preventing Violence Against Women, Northern Region Strategy 2011 – 2016 in April 2013*.

The Strategy outlines Council's commitment to developing equal and respectful relationships between women and men and to addressing and eliminating violence against women.

At Yarra, we are also a recognised leader in whole of organisation and community driven approaches towards gender equity and the prevention of violence against women. As part of the commitment, Yarra has developed the Yarra Gender Equity Strategy 2013 – 2016, which aims to provide a fair, just and respectful workplace for all.

Council committed to addressing family violence in the workplace, through the development of a family violence clause and organisational policy, as outlined in the Enterprise Agreement 2013 - 2017.

The aims of the Yarra Family Violence Policy are:

- To raise awareness of family violence;

Family Violence POLICY

- To provide a consistent response when experiencing, or responding to, family violence disclosures in the workplace;
- To provide a safe and supportive workplace for all Yarra employees.

Why is family violence a workplace issue?

- Family violence affects the workplace in a range of ways, including increased sick leave use, workplace stress, reduced productivity and employee turnover. (VicHealth 2012)
- The economic cost of violence against women is significant, with intimate partner violence costing the Australia economy an estimated \$15.7 billion in 2012, rising from 13.6 billion in 2008-9. (VicHealth 2012)
- Yarra City Council employs 1154 staff, of which 674 (54%) are women in fulltime, part-time, and temporary positions.
- Family violence is a human rights issue and as a local government Council is obligated to uphold the Victorian Charter of Human Rights and Responsibilities Act 2006 (The Charter) which recognises that all human beings have the right to be safe from violence and abuse.
- Council has clear obligations as an employer, as outlined in The Charter, to provide for these rights through relevant policies and service delivery.
- One in three Australian women experience physical violence in their lifetime (NCRVAWC, 2009)
- Intimate partner violence is still the leading contributor to poor health, disability and premature death for women aged 15 – 44 in Australia. Greater than other risk factors, such smoking, obesity and high blood pressure (VicHealth, 2012).
- A woman is killed almost every week in Australia by a male partner or ex-partner. (AIC, 2007/08).

3. Scope

This policy provides an organisational response when responding to family violence disclosures in the workplace.

Whilst the policy provides a clear and consistent procedure for all Managers who deal with staff family violence disclosures, it is understood that any staff can experience family violence and this policy should therefore be provided to all staff across the organisation, regardless of role.



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4. Definitions

Terms used in this policy are defined as follows:

Family Violence (also called domestic violence or intimate partner violence) is a crime under the Victorian Family Violence Protection Act 2008. It is defined as:

a. Behaviour by a person toward a family member of that person which:

- Is physically or sexually abusive; or
- Is economically or psychologically abusive; or
- Is threatening, coercive; or
- In any other way controls or dominates a family member and causes that family member to feel fear for the safety or wellbeing of a family member or another person; or

b. Behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

Family violence extends beyond physical and sexual behaviour and can include a range of emotional and psychological and other behaviours which can have a devastating impact.

Examples of unacceptable behaviours can include:

- any type of physical violence, such as slapping or punching;
- forcing someone to do sexual things, even if in a relationship;
- making threats or calling names;
- controlling contact with people outside the family;
- denying someone access to money;
- threatening or hurting pets;
- children witnessing this abuse

Victim is the person against whom a perpetrator directs their coercive and violent acts.

Perpetrator means a person who carries out a pattern of coercive acts against an intimate partner, spouse or family member.

Family Violence Contact Officers are the nominated Council officers who can provide confidential referral family violence information to all staff.

Employee Assistance Provider (EAP) is the Council appointed organisation which can provide confidential advice, information and counselling in relation to family violence and a range of other related issues.



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Family Violence Support Services – are independent organisations which can provide confidential advice, support and information in relation to family violence. (see Appendix 1)

Managers – for the purposes of this policy, the term Managers includes all employees who supervise and manage staff, so can include Executive Manager, Team Leaders and Coordinators.

Safety plan is a guide to stay safe from violence, and is the process an employee undertakes to identify what they need to help them stay safe. Each safety plan is individual, based on the needs of the specific situation, and should be adapted as things change.

5. Policy statement

As part of Council's commitment to addressing family violence, Council acknowledges that it is not just a community issue, but importantly, a workplace issue. Therefore, in order to effectively respond to the issue in a professional and respectful manner, Council has committed to undertaking a range of organisational initiatives that provide a clear and consistent approach when responding to family violence issues for all staff in the workplace.

