

# **AUSTRALIAN EDUCATION UNION (VICTORIAN BRANCH)**



**SUBMISSION**

**TO THE**

**VICTORIAN ROYAL COMMISSION INTO  
FAMILY VIOLENCE**

**MAY 2015**

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## Introduction

AEU Victoria is the Victorian branch of the Australian Education Union — the federal union for teachers, principals, education support staff and all educators working in government schools and government-funded early childhood, TAFE and adult education including AMES and disability. AEU Victoria represents approximately 51,000 members across the State.

We welcome this opportunity to make a Submission to the Royal Commission into Family Violence.

Our interest is two fold:-

- Approximately 2/3 of women experiencing family violence are in employment and workplace measures can assist women to deal with family violence (ACTU ref page 1 submn 2014). If more than 25% of women are impacted by family violence, then approximately 10,000 AEU members could be affected.
- Issues of early prevention, cultures of non-violence and gender equality necessarily involve the process of learning from an early age and are thus of key concern to our members.

### General Remarks:

Family/Domestic Violence causes the death of approximately 60 women and 20 children in Australia a year. Many thousands more sustain serious injury as a result of Domestic Violence. The effect of Domestic Violence is not just physical it has a dramatic psychological impact on many women that can affect them years after the abuse has ended. The stigma of Domestic violence is still all too prevalent in Australian society with many perpetrators of domestic violence blaming the actions of their victim for their violence.

Between February and July 2011, the Centre for Gender Related Violence Studies (CGRVS) at the University of New South Wales conducted a national online domestic violence and the workplace survey. The survey on the impact of domestic violence at work was completed by over 3600 workers

Nearly a third of respondents (30%) had personally experienced domestic violence. Nearly half of those who had experienced domestic violence reported that the violence affected their capacity to get to work.

The main reported impact was on work performance, with many victims reporting being distracted, tired or unwell, most needing to take time off and being late for work.

Many did not discuss the problem at work, the major reason given was privacy, followed by shame and fear of dismissal.

**Australian Domestic and Family Violence Clearinghouse** in their factsheets outline that the common response from women experiencing Domestic violence is one of shame, embarrassment and a loss of self-esteem and confidence. This is particularly apparent if the abuse continues over a number of years.

Women frequently become isolated as a result of DV and are reluctant to report abuse or seek assistance from services. (Only 16% contact a specialised agency).

Women frequently fear that they will not be believed.

It appears that a trigger for action by the victim occurs when one of their children is affected by the violence or starts to experience DV.

Women fear for their safety, and the safety of their children, if they report the violence. It is common for victims to leave the abuser for a night or two and then return to the family home over a number of years. (20% had left up to 5 times)

**VicHealth reported in 2010** that Domestic violence is the leading contributor to death, disability and illness in women aged 15 – 44 years, being a greater contributor than factors like high blood pressure, obesity or smoking.

The **ACTU** has recently highlighted Domestic Violence as a key area of concern. In November 2013 over 1.2 million workers in Australia now have access to paid Domestic Violence leave. ACTU noted that 2/3 of victims of Domestic Violence are in paid employment and stressed the importance of continued employment as the key factor which enables women to leave a violent situation and cope with their life. The ACTU is presently running a case to insert Domestic Violence Clauses (including paid leave) into Modern Awards.

Federally, the impact of Domestic Violence has been recognised. The **National Employment Standards** enables victims of Domestic Violence to request flexible working arrangements and extending that right to people caring for someone dealing with Domestic Violence.

## Section 1:

### ***Prevention of Family Violence: a culture of gender equality: Programs in schools and early childhood settings***

The initiatives outlined, and referred to, in this Section of the Submission contain comprehensive approaches to establishing a culture of non-violence and gender equality (Royal Commission Terms of Reference 1 (a) and (b) and 5 and 6) and are supported by the AEU (Victorian Branch) and recommended to the Royal Commission.

Effective approaches:-

- Over a number of years, State and territory governments in Australia have made policy commitments for primary prevention of violence, and many of these support work with children and young people, particularly through work in educational settings.
- The *National Plan to Reduce Violence against Women and their Children 2010-2022* (National Plan) includes several relevant Commonwealth-led initiatives such as *The Line* social marketing campaign which focusses on young people. The Commonwealth Government also previously funded a \$9.1 million/five-year *Respectful Relationships Education* grant program supporting 32 projects across three funding rounds.
- Another key policy is in the related field of preventing child abuse: the *National Framework for Protecting Australia's Children 2009-2020*. Like the National Plan above, this was released as a Council of Australian Governments (COAG) endorsed, long-term program of shared work and commitments.

It is the view of the AEU Victorian Branch that these approaches need to be built on and continued:-

*Schools and other educational settings play a central role in teaching children and young people what violence against women looks like and how it can be prevented, and provide an environment in which children and young people already living with violence at home or in their relationships may receive support and appropriate referrals. Schools are also major workplaces and community 'hubs': the school culture, policies and practices can therefore influence attitudes and behaviours of staff, parents and other adults towards violence, discrimination and stereotyping.*

*Classroom-based prevention programs – often termed respectful/healthy/ethical relationships education – have historically focussed on young adolescent age groups in secondary schools, as a key period in negotiating ethical and respectful intimate and sexual relationships. But there is also a need to develop age-specific programs in primary schools. A 2009 study by the National Association of Services against Sexual Violence, Framing best practice: National standards for the primary prevention of sexual assault through education (the NASASV*

*Standards'), found that programs building skills in non-violent communication, inclusion and the rejection of gender or other stereotyping and discrimination, achieved positive results for primary school children.*

*The NASASV report, along with the 2009 Respectful relationships education: Violence prevention and respectful relationships education in Victorian secondary schools by the Victorian Department of Education and Early Childhood Development, both examined existing schools-based programs and distilled the elements of effective practice. The most effective programs – in terms of positive changes to student attitudes/behaviours and to school culture/practices – were those that used a whole-school approach. This meant that prevention of violence was integrated into the curriculum and teacher training, supportive school policies and protocols were developed and widely understood, and school leadership, parents and community organisations were engaged.*

