



DOMESTIC/FAMILY VIOLENCE WORKPLACE POLICY

Department of Human Services (DHS)

Summary

Outlines the department's position in respect of support and assistance for those employees who experience or are escaping domestic/family violence.

Table 1: Document Details

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Applies to	All DHS employees
Issued by	People, Strategy and Systems
Delegated Authority	Lois Boswell Acting Chief Executive
Policy Custodian	Fiona Mort Director, Office for Women
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Table 2 – Revision Record

Date	Version	Revision description
October 2018	2.2	To reflect new departmental name, terminology and general update
August 2020	2.3	To reflect divisional name changes, include responsibilities, training and additional safety information, and update reference documents

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1. Policy Title

Domestic/Family Violence Workplace Policy

2. Purpose

The intention of this policy is to provide a workplace that supports the safety and wellbeing of employees who experience or are escaping domestic/family violence, as well as their co-workers, by encouraging such employees to access departmental assistance and information, including paid time off work and flexible working.

3. Context

This policy represents the position of DHS in respect of support and assistance for those employees who experience or are escaping domestic/family violence. Domestic/family violence in any form is unacceptable. All employees, but particularly women, may be subjected to domestic/family violence.

More than one in three women in Australia aged over 18 years have experienced physical violence since the age of fifteen and nearly one in five sexual violence¹.

Almost two-thirds of women who experience domestic/family violence are involved in the workforce². This means that the workplace can make a significant difference to the safety and wellbeing of women experiencing violence.

4. Scope

This policy applies to all DHS employees. Weekly Paid employees and Nurses are not covered by Part 7 of the PS Act and therefore the SA Health (Health Care Act) Human Resources Manual or the relevant industrial instrument will apply.

Labour hire, contractors, work experience students or volunteers are expected to conduct themselves in accordance with the requirements of this policy. These are the terms of their continuing relationship with DHS.

The policy should be read in conjunction with the documents specified in Section 8.

5. Definitions and Terminology

Domestic/Family Violence

Domestic/family violence is an abuse of power perpetrated mainly (but not only) by men against women in a range of relationships, including:

¹ ABS 2017 Personal Safety Survey – Summary of 2016 survey results, viewed at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

² *ibid.*

- intimate partners and ex-partners;
- children (including those under the guardianship of the perpetrator, step-children, grandchildren and loco parentis relationships);
- siblings;
- Aboriginal people or other culturally recognised family group; and
- where one is the carer of the other.

A central element of domestic/family violence is an ongoing pattern of behaviour aimed at power and control through fear. The most commonly acknowledged forms are physical and sexual violence, threats and intimidation, emotional, psychological and social abuse, and economic deprivation.

Aboriginal Family Violence

For the purpose of this document, the term Aboriginal is used to refer to Aboriginal and Torres Strait Islander people in South Australia. This is not intended to exclude Torres Strait Islander people, or people who may identify as being of both Aboriginal and Torres Strait Islander descent. The term Aboriginal Family Violence is accepted amongst Aboriginal people as a more appropriate term to describe violence perpetrated against Aboriginal families and communities. Aboriginal Family Violence includes violence perpetrated within intimate partner relationships, however it is also encompasses other forms of violence perpetrated against individuals, families and communities.

6. Policy Detail

DHS does not tolerate domestic/family violence being perpetrated in or from the workplace. This includes any employee who perpetrates violence and abuse from the workplace including, for example, by use of telephone, mail or email. Such behaviour is in breach of the Code of Ethics for the South Australian Public Sector and disciplinary action will be taken accordingly.

6.1 Responsibilities

The Chief Executive will:

- ensure managers/supervisors are appropriately educated to assist employees suffering from or escaping domestic/family violence; and
- provide access to information on professional counselling services for all employees.

Managers/supervisors will:

- provide respectful, sensitive and non-judgmental support to employees;
- ensure confidentiality of information is maintained;
- consider and discuss measures to provide a safe workplace in so far as is reasonably practicable; and
- be aware of what support is potentially available to employees experiencing domestic/family violence and explore these options with them.

Employees should not expect their managers/supervisors to be counsellors. Similarly managers/supervisors are cautioned against attempting to counsel employees.

6.2 Confidentiality

All employee records concerning domestic/family violence will be kept confidential and only divulged in exceptional circumstances where it is imperative to maintain the safety of the employee and/or other staff.

6.3 Support

Any employee who has experienced, is experiencing, or is at risk of experiencing, domestic/family violence is encouraged to seek assistance from the department's [Employee Assistance Program](#) (EAP). Managers/supervisors are also encouraged to access the EAP if the experience of assisting employees suffering from or escaping domestic/family violence is causing them distress.

Employees who are experiencing or escaping domestic/family violence are encouraged to advise their manager/supervisor and/or People, Strategy and Systems so that appropriate support in the workplace may be provided.

A consequence of domestic/family violence may be a deterioration in an employee's attendance and/or performance. Managers/supervisors will be sensitive to the employee's experience of domestic/family violence and the impact this may have when addressing attendance and/or performance issues.