6. Procedures

What to do if an employee is experiencing family violence

Council recognises that employees may face situations of violence or abuse in their personal life that may affect their attendance or performance at work. Therefore Council is committed to providing support to employees that experience family violence.

If an employee is experiencing family violence, they are encouraged to raise the issue confidentially with their Manager, a Family Violence Contact Officer, or another trusted staff member, who can seek advice on their behalf.

Council's Family Violence Contact Officers and Managers are trained in what to do next and with the employee's permission, will confidentially arrange for appropriate support.

Training, Education and Support

Council will make all reasonable efforts to provide a safe work environment for the employee who is a victim of family violence.

Family Violence Help Cards and Posters, which provide details of support services for victims and perpetrators of family violence, are available in highly visible locations in the workplace, such as front counters and kitchen areas and Council bathrooms.

The family violence policy will be available for all staff on the Intranet, along with other electronic support information, such as Family Violence Help Cards. The Policy will also be included in all new employee induction sessions, and regular communications sent to all staff around related event and initiatives such as White Ribbon Day activities and International Women's Day.



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Council will provide comprehensive training for Contact Officers and Managers and other relevant staff on how to respond effectively to family violence disclosures in the workplace.

Training will also be provided to staff on the impact of family violence on individuals, the community and the workplace. Additional training will be provided to groups based on identified needs.

Managers, Contact Officers and other relevant staff will provide information on appropriate family violence support services for employees who disclose.

Leave options for employees who are experiencing family violence

As part of the Enterprise Agreement negotiations for the City of Yarra Enterprise Agreement 2013 – 2017, Council endorsed the inclusion of a Family Violence Clause (Appendix 2). This clause outlines the general measures and individual support available, including the provision of special leave and other assistance. Council will make all reasonable efforts to help victims who need time to arrange medical and legal assistance, intervention or restraining orders, attend court, counselling, modification of start/finish times, relocation, or other options or safety arrangements as identified. This will include support for victims who are looking after children or family members affected by violence.

These arrangements will be negotiated between the employee and their Manager confidentially, and in accordance with the family violence provisions as follows:

- a. An employee experiencing family violence will be granted up to 20 days special leave for medical appointments, legal proceedings and other activities related to family violence. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.
- b. An employee who supports a person experiencing family violence may take carer's leave to accompany them to court, to hospital, or to mind children.

Employee Payroll entitlement provisions

Employees who are experiencing family violence and would like to apply for leave entitlements, can request that timesheets and attendance registers are completed offline, with the original copies provided confidentially to the Executive Manager People and Culture. This process then ensures the privacy of employees and ensures that their payroll entitlements are not affected, but are recorded accurately.

Council will also ensure that any employee requests for changes to their electronic payroll transfers are processed in a timely manner.



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7. Performance Issues Related to Victims of Family Violence

Council is aware that affected employees may experience performance issues such as absenteeism or have difficulty concentrating at work as a result of family violence. No adverse action will be taken against any employee if their attendance or performance at work suffers as a result of experiencing family violence. Every endeavour will be made to support employees in this situation, which may include seeking independent medical advice.

8. 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 will be subject to disciplinary action in accordance with Council's Code of Conduct and Disciplinary Policy and Procedure. This includes employees who use workplace resources such as phones, fax machines, e-mail, mail or other means to threaten, harass or abuse a family or household member.

Some job positions may give an employee access to certain types of information or resources. If that employee uses this access to perpetrate harm to a family or household member or knowingly enable a perpetrator to harm a victim, that employee will also be subject to Council's Disciplinary Policy and Procedure.

9. Guidelines for Providing Assistance to Victims

Family violence issues should always be discussed in a safe environment. It is important that the victim is listened to, and is supported to make informed decisions about the next steps. Confidentiality of family violence incidents and any other disclosures must be maintained, to the extent permitted by law. Safety plans can be developed in consultation with specialist agencies such as the Berry Street, Northern Family and Domestic Violence Service (NFDVS). Alternatively, employees can contact relevant family violence support organisations independently of the workplace. (see Appendix 1).

Managers will:

- Provide employees with access to information about the Family Violence support services and relevant support as requested by the employee;
- Encourage employees to access the Employee Assistance Program (EAP);
- Grant reasonable leave and adjust work schedules or location of assignment for employees who are victims of family violence; and
- Make information on support services available for all staff, so that all employees can access without having to request it.