*Such good practice violence prevention programs have been shown to have positive outcomes for schools on many levels. Reductions in violence-supportive attitudes and violent behaviour have been well documented in reviews and studies, including VicHealth's 2007 Preventing violence before it occurs: A framework and background paper for the primary prevention of violence against women in Victoria, and the White Ribbon Foundation's 2009 report on the Breaking the Silence campaign, The school's a calmer place: Promoting cultures of respect in schools. Multiple and cumulative further benefits such as improved educational outcomes have been observed in the White Ribbon Foundation report and in the United States with The effectiveness of universal school-based programs for the prevention of violent and aggressive behaviour.*

*Nationally, there are several well-evaluated examples of such good-practice schools-based programs but many existing programs do not reach good-practice standards. Most only offer classroom-based activity, and frequently in one-off sessions. While the latter approach is understandable, given restrictions on school time and the funding of the community agencies engaged in program delivery, the reality is that evaluations have shown such programs to be ineffective and in some cases even harmful. The support of departments of education for sustained whole-school approaches across geographical regions is crucial if good practice standards are to be met and ineffective practice avoided.*

Our Watch Policy Brief 5. Issued May 2015

The AEU Vic Branch is also supportive of the *Victoria's Action Plan to Address Violence against Women and Children 2012--2015* and the Respectful Relationships Education in Schools Project. The RREiS project is Vic government funded and run in 20 Victorian secondary schools across the north western, north eastern and south western regions.

*Victoria's Action Plan to Address Violence against Women and Children 2012--2015* commits to respectful relationships education through a whole school approach. Evidence shows that education is the best platform by which to prevent anti--social behaviours, and schools provide an ideal space to explore and address the power imbalance between men and women, with the aim of reducing gender--based violence.

The *Respectful Relationships Education in Schools* (RREiS) project is a targeted and time limited project which will develop and test the implementation of a new curriculum resource – *Building Respectful Relationships: Stepping Out Against Gender--Based Violence*– released in 2014 by the Department of Education and Early Childhood Development (DEECD) using a whole school approach to build respectful relationships in Victorian secondary schools.

The project is funded by the Victorian Government through *Victoria's Action Plan to Address Violence Against Women and children 2012--2015* and managed by Our Watch with support from the Department of Education and Early Childhood Development.

Our Watch is an independent, not-for-profit organisation, working to raise awareness and engage the community in action to prevent violence against women and their children. Our Watch has four members: the Commonwealth, Victorian, Northern Territory and South Australian Governments.

## ***Recommendation:***

AEU (Vic) recommends the continuation and growth of the RREiS program in schools.

AEU (Vic) also recommends that such an approach be extended to the early childhood and primary sectors.

Effective Overseas approaches (identified by AEU Federal Women's Officer):-:

- Healthy Relationships 101 : Canadian Women's Foundation
- <http://www.canadianwomen.org/violence-prevention-resources>
- Sweden Violence Health and Action Plan
- <http://www.government.se/sb/d/2708/a/193334>
- <http://www.government.se/sb/d/14974>
- National Report :Gender Violence in Finland – from the perspective of women

## ***Recommendation:***

AEU (Vic) recommends analysis of these effective overseas models for appropriate adaptation in the Victorian context.



## Section 2:

### ***Early Intervention and Support: Systemic Responses: including strategies, policies, frameworks across government. Measures required for women dealing with FV to remain in employment.***

This is the area where the AEU has major concerns as an industrial organisation promoting and protecting the entitlements of working educators across all sectors.

AEU experience with members dealing with family violence has pinpointed grave deficits in the knowledge and response of the employer – particularly in the government schools sector and in the Early Childhood area.

These experiences have shaped our strong recommendations to the Royal Commission into Family Violence.

These recommendations will go to Terms of Reference 1 (b) (c) and (d). Terms of Reference 2, 5, 6, 7, 8 and 9. We include learnings from professionals and academics in our recommendations and therefore cover Terms of Reference 10 also.

#### ***Areas to be addressed:-***

- The critical role of employment in maintaining financial independence and escaping domestic violence;
- The role of workplace laws and Clauses to protect and support employees experiencing domestic violence;
- Workplace awareness and measures to support those experiencing family violence.

#### **General Remarks:**

The Family and Domestic Violence Clearinghouse (FDVCH) *National Domestic Violence and the Workplace Survey* in 2011 looked at the prevalence of domestic violence amongst employees and its effect on their employment and workplace.<sup>1</sup>

#### **The survey found that domestic violence was prevalent amongst employees:**

- 25% of employees had experienced domestic violence at some point in their life;
- 5% of employees experienced domestic violence within the last 12 months;
- 20% of employees know someone at work who experienced domestic violence within the last 12 months;

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<sup>1</sup> Family and Domestic Violence Clearinghouse (FDVCH), UNSW, 2010 Survey, conducted between February-July 2011. 3,611 employees responded to questions about experience of DV in past 12 months.

- Aboriginal and Torres Strait Islander employees (2% of total respondents) were significantly more likely to have experience with some form of domestic violence (86%) than non- Aboriginal and Torres Strait Islander employees (63%);
- 50% of male employees knew someone who had experienced domestic violence or had personally experienced it;
- 14% of those employees who had experienced domestic violence were still living in the relationship;
- 43% of those employees who had experienced domestic violence in the last 12 months still living with the relationship; and
- 40% of domestic violence survivors were still living in the family home.

The survey found that domestic violence significantly affected employees:

- Nearly half of the respondents reported that the domestic violence affected their capacity to get to work;
- The main reason was physical injury or restraint (67%); hiding or stealing car keys or transportation money (28%) refusal to show up or care for children (22%) or hiding or stealing personal documents or effects (21%);
- Disruptions to capacity to work also included sleep deprivation, being forced out of home, death threats and threats to harm children.
- 19% said the domestic violence continued at the workplace, including abusive phone calls and emails (12%) or the partner physically coming in to work (11%);
- The main result was a negative impact on work performance resulting in employees feeling distracted, tired or unwell (16%), needing to take time off (10%) or being late for work (7%);
- 12% worked in the same workplace as their abusive partner;
- Almost half had discussed the domestic violence with work colleagues- but very few with supervisors, HR or union representatives who could initiate changes;
- Those who didn't discuss domestic violence at work reported that they did so to maintain privacy, followed by reasons of shame and fear of dismissal;
- Just 1/3 of respondents who experienced domestic violence reported it to police;
- 25% of respondents who experienced domestic violence obtained a domestic violence protection order, but less than half (41%) included their workplace in the order; and
- All respondents thought that domestic violence impacts on the work lives of employees (100%) and a high percentage (78%) believed that workplace entitlements could reduce the impact of domestic violence in the workplace.<sup>2</sup>

<sup>2</sup> Australian Domestic and Family Violence Clearinghouse, (FDVCH), UNSW, "Domestic Violence Workplace Rights and Entitlement Project" 2011.