Consideration will be given to changes in an employee's work telephone numbers, working hours, and nature and place of work, either on a temporary or permanent basis, where necessary to support the safety of the employee.

An employee who discloses to their manager/supervisor and/or People, Strategy and Systems they are experiencing or escaping domestic/family violence will be provided with information on the counselling and support available through domestic/family violence support services.

6.4 Leave

An employee experiencing or escaping domestic/family violence may access special leave with pay for domestic/family violence in accordance with the department's Leave Guideline. Special leave may be required to enable the employee to attend appointments, for example, with support organisations, solicitors, court applications, and for other activities that may be necessary to maintain safety and progress towards a life free from domestic/family violence. To maintain confidentiality, urgent pressing necessity will be recorded as the leave reason in such situations.

Perpetrators of domestic/family violence are not able to access special leave with pay for domestic/family violence.

6.5 Safety

In consultation with the employee concerned, the manager/supervisor is to give consideration to developing strategies, such as a Workplace Domestic Violence Safety Plan detailed in the Domestic Violence Workplace Guideline, to ensure the safety of the employee while at work, including, but not limited to:

- programming mobile phones with emergency and contact numbers;
- screening incoming calls to the employee; and
- changing work role/locations (on a temporary basis) to improve safety.

Where an abusive partner/family member has come to the workplace and has threatened or harassed the employee or any other employee, the police are to be advised immediately. The incident should also be reported on [MySAFETY](#), the department's incident reporting system, by the employee's manager/supervisor.

Where an employee is reasonably suspected to have used domestic/family violence in or from the workplace and the behaviour may be a criminal matter, a report must be made to the South Australian Police (SAPOL) in accordance with Section 5.2.1 of the Commissioner Guideline: Management of Unsatisfactory Performance, Including Misconduct. Third party reports can be made to SAPOL and may not necessarily result in a criminal charge.

6.6 Training

All DHS staff are required to complete mandatory training about Men's Violence Against Women through the department's online learning management system, [MY-Learn](#). This training program is designed to enhance understanding of the issue by providing practical tips in preventing, recognising and responding to violence against women. The package has been adopted across the public sector to drive social change and promote safe and respectful workplaces.

7. Risk

Domestic/family violence can result in health problems for employees, both physical and psychological. Accordingly, failure to recognise domestic/family violence as a possible cause of health problems may lead to employees attending the workplace when they may not be fit enough to do so or may lead to an increase in absence and/or a decrease in performance. It is also possible that a perpetrator of domestic/family violence may attempt to seek out the victim at their workplace – this may result in the victim and other employees being put at risk. This policy and the associated guideline aim to mitigate these risks.

8. Reference Documents

8.1 Directive documents

- [Public Sector Act 2009 \(PS Act\)](#)
- [Public Sector Regulations 2010](#)
- [Public Sector \(Honesty and Accountability\) Regulations 2010](#)
- [Fair Work Act 1994](#)
- [Equal Opportunity Act 1984](#)
- [Public Interest Disclosure Act 2018](#)
- [Work Health and Safety Act 2012](#)
- [Code of Ethics for the South Australian Public Sector](#)
- [Independent Commissioner Against Corruption Act 2012 \(ICAC Act\)](#)
- [Independent Commissioner Against Corruption Directions and Guidelines](#)

- [Intervention Orders \(Prevention of Abuse\) Act 2009](#)
- [Criminal Law Consolidation Act 1935](#)
- [Commissioner Guideline: Domestic and Family Violence](#)
- [Commissioner Determination 3:1 – Employment Conditions – Hours of Work, Overtime and Leave](#)
- [Commissioner Guideline: Management of Unsatisfactory Performance, Including Misconduct](#)
- [SA Health \(Health Care Act\) Human Resources Manual](#)
- [Respectful Treatment at Work Policy](#)
- [Respectful Treatment at Work Factsheet](#)
- [Public Interest Disclosure Policy](#)
- [Wellbeing and Safety Policy](#)

8.2 Supporting documents

- [Domestic/Family Violence Workplace Guideline](#)
- [Leave Guideline](#)
- [Flexible Work Guideline](#)
- [Human Resource Authorisations/Delegations](#)
- [Workplace Equality and Respect Action Plan](#)
- [Diversity and Inclusion Strategy](#)
- [Public Interest Disclosure Procedure](#)
- [Wellbeing and Safety Strategy 2019-2023](#)
- [Wellbeing and Safety Commitment](#)
- [Our Watch Workplace Equality and Respect Standards](#)

8.3 Related documents and resources

- [Office for Women](#)
- [Family Safety Framework](#)
- [Break The Cycle campaign](#)
- [Our Watch](#)
- [Workplace Equality and Respect Project](#)
- [Australia's National Research Organisation for Women's Safety](#)
- [Committed to Safety: A framework to address domestic, family and sexual violence in South Australia](#)

9. Aboriginal Impact Statement Declaration

The needs and interests of Aboriginal people have been considered in the development of this policy.

10. Policy Approval

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<p>Comments:</p>	<p>APPROVED</p> <p></p> <p>-----</p> <p>Lois Boswell Acting Chief Executive 24 / 09 /2020</p>