10. Guidelines for Providing Assistance to Perpetrators

Family violence issues should always be discussed in a safe environment. Confidentiality of family violence incidents and any other disclosures must be maintained, to the extent permitted by the



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law. Specialist Family Violence Support Services can provide advice where required (see Appendix 1)

Managers will:

- Provide employees with access to Family Violence Support Services to assist the employee;
- Encourage employees to access the Employee Assistance Provide (EAP); and
- Make information on support services available so that employees can access without having to request it.

11. Safety Plan Guidelines

If an employee is experiencing family violence, they are encouraged to raise the issue confidentially with their Manager, a designated Contact Officer, or ask a trusted colleague to seek advice on their behalf. Alternatively employees may contact Council's Executive Manager, People and Culture.

If Managers become aware that an employee is experiencing family violence, they have a responsibility to offer relevant support and this might include information about developing a Safety Plan.

Council's Family Violence Contact Officers and the Managers are trained in what to do next and with the employee's permission will confidentially arrange for appropriate support.

Employees should consider the following when developing a Safety Plan:

- Any intervention order or restraining order that includes the workplace, must be provided to the Manager and the Executive Manager, People and Culture, by the employee, as soon as it is finalised. A copy of the order should be kept on hand at all times.
- Consider requesting a change to, and/or, unpredictable rotations of work schedule, work site, or work assignment if such a change could enhance safety at work
- If an absence from work is required, be clear about the plan to return to work. While absent, the employee should maintain contact with their Manager
- Review the safety of their parking/transport arrangements
- Where possible enter and leave the workplace accompanied by another person
- Carry a mobile phone at all times and keep their Manager advised of your movements
- Consider having their telephone calls screened at work, and/or changing their work telephone number and email address.

When developing the Safety Plan, the parties should consider what changes, if any, could be made in the workplace to make the employee safer. Consideration must also be given to the potential risk of physical harm to other employees and/or community members and, where necessary, it is essential to take reasonable measures to provide protection for them as well.



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A Safety Plan can be developed in consultation with the person experiencing family violence and a specialist Family Violence Service, such as the Berry Street, Northern Family and Domestic Violence Service (NFDVS) (see Appendix 1).

12. Related legislation and policies

[National Plan to Reduce Violence Against Women and their Children, 2010-2022](#)

[Yarra City Council Enterprise Agreement 2013 – 2016](#)

[Yarra Staff Code of Conduct Policy \(Sept, 2011\)](#)

[Yarra Equal Employment Opportunity and Anti-Discrimination Policy \(June 2012\)](#)

[Victoria's Action Plan to Address Violence against Women and Children – Everyone has a responsibility to act.](#)

[Family Violence Protection Act 2008](#)

[Victorian Local Government Act 1989](#)

[Victorian Charter of Human Rights and Responsibilities Act 2006](#)

[Victorian Occupational Health and Safety Act 2004](#)

[Victorian Equal Opportunity Act 2010](#)



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Family Violence POLICY

Appendix 1 - Yarra City Council Support Services

If you are in immediate danger always call 000.

[Victoria Police](#)

Dial 000 - Emergency Response (24 Hours)

[Berry Street, Northern Family and Domestic Violence Service \(NFDVS\)](#)

Lead organisation for family violence support and referrals in the Northern metropolitan region.

Services are provided free of charge to women and their children who live or work in the local government areas of Yarra, Banyule, Darebin, Hume, Moreland, Nillumbik and Whittlesea.

Tel 9450 4700 or 1800 015 188 (after hours)

[Women's Domestic Violence Crisis Service of Victoria](#)

24 hour emergency information and referral service for women affected by family violence.

1800 015 188/ 9322 3555

[inTouch, the Multicultural Centre against Family Violence](#)

A statewide service which provides services, programs and responses to issues of family violence in CALD (Culturally and Linguistically Diverse) communities. Support is provided in more than 20 languages.

1800 755 988

[1800 RESPECT](#)

National service – Confidential, telephone counselling, information and referral (to services) for people experiencing family violence or sexual assault.

1800 737 732

[Lifeline](#)

Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24 hour crisis support and suicide prevention services.