### **The importance of employment in preventing and maintaining economic independence and eliminating domestic violence**

Evidence supports employment as a key pathway for women leaving a violent relationship. The financial security that employment affords women, allows them to escape becoming trapped and isolated in violent and abusive relationships, and to maintain, as far as possible, their home and standard of living.

The Australian Council of Trade Unions (ACTU) participated in efforts coordinated by the then Labor Government in 2013 to successfully lobby the United Nations Council on the Status of Women (UNCSW) to recognise the role of employment and the workplace. The UNCSW Agreed Conclusions now expands the traditional, narrow view of employer's responsibility as simply to provide a safe workplace, to now recognise the role of the workplace in supporting employees who are experiencing violence outside of the workplace, in order to protect and maintain their employment.

The high profile campaigns conducted by the White Ribbon Foundation and the Australian Human Rights Commission also recognise role of employment in supporting employees experiencing domestic violence. The White Ribbon Workplace Project accredits workplaces who meet certain criteria based on a strong leadership and organisational commitment to a workplace culture of zero tolerance for violence against women as well as evidence of policies and practices which support employees experiencing domestic violence.

The Australian Human Rights Commission 'bystander' project acknowledges the importance of bystanders – employers, work colleagues, union delegates – in establishing a zero tolerance approach to violence against women in workplaces.

### **Workplace entitlements which support employees experiencing domestic violence**

The ACTU, Unions and Trades and Labour Councils recognise the critical importance of supporting women experiencing domestic violence to be able to stay in their employment if they are to escape the cycle of violence.

To this end, ACTU, Unions and Trades and Labour Councils have worked in conjunction with the Family and Domestic Violence Clearing House (FDVCH) to develop a model paid domestic violence leave entitlement.

For a few years now, unions have been adding this entitlement to their bargaining agenda when negotiating workplace agreements with employers. In addition to paid domestic violence leave, unions have also been negotiating for the right for employees experiencing domestic violence to request flexible work arrangements and for additional carers leave.

*ACTU Submission to the Senate Finance and Public Administration Committee Inquiry into Domestic Violence in Australia 31 July 2014.*

### Paid Domestic Violence leave

Over 1.5 million employees now have access to paid domestic violence leave negotiated by their unions and employers in workplace agreements. Paid domestic violence leave is designed to assist victims of domestic violence to remain in paid employment, support them through the process of escaping violence and to promote safe and secure workplaces for them and their work colleagues. The leave is based on an employees need, for example, to attend court appearances and related appointments, seek legal advice, and make re-location arrangements.

Paid domestic violence leave recognises that it is largely women, who, as a result of the violence, have broken employment histories, are in low paid jobs and can least afford to take unpaid leave at a time where financial security is critical.

The first Australian family violence clause was negotiated in Victoria in September 2010 by the Australian Services Union Victorian Authorities and Services Branch with the Surf Coast Shire Council. In 2012 the ACTU Congress had adopted the Women's Committee domestic violence policy, and it became steadily standard for unions to include a dv clause in their standard log.

The ACTU model paid domestic violence leave clause includes 7 key criteria:

1. *The leave must be additional and dedicated paid leave;*
2. *Processes and procedures to ensure confidentiality for employees disclosing domestic violence, including employee record must be clear;*
3. *Workplace safety planning strategies to ensure protection of employees should be developed and clearly understood by the parties concerned;*
4. *The clause must include anti-discrimination protections for employees disclosing domestic violence; and*
5. *Nominated / contact person(s), including union delegates or occupational health and safety representatives if appropriate, must be provided with appropriate training and paid time off work to facilitate their role;*
6. *The clause should provide for referral of employees to appropriate domestic violence support services;*
7. *Employees must be protected against adverse action or discrimination on the basis of their disclosure of, or experience of, family and domestic violence;*

ACTU Submission to the Senate Finance and Public Administration Committee Inquiry into Domestic Violence in Australia 31 July 2014.

**Any Clause must be supported by the following measures at the Workplace:-**

1. *Information for all employees on the potential impacts of family violence at work (including on co-workers) and their workplace and legal rights and protections.*
2. *Training for key personnel and contact persons for appropriate responses*
3. *Training for union officials and delegates in negotiating and implementing family violence clauses*
4. *Victorian based monitoring of the clauses negotiated and their implementation.*
5. *Research into emerging issues such as the effects of sexual assault on workplace attendance, performance and safety.*
6. *Introduction of paid Family Violence leave to support workers to stay connected to the work place and the Victorian public service.*

*Paid domestic violence leave has attracted most attention, and is designed to assist victims of domestic violence to remain in paid employment, support them through the process of escaping violence and to promote safe and secure workplaces for them and their work colleagues. The leave is based on an employees need to attend to critical matters during standard working hours such as attend court appearances in order to secure a family violence intervention order for the protection of themselves and their workplace. However, all criteria assist the informed introduction and implementation of a clause, and best practice is the adoption of all seven.*

*Australian innovation in enterprise bargaining family violence protections has been recognized globally by the United Nations. 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 highlighted the Australian achievement of 'domestic violence entitlements in industrial awards and agreements, including access to paid family violence leave of up to twenty days a year' (6.a.1).*

*As of September 2014, 555 Australian agreements contain a family violence clause across a spread of private and public sectors such as retail, public transport, banking, education, manufacturing, airline and maritime. These agreements protect nearly half a million workers or nearly 15% of the workforce (June 2014). Award and directive protections for Commonwealth and State and Territory public services (except Victoria and Western Australia) increase the numbers of protected employees to over 1.6 million.*

### **Suggested Victorian Government Response as Employer:-**

As noted above, the Victorian Government has, to date, refused to address its' responsibility as an employer.

