

Support for employees affected by domestic and family violence

Policy Number: C73 (QH-POL-391)

Publication date: July 2020

Purpose: To identify leave and other support options available to Queensland Health employees affected by domestic and family violence.

Application: This policy applies to all employees working for Queensland Health.

Delegation: The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Domestic and Family Violence Protection Act 2012*
- *Human Rights Act 2019*
- *Public Service Act 2008*
- *Work Health and Safety Act 2011*
- PSC Directive 03/20 – Support for employees affected by domestic and family violence

Related policy or documents:

- Flexible Working Arrangements HR Policy C5 (QH-POL-242)
- Special Leave HR Policy C7 (QH-POL-231)
- Annual/Recreation Leave HR Policy C51 (QH-POL-100)
- Sick Leave HR Policy C64 (QH-POL-230)
- Employees to Notify Supervisor is Charged with or Convicted of an Indictable Offence HR Policy E4 (QH-POL-127)
- Remote or isolated work Guidance note
- Security for work health and safety Guidance note
- Guideline for Flexible work arrangements (QH-GDL-242)
- Guideline for Domestic and family violence: Support in the workplace (QH-GDL-391)
- Code of Conduct for the Queensland Public Service
- Queensland Government Domestic and Family Violence Referral References Resource pack
- Recognise, Respond, Refer: Domestic Violence and the Workplace online learning program
- Domestic and Family Violence Risk Assessment Checklist
- Workplace safety plan agreement

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1 Policy statement

Queensland Health will provide employees affected by domestic and family violence with support, including options for leave, flexible working arrangements and access to counselling.

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

Domestic and family violence occurs when one person in a relationship uses violence and abuse to maintain power and control over the other person. This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, coercive, or aimed at controlling or dominating the other person through fear.

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

All employees, including leaders, managers and supervisors, are committed to making Queensland Health a healthy and safe place to work. Queensland Health can make a significant difference to employees affected by domestic and family violence by providing appropriate safety and support measures. Fostering a workplace culture where employees affected by domestic and family violence are supported in the workplace, contributes to a healthy and safe working environment for all.

All employees have a responsibility to model the public service values, which includes behaving in a way that promotes a work environment free from any form of violence and supporting those who are affected by domestic and family violence.

Domestic and family violence is unacceptable in any setting. Any Queensland Health employee who perpetrates violence and abuse from the workplace, including by telephone, fax, mail, email, internet or social media may be subject to disciplinary action.

1.1 Confidentiality and disclosure

Employees have the right to choose whether, when and to whom they disclose information about being affected by domestic and family violence, however this policy does not override any legal obligations to disclose information. Information disclosed by an employee in relation to domestic and family violence will be kept confidential, except to the extent that disclosure is required or permitted by law.

1.2 Awareness raising

Employees are encouraged to complete the online awareness raising program, *Recognise, Respond, Refer: Domestic Violence and the Workplace*, jointly developed by the Queensland Government and Australia's CEO Challenge. Whilst not mandatory, all employees are encouraged to complete the introduction module. All managers and supervisors are strongly encouraged to complete the full online program. Queensland Health acknowledges that some employees may find the content confronting.

1.3 Documentation

Queensland Health acknowledges that employees affected by domestic and family violence may not be in a position to provide documentation to support their access to leave and other assistance. An employee's access to support options should not be denied in the absence of supporting documentation.

Any communications relating to supporting documentation must be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise. Where the employee requests support documentation be retained in the workplace, such documentation is to be marked as confidential and stored in a secure location.

1.4 Work performance and attendance

Managers and supervisors are to recognise that work performance and/or attendance may be influenced by factors not connected with work. Employees are to be supported and encouraged to raise concerns about their personal circumstances, including whether domestic and family violence is a contributing factor to work performance and attendance.

Employees may require additional support and access to reasonable workplace and role adjustments for a period of time. Regular reviews, a return to work plan and a performance improvement process may still be required, however.

2 Support options

A range of support options are available to assist employees affected by domestic and family violence. Managers/supervisors are to work with affected employees to facilitate measures that best support the individual employee's needs and workplace outcomes. Access to any support options should not be denied due to operational inconvenience where the health and safety of an employee is at risk.