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Family Violence POLICY

Appendix 2

Yarra City Council Enterprise Agreement - Family Violence Clause

- a. Council recognises that family violence is a serious issue in our community. Employees sometimes face situations of violence or abuse in their personal lives that may affect their attendance or performance at work. Therefore, Council is committed to providing support for employees experiencing family violence.
- b. A comprehensive Family Violence workplace policy has been developed to assist employees who are victims of family violence, together with training for Managers and key officers on appropriate action to be taken, including the provision of support services, information and privacy issues.
- c. Proof of family violence may be required and can be in the form of an agreed document issued by Victoria Police, a Court, a Doctor, a District Nurse, a Family Violence Counsellor or a Lawyer. A signed statutory declaration can also be provided as proof.
- d. All personal information concerning family violence will be kept confidential in line with the employer's Policy and relevant legislation. No information will be kept on an employee's personnel file without their express written permission.
- e. No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family violence.
- f. An employee experiencing family violence should contact either the designated contact persons or the Executive Manager People and Culture, who will be trained in family violence and privacy to determine the appropriate action.
- g. An employee experiencing family violence may raise the issue with their immediate supervisor or the other designated contacts. The supervisor may seek advice confidentially from People and Culture if the employee chooses not to see the other designated contacts.
- h. Where requested by an employee, the People and Culture contact will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of support to provide in accordance with sub clauses 4 and 5.

Individual Support

- a. In order to provide support to an employee experiencing family violence and to provide a safe work environment to all employees, the employer will approve any reasonable request from an employee experiencing family violence for:
 - Changes to their span of hours or pattern or hours and/or shift patterns;
 - Job redesign or changes to duties;
 - Relocation to suitable employment within the workplace;
 - A change to their telephone number or email address to avoid harassing contact;
 - Any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.



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-
- b. An employee experiencing family violence will be referred to the Employee Assistance Program (EAP), Council's family violence contact officers and/or other relevant services.
 - c. A resource pack with relevant information and support services will be provided to employees that are experiencing family violence.

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References

Preventing Violence against Women in the Workplace - an evidence review: Summary Report, VicHealth (2012)

Family Violence is a Workplace Issue Report, Australian Services Union (ASU), 2011

Australian Crime Facts and Figures 2008, Australian Institute of Criminology, (AIC) 2007/08

National Council to Reduce Violence Against Women and their Children (2009), *The Cost of Violence against Women and Their Children, Report prepared for the Department of Families, Housing, Community Services and Indigenous Affairs, January.*

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POLICY

Family Violence

**HOBSONS
BAY CITY
COUNCIL**



1. POLICY STATEMENT

“Hobsons Bay City Council is committed to a safe and just community, where every girl, boy, woman, man and gender diverse person is included and valued – where equal and respectful relationships and opportunities for meaningful participation are supported and celebrated.” (Gender Equity Policy Statement 2014)

The safety and wellbeing of our employees, contractors, Councillors and the wider community are of paramount importance to Hobsons Bay City Council and we do not tolerate violence in any form.

Hobsons Bay City Council recognises that employees can sometimes face situations of family violence in their personal life that may affect their attendance and/or performance at work. Therefore Council is committed to providing support for these employees.

Hobsons Bay City Council acknowledges that workplaces can make a real difference to the safety of people experiencing family violence. We are committed to the safety of our staff. We want our employees to work to their full potential and accept that what people may be experiencing in their personal life may be affecting their work life.

2. SCOPE OF POLICY AND PROCEDURE

This policy applies to all employees at Hobsons Bay City Council.

This Policy should be read in conjunction with the Hobsons Bay City Council Enterprise Agreement 2013-2016.

3. PRINCIPLES

The purpose of this policy is to:

- outline how Hobsons Bay City Council will support employees who are experiencing family violence and what we would like our employees to do if faced with that situation
- provide a framework through which Hobsons Bay City Council employees can access support and implement the Family Violence Clause of the Enterprise Agreement
- raise awareness amongst our employees about family violence and the impact it has on employees and the workplace
- guide responses to employees whose work-life is affected by family violence

- encourage a working environment which promotes gender equity and models non-violent and respectful relationships
 - create a supportive framework which will encourage employees who experience family violence to seek help and support
-

4. DEFINITIONS

The definition of family violence will be as per the *Family Violence Protection Act 2008* (Vic) set out below:

- Family violence**
- (a) Behaviour by a person towards a family member of that person if that behaviour-
 - (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or
 - (iv) is coercive; or
 - (v) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
 - (b) Behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to above
-

5. RESPONSIBILITIES

Hobsons Bay City Council will provide the necessary training, tools and support to the CEO, Directors, Managers, Coordinators and Team Leaders to assist them to support an employee who may be experiencing family violence. Contact Officers and Union Delegates will also be briefed on the content of this policy.