Attempts by the AEU Victoria to raise the issue of family violence as a Clause in negotiations for the VGSA 2013 were completely unsuccessful with a refusal to recognise or discuss the issue.

As mentioned earlier, AEU Victoria has shaped recommendations based on our experience with members reporting FV:-

➤ Including:

- Mishandling by Conduct and Ethics, punitive approach, no knowledge of appropriate measures in such a situation, ignorance of FV as an issue and its effects
- Lack of paid leave to cover FV and lack of open-ness to alternative proof of FV
- Lack of DET support and understanding of issue
- DET lack of knowledge of procedures to protect confidentiality and keep member informed
- Confusion in role of principal and advocate
- Lack of DET guidelines for handling FV issues
- Threatened dismissal of employee that required high level, last minute intervention to prevent
- Distress caused to member and principal which could have been avoided
- Employer Lack of awareness of support and counselling options
- Rigid line taken by employer – “you need to resign, there is no assistance for you”

### **Case Study:**

The AEU Victoria became aware of the case of Joan (not her real name) when her principal (also a union member) contacted us late in 2013 because Joan had just received a formal letter terminating her employment from her employer Department of Education and Early Childhood Development DEECD (as it was then known). Joan had 14 days to reply and to outline why her employment should not be terminated. This was the first that the AEU knew of the issue and we intervened quickly to seek more time for a reply and time to work with sections of DEECD who were unfamiliar with (and uninterested in) the issues of domestic violence that had tragically impacted on Joan's health and work. The union was able to have this decision reversed but there was a high toll on Joan and on her principal – who had been her only support during years of abuse.

The AEU has grave concerns about how the issue was handled by sections of DEECD. We make our strong recommendations so that, in the future, any employees experiencing these difficult situations will be provided with the support and understanding that a modern employer has the responsibility to provide.

**Background:-**

Joan had been teaching for 27 years in a large metropolitan school. She loved her job and was enjoying teaching the children of students she had taught.

What no-one knew was that Joan had also been a victim of domestic violence for over 2 decades from her partner.

Despite this Joan kept up a high standard of work and involvement in the school. Her only confidant and support had been her principal (and friend) who continued to speak highly of Joan's work as a teacher and as a leader in her Year Level. "She is one of my best leading teachers".

On only one occasion over 20 + years, did her principal have to speak with Joan about attendance and this issue was quickly addressed and improved.

Joan found that physical marks on her face and arms were becoming harder to hide over recent times and she was deeply embarrassed and ashamed about the issue. This response is highly typical of survivors living with domestic violence.

The trigger for the increased violence is also typical. Joan's elder daughter had recently started experiencing violence from her boyfriend and Joan had spoken up about it.

In behaviour highly typical of survivors, Joan was also finding it very difficult at times to get out of the house and get to school or to get to a doctor. She started missing school. "How many times can you lie and say that you walked into a door". "I was deeply embarrassed to go to my local family doctor and disclose any abuse". Again, such behaviour and events are well known to anyone with any knowledge of family violence or interest in the issue as an employer.

DEECD were aware of Joan's situation in that they had on file that any correspondence was to go to Joan c/o the school and not to her home address.

Despite this, DEECD began an investigation into Joan's absences and appointed the principal as Investigating Officer. When the principal said that she would like to be an advocate on Joan's behalf, she was told by the DEECD that this was not possible as she was the appointed Investigator. She was not allowed to step aside as Investigator.

This meant that the only person with any knowledge or understanding of Joan's situation was expressly forbidden from putting this evidence forward.

Again, in typical behaviour of a survivor under stress, Joan was unable to complete a reply in the investigation due to embarrassment, isolation and shame. "I wrote a brief letter to the Region but I couldn't bring myself to go into detail about what I had been going through".

Joan's principal suggested the union but again Joan was too ashamed to reach out. It was only when Joan was threatened with dismissal did the situation become so serious that the principal rang the union with Joan in her office.

Joan was distraught “School was the one place I felt safe”. “My partner has unreliable shift work and I am the main breadwinner for our 2 daughters and the family”.

Joan also felt that she would not cope if she lost her job – not only financially but also psychologically “My job was the only place that I could be respected and be a professional”.

“Any financial pressure at home always made the violence much worse”.

The AEU Victoria met with Joan and her principal. The AEU organised a visit for Joan at a Women’s specific service with expertise in family violence – Women’s Information and Referral Exchange –WIRE. This visit was the first chance that Joan had to really disclose what she had been suffering and to be reassured that the violence was not her fault and that she was not to blame.

WIRE was able to provide a letter stating that Joan had disclosed DV and that her experience and behaviour were very typical of family violence survivors. WIRE was able to provide referrals to other counselling services for Joan and her partner.

It was very difficult to find any counselling services that could work with Joan on an ongoing basis. The only counselling services that AEU Vic could locate would only deal with emergency counselling or accommodation needs.

It was also difficult to find counselling and other services for Joan’s partner and it took a lot of time and effort for them to find help for her partner. Her partner has now had support from a men’s group and Beyond Blue.

DEECD’s response was one of no understanding of the issue of family violence and how it may affect employees.

There were no guidelines or procedures for managers to follow in a case of DV. There was no support or assistance for the principal or for the member experiencing DV.

DEECD had refused to include any reference to DV/FV in the negotiations for the VGSA 2013 despite AEU pressure.

Joan’s clear view is that a paid leave clause to enable her to take DV leave on the occasions she needed it, would have meant that she could have dealt with the situation a lot earlier and not ended up at a crisis point that damaged her and her professional responsibilities.

However, due to assistance that Joan finally received she reports that “The situation at home is 190 times better than it has been for the past 20 years”.



## Recommendations by AEU Victoria:-

AEU Victoria would like to recommend a comprehensive workplace approach and recommend the Tasmania State Service Act Ministerial Direction No 28 . Family Violence – Workplace Arrangements and Requirements. Dated 20 November 2012. This document is included at Appendix 1.

AEU Victoria does however recommend additional paid leave of 20 days and the provisions of the ASU Model Clause which is provided at Appendix 2.

It is AEU Victoria's view that together these 2 documents cover the critical areas of :-

- Proof of family violence – can be in the form of an agreed document from Police, a Court, a Doctor, district nurse, maternal and child health care nurse, Family Violence Counselling or support service, women's refuge service, EAP provider.
- Flexible work arrangements – including changes to hours, duties, attendance, time fraction
- Additional Paid Leave – 20 days is the Clause standard. 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 person supporting a person experiencing DV may take paid leave to accompany the person to Court, hospital/medical or to mind children.
- Access to personal leave - arrangements that allow employees to access personal leave entitlements (in relevant awards/agreements) to address health issues, or to attend to legal, financial, child care, housing or any other matter arising from family violence:
  - Employees (other than fixed term employees appointed on a casual basis), may access accrued personal leave entitlements under relevant awards/agreements consistent with the purpose and application of this Direction.
  - An employee experiencing family violence may access their accrued personal leave at short notice, or without prior notice provided that notice is given at the earliest opportunity.
  - Personal leave may be granted to attend to any of the following matters:
    - attend medical/counselling appointments;
    - maintain safe housing;
    - access Police services;
    - attend court hearings;
    - access legal advice;
    - organise child care, education or care services;
    - attend to financial matters.

- Employee Assistance Program- training for providers on recognising FV characteristics and effects. Use of EAP to monitor data on FV
- Training for HR, managers, workplace contact officers and employees
- Guidelines for appropriate action in the event that an employee reports FV
- Workplace safety and emergency planning
- Reporting and evaluation
- No discrimination or adverse action against employee
- Confidentiality – this matter is routinely dealt with by HR and employers and in our view normal confidentiality measures must be adhered to in these matters.

## Section 3:

### *Other Legal Remedy*

#### 1. Anti-Discrimination

Victims of domestic violence experience both direct and indirect forms of discrimination in the workplace. The following case studies collected from Queensland Working Women's Service and Working Women's Centre SA exemplify situations where victims of domestic violence have been sacked or bullied out of their jobs due to negative assumptions and prejudice, or in one example, as punishment for divorcing the perpetrator.

Specific negative assumptions and stereotyping about victims of domestic violence include that they are unreliable, likely to underperform or bring danger or disruption into the workplace. These assumptions are likely to reflect community attitudes towards domestic violence and specifically, stigma attributed to victims, who are perceived as complicit in their own abuse. An extensive 2009 survey found very low levels of understanding around the issue of why women remain in violent relationships, with 80 percent of respondents agreeing with the statement: 'it's hard to understand why women stay in violent relationships' and almost 50 percent of community respondents believe that a woman can leave a violent relationship if she wants to.<sup>3</sup>

Unfortunately, many workers are unwilling or unable to ask for support at work even where they desperately need them due to fear, shame and embarrassment about disclosing their experience of domestic violence and the perception they will be judged negatively, disbelieved and/or blamed for the situation.<sup>4</sup> Further, victims may fear they will not receive assistance, or in a worst case scenario, be disciplined or fired.<sup>5</sup>

Protection from discrimination on the basis of status as a victim of domestic violence would improve the likelihood that victims will disclose domestic violence where it is adversely impacting on them in the workplace, allowing them to get help and stay safely in their jobs. It would serve an important normative function, signalling that domestic violence is unacceptable and acknowledging the harm experienced by victims can be exacerbated by negative attitudes and inflexible policies.

Protection on this specific ground would make the Victorian Act clearer and more consistent, assisting duty holders to comply and enhance social inclusion for victims of domestic violence who experience social and financial disadvantage in addition to violence and harassment. The inclusion of this ground is also consistent with Australia's national framework for addressing the issue of domestic violence, as set out in the Commonwealth's *National Plan to Address Violence Against Women and Their Children 2012-22* and the Australian Labor Party's resolution to 'ensure that Fair Work and anti-discrimination frameworks provide appropriate protection to victims of domestic violence in the workplace'.<sup>6</sup>

<sup>3</sup> VicHealth, *National Survey on Community Attitudes to Violence Against Women 2009* (Melbourne, March 2010), at 49.

<sup>4</sup> Ibid at 13.

<sup>5</sup> Ibid at 14.

<sup>6</sup> See Ben Aveling, *All the Motions from National Conference 2011* (4 December 2011), amendment 448A. Available at: <http://ouralp.net/2011/12/04/all-the-motions-from-national-conference-2011/#448>.

Protection from discrimination under The Equal Opportunity Act 2010 would also reinforce access to flexible work arrangements under the Fair Work Act.<sup>7</sup> In June 2013 the right to request flexible work arrangements because the employee is experiencing domestic violence or supporting a family member experiencing domestic violence was included in the Fair Work Act (Part 3. 17. Subsection 65 (1) (1A) (e) & (f). However, without express protection for victims of domestic violence from discrimination in the *Fair Work Act* vulnerable workers may be exposed to discrimination or adverse action such as dismissal when disclosing family violence.

## **Recommendation:**

The Equal Opportunity Act 2010 is amended to the personal characteristic 'status as a victim of domestic violence' should be included in the list of attributes protected from discrimination, across all areas of life.

## **2. OH&S**

The Family and Domestic Violence Clearinghouse (FDVCH) *National Domestic Violence and the Workplace Survey* in 2011 found that 19% of workers who had experienced family violence reported that the violence and harassment followed them into the workplace. Co-workers also reported being affected by the intrusion of family violence into their workplace.

American research has suggested that the abusive person at work poses a significant OH&S risk with 19% reporting that they had caused or almost caused an accident

These findings suggest that family violence at work needs to be addressed as an OH&S issue, and was recommended by the Australian Law Reform Commission (ALRC) review of Family Violence and Commonwealth Laws (Improving Legal Frameworks 2011)<sup>8</sup>

*'family violence may, in some cases, pose a risk to the physical and psychological health and safety, not only of employees who are victims of the violence, but also of co-workers and other third parties' (18.27)*

<sup>7</sup> The Australian Law Reform Commission Report on Family Violence and Commonwealth Employment Law 2011 recommended that the Australian Government consider amending the National Employment Standards to provide aid family violence leave (R.17-2)

<sup>8</sup> <http://www.alrc.gov.au/publications/18-occupational-health-and-safety-law/family-violence%E2%80%94work-health-and-safety-issue>

Citing the following examples as ‘a clear OHS issue or risk’ (18.39):