To ensure that Council is a gender equitable organisation and supportive of employees who experience family violence; it places the below responsibilities on its employees.

CEO, Directors, Managers, Coordinators and Team Leaders (Supervisors):

- To assist, where able, an employee who may be experiencing family violence through elements such as reviewing work plans, flexible working arrangements
- To seek advice from the Manager Organisation Development (Terri Rowe x1201) or Coordinator Human Resources (Tanya Gucevski x1203) on family violence matters
- To discuss the taking of leave with employees and return to work arrangements
- To lead and promote the implementation of a gender equitable workplace

All employees:

- To undertake necessary training associated with family violence and gender equity
- Where necessary, and able, provide support to an employee who may be experiencing family violence.
- To promote a gender equitable workplace

Payroll:

- To process all leave requests

Organisation Development Department:

- To provide advice and guidance to an employee who may be experiencing family violence
- To provide advice and guidance to an employee's immediate supervisor
- To promote the Family Violence Policy amongst employees

6. PROCEDURE**General Provisions**

- Proof of family violence may be required and can be in the form of an agreed document issued by the Police Service, a Court, a Doctor, a Nurse, a Family Violence Support Service or a Lawyer. A signed statutory declaration can also be provided as proof.
- All personal information concerning family violence will be kept strictly confidential in line with Council's policy and relevant legislation. No information will be kept on an employee's personnel file without their expressed written permission. This information will be filed in a confidential Organisation Development file that can only be accessed by the Manager Organisation Development and Coordinator Human Resources.
- No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family violence.
- An employee experiencing family violence may raise the issue with their immediate supervisor or the Manager Organisation Development or Coordinator Human Resources. The supervisor may seek advice from their immediate supervisor if the employee chooses not to see the Organisation Development contacts.
- Where requested by an employee, the Organisation Development contact will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of support to provide in accordance with the family violence policy.
- A Question and Answer Factsheet is attached to this policy.

Leave options for employees who experience family violence

- A full time or part time employee experiencing family violence will be granted a minimum of 20 days per year (non-accumulative) paid special leave for medical appointments, legal proceedings and other activities related to family violence. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days, or as a fraction of a day, and can be taken without prior approval.
- A casual employee experiencing family violence will be granted a minimum of 20 days per year (non-accumulative) unpaid special leave for medical appointments, legal proceedings and other activities related to family violence. This leave will be in addition to existing leave entitlements and may be taken as consecutive or single days, or as a fraction of a day, and can be taken without prior approval.
- An employee who supports a person experiencing family violence may take carer's leave to accompany them to court, hospital, or to mind children.

Managers, Coordinators and Team Leaders (Supervisors) will:

- Provide employees with the necessary details to access Family Violence Support Services and/or offer to engage a specialist service provider on the employees behalf to assist the employee to create a safety plan
- Encourage employees to access the Employee Assistance Program (EAP)
- Grant reasonable leave and adjust work schedules or location of assignment for employees who are victims of family violence
- Make information on support services available so that employees can obtain it without having to request it

Individual Support

- In order to provide support to an employee experiencing family violence and to provide a safe work environment to all employees, Hobsons Bay City Council will approve any reasonable request from an employee experiencing family violence for:
 - (i) changes to their span of hours, or pattern of hours or shift patterns;
 - (ii) job redesign or changes to duties;
 - (iii) relocation to suitable employment within the Council, where possible;
 - (iv) a change to their telephone number and/or email address to avoid harassing contact;
 - (v) any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.
- An employee experiencing family violence will be referred to the Employee Assistance Program (EAP) and/or other local resources. The EAP shall include professionals trained specifically in family violence.
- An employee disclosing to Organisation Development or their supervisor that they are experiencing family violence will be treated with sensitivity and respect and provided with information regarding available support services.

Employees Who Commit Acts or Threaten Family Violence

- Any employee who threatens, harasses or abuses a family or household member at, or from, the workplace will be subject to the discipline process in accordance with Council's Disciplinary Policy. 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.
- Certain positions within Council may provide an employee access to particular types of information or resources. If an employee uses information obtained in this way to assist or perpetrate family violence, this could lead to disciplinary action being taken.