- physical or verbal abuse between partners employed at the same workplace;
- threats to a partner or the partner’s co-workers at the workplace;
- harassment or attacks on a partner or a partner’s co-workers at their workplace, either in person or through phone calls and emails;
- stalking a partner at the partner’s workplace—for example, 29% of victims who were stalked by their previous partner reported that the person using family violence loitered outside their workplace; and
- in the most extreme cases, family violence-related homicide at the workplace

The Australian Law Reform Commission (ALRC) recommendations relevant for Victorian consideration were:<sup>9</sup>

**Recommendation** Safe Work Australia should, in developing or reviewing its Research and Data Strategy or other relevant strategies:

1. identify family violence and work health and safety as a research priority;
2. examine the effect of the harmonised legislative and regulatory OHS scheme on duties and obligations owed in relation to family violence as a possible work health and safety issue; and
3. consider ways to extend and improve data coverage, collection and analysis in relation to family violence and its impact as a work health and safety issue.

**Recommendation** As part of the national education and awareness campaign, Safe Work Australia should work with the Australian Domestic and Family Violence Clearinghouse, unions, employer organisations, State and Territory OHS regulators and other relevant bodies to:

1. raise awareness about family violence and its impact as a possible work health and safety issue; and
2. develop and provide education and training in relation to family violence as a possible work health and safety issue.

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<sup>9</sup> <http://www.alrc.gov.au/publications/18-occupational-health-and-safety-law/family-violence%E2%80%94work-health-and-safety-issue>

**Recommendation** Safe Work Australia should consider including information on family violence as a possible work health and safety issue in relevant Model Codes of Practice, for example:

1. 'How to Manage Work Health and Safety Risks';
2. 'Managing the Work Environment and Facilities';
3. 'How to Consult on Work Health and Safety';
4. 'Preventing and Responding to Workplace Bullying'; and
5. any other code that Safe Work Australia may develop in relation to other relevant topics, such as workplace violence and psychosocial hazards

### **Recommendations**

Victoria's OH&S laws (Occupational Health and Safety Act (2004) and Regulations (2007) are amended to include the impacts of family violence at work as an OH&S safety issue.

Victoria should consider the recommendations of the ALRC on the matter of family violence at work as an OH&S issue

Proposed DVVIC Safe at Home, Safe at Work project:-

- develop Victoria specific information resources for individual workers and workplaces to assist introduction and implementation
- assist mainstream agencies such as WorkSafe Victoria and the Fair Work Ombudsman to support individual workers and workplaces with resources and information
- create a specialised Victorian webpage of resources, good practice and developments to assist individual workers and workplaces
- monitor the implementation and costs to Victorian employers of family violence clauses
- in the short term provide seminars and state approved training, with the goal of providing a state wide oversight for the provision of accredited training to approved trainers
- assist small and medium businesses to develop effective strategies

## Summary of Recommendations:

**AEU Victoria recommends** the continuation and growth of the RREiS program in schools.

**AEU Victoria recommends** that such an approach be extended to the early childhood and primary sectors.

Effective Overseas approaches (identified by AEU Federal Women's Officer):-:

- Healthy Relationships 101 : Canadian Women's Foundation
- <http://www.canadianwomen.org/violence-prevention-resources>
- Sweden Violence Health and Action Plan
- <http://www.government.se/sb/d/2708/a/193334>
- <http://www.government.se/sb/d/14974>
- National Report :Gender Violence in Finland – from the perspective of women

**AEU Victoria recommends analysis** of these effective overseas models for appropriate adaptation in the Victorian context.

**AEU Victoria recommends** a comprehensive workplace approach and recommend the Tasmania State Service Act Ministerial Direction No 28 . Family Violence – Workplace Arrangements and Requirements. Dated 20 November 2012. This document is included at Appendix 1.

AEU Victoria does however recommend additional paid leave of 20 days and the provisions of the ASU Model Clause which is provided at Appendix 2.

It is AEU Victoria's view that together these 2 documents cover the critical areas of :-

- Proof of family violence – can be in the form of an agreed document from Police, a Court, a Doctor, district nurse, maternal and child health care nurse, Family Violence Counselling or support service, women's refuge service, EAP provider.
- Flexible work arrangements – including changes to hours, duties, attendance, time fraction
- Additional Paid Leave – 20 days is the Clause standard. 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 person supporting a person experiencing DV may take paid leave to accompany the person to Court, hospital/medical or to mind children.
- Access to personal leave - arrangements that allow employees to access personal leave entitlements (in relevant awards/agreements) to address health issues, or to attend to legal, financial, child care, housing or any other matter arising from family violence:

- Employees (other than fixed term employees appointed on a casual basis), may access accrued personal leave entitlements under relevant awards/agreements consistent with the purpose and application of this Direction.
- An employee experiencing family violence may access their accrued personal leave at short notice, or without prior notice provided that notice is given at the earliest opportunity.
- Personal leave may be granted to attend to any of the following matters:
  - attend medical/counselling appointments;
  - maintain safe housing;
  - access Police services;
  - attend court hearings;
  - access legal advice;
  - organise child care, education or care services;
  - attend to financial matters.
- Employee Assistance Program- training for providers on recognising FV characteristics and effects. Use of EAP to monitor data on FV
- Training for HR, managers, workplace contact officers and employees
- Guidelines for appropriate action in the event that an employee reports FV
- Workplace safety and emergency planning
- Reporting and evaluation
- No discrimination or adverse action against employee
- Confidentiality – this matter is routinely dealt with by HR and employers and in our view normal confidentiality measures must be adhered to in these matters.

**AEU Victoria recommends** that the Equal Opportunity Act 2010 is amended to the personal characteristic ‘status as a victim of domestic violence’ should be included in the list of attributes protected from discrimination, across all areas of life.

**Recommendation** Safe Work Australia should, in developing or reviewing its Research and Data Strategy or other relevant strategies:

1. identify family violence and work health and safety as a research priority;
2. examine the effect of the harmonised legislative and regulatory OHS scheme on duties and obligations owed in relation to family violence as a possible work health and safety issue; and
3. consider ways to extend and improve data coverage, collection and analysis in relation to family violence and its impact as a work health and safety issue.



**Recommendation** As part of the national education and awareness campaign, Safe Work Australia should work with the Australian Domestic and Family Violence Clearinghouse, unions, employer organisations, State and Territory OHS regulators and other relevant bodies to:

1. raise awareness about family violence and its impact as a possible work health and safety issue; and
2. develop and provide education and training in relation to family violence as a possible work health and safety issue.

**Recommendation** Safe Work Australia should consider including information on family violence as a possible work health and safety issue in relevant Model Codes of Practice, for example:

6. 'How to Manage Work Health and Safety Risks';
7. 'Managing the Work Environment and Facilities';
8. 'How to Consult on Work Health and Safety';
9. 'Preventing and Responding to Workplace Bullying'; and
10. any other code that Safe Work Australia may develop in relation to other relevant topics, such as workplace violence and psychosocial hazards

**Recommendation** Victoria's OH&S laws (Occupational Health and Safety Act (2004) and Regulations (2007) are amended to include the impacts of family violence at work as an OH&S safety issue.

Victoria should consider the recommendations of the ALRC on the matter of family violence at work as an OH&S issue

Proposed DVVIC Safe at Home, Safe at Work project:-

- develop Victoria specific information resources for individual workers and workplaces to assist introduction and implementation
- assist mainstream agencies such as WorkSafe Victoria and the Fair Work Ombudsman to support individual workers and workplaces with resources and information
- create a specialised Victorian webpage of resources, good practice and developments to assist individual workers and workplaces
- monitor the implementation and costs to Victorian employers of family violence clauses
- in the short term provide seminars and state approved training, with the goal of providing a state wide oversight for the provision of accredited training to approved trainers
- assist small and medium businesses to develop effective strategies

## Endnotes:

Australian Domestic and Family Violence Clearinghouse, (FDVCH), UNSW, “Domestic Violence Workplace Rights and Entitlement Project” 2011

Aveling Ben, *All the Motions from National Conference 2011* (4 December 2011), amendment 448A. Available at:  
<http://ouralp.net/2011/12/04/all-the-motions-from-national-conference-2011/#448>

Family and Domestic Violence Clearinghouse (FDVCH), UNSW, 2010 Survey, conducted between February-July 2011.

VTHC Submission to Royal Commission on Family Violence May 2015

<http://www.alrc.gov.au/publications/18-occupational-health-and-safety-law/family-violence%E2%80%94work-health-and-safety-issue>

The Australian Law Reform Commission Report on Family Violence and commonwealth Employment Law 2011 recommended that the Australian Government consider amending the National Employment Standards to provide aid family violence leave (R.17-2)

VicHealth, National Survey on Community Attitudes to Violence Against Women 2009 (Melbourne, March 2010)

*ACTU Submission to the Senate Finance and Public Administration Committee Inquiry into Domestic Violence in Australia 31 July 2014.*

## Family violence – Workplace arrangements and requirements

1. Introduction – Family violence and the workplace
2. Context
3. Intent
4. Access to personal leave and special leave entitlements
5. Flexible work arrangements
6. Employee Assistance Program – provider requirements
7. Confidentiality
8. Training for workplace contact roles
9. Family violence workplace safety and emergency planning
10. Reporting and evaluation
11. Useful resources

## Introduction

Family violence is experienced by a significant number of Australian workers. While females often experience the most severe and ongoing forms of abuse, family violence also affects males. Furthermore, it affects workers regardless of age, religion, race, sexual identity, disability, ethnicity or economic status.

Family violence often has effects within the workplace whereby the worker's continuing work performance, productivity and, in some cases, health and safety are significantly compromised. The co-workers and clients of an employee experiencing family violence may also be affected.

### 1. Context

As a signatory to the *National Plan to Reduce Violence Against Women and their Children*, the Tasmanian Government is committed to implement policies, programs and services that reduce and mitigate family violence such as the Safe at Home Program.

There is also a recognition that policies need to address the workplace needs of employees who are experiencing family violence which is the aim of Safe at Work projects.

Specifically, the Tasmanian Government as the State Service employer, is committed to workplace arrangements that support its employees experiencing family violence to remain in employment, maintain financial independence and continue to work safely and productively.

The Tasmanian Government as the State Service employer, does not tolerate family violence being perpetrated by its employees in, or from, the workplace.

Any employee who engages in family violence in the workplace, including using workplace resources (e.g. use of phone, fax, mail, internet or email) for that purpose, is likely to be in breach of the State Service Code of Conduct. A proven breach of the Code of Conduct will be subject to an appropriate sanction (which may include termination) under section 10 of the *State Service Act 2000*.

## 2. Intent

The intention of this Direction is to establish:

- arrangements that allow employees to access personal leave entitlements (in relevant awards/agreements) to address health issues, or to attend to legal, financial, child care, housing or any other matter arising from family violence;
- arrangements upon which employees may access flexible work arrangements to reasonably accommodate their needs arising from family violence;
- access to Employee Assistance Program (EAP) arrangements that appropriately support employees experiencing family violence;
- arrangements that ensure that personal information relating to employees experiencing family violence is appropriately managed;
- training requirements for key Agency roles responsible for supporting employees experiencing family violence including Human Resource Managers, Senior Managers, Line Managers/Supervisors and Equal Employment Opportunity (EEO) Contact Officers; and
- arrangements to assist workplace managers in ensuring that risks to the health and safety of employees experiencing family violence and their co-workers are reasonably managed.

## 3. Access to personal leave and special leave entitlements

Employees (other than fixed term employees appointed on a casual basis), may access accrued personal leave entitlements under relevant awards/agreements consistent with the purpose and application of this Direction.

Personal leave may be granted to attend to any of the following matters:

- attend medical/counselling appointments;
- maintain safe housing;
- access Police services;
- attend court hearings;
- access legal advice;

- organise child care, education or care services;
- attend to financial matters;
- maintain support networks with children, family and significant others; and
- undertake other related activities.

An employee experiencing family violence may access their accrued personal leave at short notice, or without prior notice provided that notice is given at the earliest opportunity.

Where an employee experiencing family violence has exhausted their full pay personal leave entitlements under an award/agreement, the Head of Agency (or delegate) is to consider granting paid special leave in accordance with State Service Regulation No. 25 of the *State Service Regulations 2011*. Family violence is to be considered a case of pressing necessity for the purpose of State Service Regulation No. 25 (1)(b). A Head of Agency (or delegate) is not to unreasonably refuse to grant special leave for the purpose of this Direction.