Managers, Coordinators and Team Leaders (Supervisors) will:

- Provide employees with access to Family Violence Support Services to assist the employee
- Encourage employees to access the Employee Assistance Program (EAP)
- Make information on support services available so that employees can obtain it without having to request it

POLICY

Family Violence - FAQs and Answers

**HOBSONS
BAY CITY
COUNCIL**



“Hobsons Bay City Council is committed to a safe and just community, where every girl, boy, woman, man and gender diverse person is included and valued – where equal and respectful relationships and opportunities for meaningful participation are supported and celebrated.”
(Gender Equity Policy 2014)

Hobsons Bay City Council believes that violence in any form is unacceptable. We are committed to ensuring that Council is a great place to come to work. We want our employees to be happy, productive and safe.

With one in three women having experienced physical and/or sexual violence perpetrated by someone known to them, Council understand that family violence can find its way into the workplace. This can be through elements such as emails, phone calls and being followed to and from work. Sometimes employees are stopped from leaving home to get to work or have to go different ways to work to ensure they are not followed. This can make it difficult to concentrate at work and for work to be the standard that the employee and/or Council would expect.

Hobsons Bay City Council is committed to the implementation of the family violence clause in the Enterprise Agreement. This factsheet should be read in conjunction with the Family Violence Policy that demonstrates our commitment to supporting employees experiencing family violence and sets out a framework for how the Enterprise Agreement clause will be applied. The provisions apply to all permanent and temporary employees.

Family Violence – the facts

- According to VicHealth, family violence is the leading contributor to death, disability and illness in women aged 15-44 years
- Two thirds of women who have experienced family violence with their current partner are in paid employment
- Of the respondents to the 2011 National Domestic Violence and Workplace Survey who reported experiencing violence, 19 per cent said that the violence had continued in the workplace, including through abusive phone calls and emails and the perpetrator presenting at the workplace
- 24 per cent of females who have experienced family violence reported that an incident of family violence had occurred in the workplace in the previous 12 months, most commonly abusive and repeated phone calls or emails
- The impact on work performance puts job security at risk, with up to half the women in one study reporting losing a job, at least in part due to family violence
- Women who have experienced family violence have a more disrupted work history, are on lower personal incomes, have had to change jobs more often and are employed at higher levels in casual and part time work than women with no experience of family violence
- Staying in employment is critical to reducing the effects of family violence. By supporting women to remain in paid employment, workplaces can assist women on their pathway out of violence and keep the whole workplace safer

Questions and Answers for Employees Experiencing Family Violence

Q. I have experienced family violence, what do I do?

A. Do you feel you need support to deal with this situation? If so seek advice from the Manager Organisation Development (Terri Rowe [REDACTED]) or Coordinator Human Resources (Tanya Gucevski [REDACTED]).

Q. I don't know anyone in OD; what if I want to talk to my supervisor?

A. You may wish to discuss this with your supervisor, Union delegate or official who will then assist you to consult with OD.

Q. I need time off to attend appointments etc?

A. You are entitled to a minimum of 20 days leave per year. Leave can be taken for matters relating to your experience of family violence. Some examples include attending Court, visiting a solicitor, attending your children's school to discuss issues relating to family violence, attending counselling, providing the police with evidence, seeking an intervention order or dealing with accommodation issues. This is in addition to other leave entitlements.

Q. Do I need proof of the family violence?

A. This may be asked for when you first access the leave. Acceptable forms of proof include a letter from the Police Service, a Court, a Doctor, a Nurse, a Family Violence Support Service or a Lawyer. A signed statutory declaration can also be provided as proof.

Q Who do I speak to if I need to take leave or change my work routine?

A. Firstly, talk to the Manager Organisation Development or Coordinator Human Resources who will ensure that any conversation with you is confidential. We understand that this may be a difficult conversation to have or simply not want your colleagues to know what is happening in your personal life. Organisation Development (OD) will assist you with the process of taking the leave and can liaise with your supervisor if you would like.

Q. What if I do not know I need the leave in advance?

A. You do not need to give notice of the leave at times when you cannot know that you need it. If something occurs and you need to take leave please notify your supervisor or OD as soon as practicable. When you return to work you can bring in the documentation to support the leave. Wherever possible it is requested that the leave is notified in advance.