Special leave under Regulation No. 25 may be converted to hours for the purposes of granting, taking and recording.

A Head of Agency (or delegate) is to be satisfied, having reasonable regard to the circumstances and sensitivities, that family violence, or the threat of family violence, has occurred.

An employee may make application for personal or special leave to the Agency Human Resources Manager or their Line Manager/Supervisor. In making application, an employee who is a member of a public sector union may authorise a union official or delegate to act on their behalf.

The application is to be supported with documentary information or contact information (with an appropriate authority from the employee) from one of the following:

- Safe at Home service provider (Police, Court Support and Liaison Service, Family Violence Counselling and Support Service, Legal Aid, Magistrates Court);
- Employee Assistance Program (EAP) provider;
- specialist counselling or women's refuge service;
- legal service; or
- medical practitioner.

Where the employee is able to demonstrate that it is not practicable to provide such information, a statutory declaration may be provided.

#### **4. Flexible Working Arrangements**

Subject to reasonable operational requirements, Heads of Agency may make flexible working arrangements available to assist and support an employee experiencing family violence.

Such arrangements must take account of the safety of the employee and other parties involved, including but not limited to, their children, co-workers and clients. Changes may include modified or altered working times, required absences, alternative working location, or changes to telephone number, email address or restricted access to on-line Government Directory details.

Arrangements should be reviewed on a regular basis to determine their ongoing need.

#### **5. Employee Assistance Program (EAP) – provider requirements**

The Head of Agency is to ensure that their contracted Employee Assistance Program (EAP) provider is either capable of providing employees experiencing family violence with appropriate counselling support, or has established appropriate referral services for that purpose.

EAP services are to be advertised within agency workplaces and are to be available to employees and their family members on a free and confidential basis.

Employees that disclose that they are experiencing family violence are to be provided with information concerning counselling and support services available through either the Agency EAP provider, or through family violence support services if the employee has not already sought specialist assistance.

#### **6. Confidentiality**

Agencies are to ensure that the confidentiality of an employee's personal information (including payroll, work and residential contact details) is assured against loss, disclosure to

third parties, unauthorised access, modification or any other form of misuse.

Employee records concerning family violence are to be kept confidential and may only be divulged in exceptional circumstances (after consultation with the employee) where it is imperative to maintain the safety of the employee, co-workers and/or clients. Decisions concerning employee records for the purpose of this Direction are to be made by the Agency Human Resource Manager.

## **7. Training for workplace contact roles**

Agencies are to ensure that personnel undertaking roles such as Human Resource Managers, Senior Managers, Line Managers/Supervisors and Equal Employment Opportunity (EEO) Contact Officers are trained in relation to supporting employees experiencing family violence. The training may be developed and delivered in-house, or may be accessed through an appropriate training broker such as The Training Consortium (TTC) in the Department of Premier and Cabinet.

The training programs are to be tailored to give employees undertaking the above roles a sound understanding of their responsibilities, including relevant State Service workplace policy, employee leave entitlements, workplace safety planning processes and employee support referral options. Public sector unions may also provide a useful support service for member employees.

The contact details for family violence support networks are to be advertised within agency workplaces.

## **8. Family violence workplace safety and emergency planning**

Agencies are to reasonably ensure that employees who report experiencing family violence and their co-workers are safe in their workplace, particularly those in direct client contact roles.

Responsible managers (in conjunction with relevant health and safety committees) are to review existing safety and emergency management systems to consider general risks that may be required to manage family violence in the workplace (e.g. security, information technology and communications



protocols) as well as specific risks arising from an employee reporting or disclosing family violence. Systems and plans should take account of foreseeable risks associated with the physical presence of a perpetrator in the workplace as well as the potential for abuse or threats via electronic means.

Where a perpetrator has physically entered the workplace and threatened or harassed the employee or a co-worker, immediate action is to be taken to isolate the individual or have them leave the premises. If there is an immediate threat and/or violence, it is appropriate to call the Police. At a minimum, an incident report is to be completed.

Responsible managers should consult with the employee concerned to assess the level of risk and seek specialist advice from their Human Resources area to assist with reviewing safety and emergency management systems and plans.

## 9. Reporting and evaluation

Agencies are to provide a report to the Director, Public Sector Management Office, Department of Premier and Cabinet by 31 October of each year on their compliance with the requirements of this Direction. The report must also include:

- the number of paid personal and special leave days (and equivalent hours) granted to employees for family violence reasons in the previous financial year (such information is to be de-identified); and
- the number of key staff trained in accordance with the requirements of this Direction in the same reporting period.

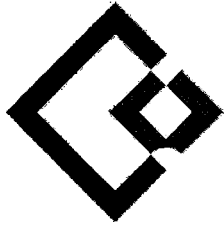
## 10. Useful resources

The following link provides useful resources for employers, employees and unions in managing family violence in the workplace.

<http://www.dvandwork.unsw.edu.au/how-guides-model-policies-procedures-and-safety-plans>

The work of the Australian Domestic and Family Violence Clearinghouse (University of New South Wales) and the Commonwealth Department of Employment, Education and Workplace Relations is acknowledged.





**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 Council/shire 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 Council/shire is committed to providing support to staff that experience family violence.

#### **XX.2 Definition of Family Violence**

- (a) This Council/shire accepts the definition of Family violence as stipulated in the *Family Violence Protection Act 2008 (Vic)*. And 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 child health care nurse a Family Violence Support Service or Lawyer.
- (b) All personal information concerning family violence will be kept confidential in line with Council/shire 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 experiencing family violence.
- (e) The council/shire will identify a contact in Human Resources who will be trained in family violence and privacy issues for example training in family violence risk assessment and risk management. The council/shire will advertise the name of the contact within the Council/shire.
- (f) 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.
- (g) 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 Council/shire will develop guidelines to supplement this clause and 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 take carer's leave to accompany them to court, to hospital, or to mind children.

**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 Council/Shire 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 Council/shire;
  - (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 referred 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 HP or their supervisor that they are experience family violence will be given a resource pack of information regarding support services.