Q. I am worried about being followed to work or my partner ringing the office. What can I do?

A. Firstly, tell your supervisor and/or OD. A safety plan will be developed specifically for you and this might include assisting with flexible hours, monitoring or changing your phone number or email, redesigning your job or looking at relocating you. This will be done in full consultation with you so you have input and a level of control over decisions being made.

Q. I have experienced family violence and I really need someone to talk to outside of work. Can Council help?

A. All employees at Hobsons Bay City Council have access to our Employee Assistance Program where qualified counsellors are available to talk to you. There are several family violence support services that specialise in assisting people experiencing family violence. Some useful contact numbers are included in this factsheet and we would encourage you to make contact with them for information and also so you are aware of your options.

Q. At this stage I don't need leave, but I know my work performance is not what it was, and I am worried about my job security.

A. Hobsons Bay City Council is aware that one of the reasons for a drop in productivity for some people may be as a result of the effects of family violence. The best thing to do is to talk to your supervisor or OD early on. Whilst it can be difficult to talk about family violence, once your supervisor and OD know, they can offer support to you.

Q. Someone told me to get a restraining order. Can this cover the workplace?

A. Yes, a restraining or intervention order can include the workplace and we would encourage you to apply for one if this would be helpful. You need to ask that it does cover the workplace, and once you have this you need to advise your supervisor or OD and provide them with a copy of the order.

Q. How can I get more information?

A. OD can provide more information about family violence support service providers. If you are a Union member, you can also contact your Union for information.

Questions and Answers for Managers, Coordinators and Team Leaders (Supervisors)

Q. If someone tells me they are experiencing family violence what do I do?

A. This is likely to be a difficult situation for all concerned as the employee is probably going to be emotional discussing the family violence. You should:

- Deal with the matter confidentially and in private. Remain calm, listen and do not judge or try to provide solutions beyond the workplace. Reassure the employee of your support.
- Ensure they are aware of EAP services and family violence support services.
- Ask if they have an intervention/restraining order that includes the workplace (if they do, ask for a copy and provide to the Manager Organisation Development (Terri Rowe x1201) or Coordinator Human Resources (Tanya Gucevski x1203).
- If you are advised of harm experienced by children, there may be a requirement to advise the Department of Human Services. Supervisors must seek advice from the Manager Organisation Development or Coordinator Human Resources prior to any notification being made. Alternatively, specialist Family Violence Support Services can provide advice where required.
- Grant leave in accordance with the Enterprise Agreement and request copies of evidence in the first instance such as a letter from the Police Service, a Court, a Doctor, a Nurse, a Family Violence Support Service or a Lawyer. A signed statutory declaration can also be provided as proof. This is to be hand delivered to the Manager Organisation Development or Coordinator Human Resources for safe keeping and no other copies retained.
- Collaboratively develop a safety plan with them, if this is necessary. For example adjusting work schedules or locations for employees who are experiencing family violence, if requested, where possible. You will need to consult with Organisation Development (OD) regarding this.
- Make information on support services available so that employees can obtain it without having to request it.
- Contact OD for advice on how to document the leave.
- Consider your own wellbeing and contact the EAP provider if your staff member/colleague has disclosed incidents of family violence that you find distressing or confronting.
- All Managers, Coordinators and Team Leaders (Supervisors) and other 'go to' people, such as OD and union delegates will have access to training in family violence.
- If you think your employees are at risk, contact OD who will work with you to develop a safety plan and implement strategies to protect them. If you want to know more about the Enterprise Agreement clause or the policy, please contact Manager Organisation Development or Coordinator Human Resources.

Useful Contacts - Family Violence Support Services**Police - emergency response**

Dial 000 (24 hours)

Women's Health West Family Violence Services

Phone: 9689 9588

Family Violence Counselling

Phone: 8398 4178

The National Sexual Assault, Domestic Family Violence Counselling Service

Phone: 1800 737 732

InTouch Multicultural Centre Against Family Violence

Phone: 8413 6800 or toll free 1800 755 988

Women's Domestic Violence Crisis Service of Victoria (WDVCSV) (24 hour support)

Phone: (03) 9322 3555 or toll free 1800 015 188 www.wdvcs.org.au

Men's Referral Service

Phone: 1300 766 491

Kids Helpline

Phone: 1800 551 800 www.kidshelpline.com.au

Centres Against Sexual Assault

(CASA) Phone: 1800 806 292

<http://www.casa.org.au>

Employee Assistance Program

Optum 1300 361 008

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