2.1 Paid special leave

An employee who is affected by domestic and family violence and to whom the PSC Directive relating to support for employees affected by domestic and family violence applies (i.e. permanent, temporary and casual employees) will have access to a minimum of 10 days per year of paid leave for the purposes of attending to matters arising from domestic and family violence. Access to this leave is extended to individuals providing support to another person directly affected by domestic and family violence. The reasons for access to such leave may include, but are not limited to:

- attending medical, legal, police or counselling appointments
- attending court and other legal proceedings
- organising alternative accommodation
- organising care or education arrangements for children.

Leave is also available to an employee who is a perpetrator (or potential perpetrator) of domestic and family violence to assist with or encourage participation in domestic violence behaviour change programs.

Leave should be granted where the delegate is satisfied that the employee requires leave because the employee is affected by domestic and family violence. Leave should **not** be denied in the absence of supporting documentation.

An employee is not required to use other leave entitlements before accessing this leave provision.

This leave can be taken as consecutive days, single days or a fraction of a day.

Paid special leave for matters relating to domestic and family violence is available to full time, part-time and casual employees. Part-time and casual employees are to receive access to paid leave on a pro rata basis. As some casuals will have a short work history with the Department of Health/Hospital and Health Service or an intermittent or infrequent work pattern, applications for paid leave for casual employees should be considered on a case-by-case basis, taking into consideration the individual's circumstances.

An employee may also access further paid or unpaid leave including special leave, sick leave, carer's leave, recreation leave, long service leave or other accrued time to attend to matters arising from domestic and family violence, in accordance with relevant policy and/or industrial instruments.

2.2 Flexible working arrangements

An employee who is affected by domestic and family violence is to be provided with access to flexible working arrangements in accordance with the Flexible Working Arrangements HR Policy C5. Other options for workplace flexibility not specified in the policy may be adopted providing they are supported within the industrial framework. Your local HR unit can provide guidance on flexible workplace options.

Flexible work options may be required for an interim period or for a longer term. Employees are encouraged to discuss their request for flexible working arrangements with their manager/supervisor. Managers/supervisors are to support applications for flexible work options for employees who are affected by domestic and family violence.

2.3 Counselling support services

All employees affected by domestic and family violence are to be made aware of and given access to the Queensland Health Employee Assistance Service (EAS). The EAS is available to all employees and their immediate family members and offers free and confidential support services through face-to-face, telephone and online counselling, with six EAS sessions per calendar year available to each employee. At the authorised delegate's discretion, the business area responsible for the employee is able to approve additional EAS sessions to support an employee.

Where an employee requires urgent and specific support, the EAS provider is able to facilitate dedicated domestic and family violence support service assistance for the employee.

The EAS also includes a manager assist program providing free and confidential specialist advisory services for managers and supervisors. The manager assist service can be accessed for guidance in supporting an employee affected by domestic and family violence. A manager/supervisor can access this service for guidance regarding how to support their employees at any time, independent of their own access to personal counselling with the EAS provider.

Further information regarding EAS, including contact details, can be accessed on QHEPS at: <https://qheps.health.qld.gov.au/csd/employee-centre/workhealth-safety-wellbeing/employee-assistance-service-providers>.

2.4 Safety and wellbeing

Queensland Health has obligations under the *Work Health and Safety Act 2011* to provide a safe workplace for its employees. The safety and wellbeing of employees is paramount to the organisation. Fostering a workplace culture where employees affected by domestic and family violence are supported contributes to a healthy and safe working environment for all.

In situations where an employee affected by domestic and family violence is concerned for their safety or that of their colleagues, it is recommended that the employee work in consultation with their manager/supervisor and local occupational health and safety officer to undertake a safety and risk assessment. The safety and risk assessment may identify the need for a tailored workplace safety plan to be developed in collaboration with the employee. A safety plan should outline the specific workplace safety needs and any necessary support and reasonable adjustment arrangements, such as:

- any changes in relation to any work patterns, duties, hours, practices or work location (e.g. alternative temporary placement in another work team/location; temporary telecommuting arrangements)
- any precautionary plans to be undertaken pre or post-work (e.g. travel arrangements, secure car parking) to support the safety of the employee
- any workplace changes and/or security measures to protect the employee and their colleagues where necessary (e.g. change of work phone number and/or change of the employee's email address name component (e.g. `firstname.lastname@health.qld.gov.au` changed to `firstname.lastname3@health.qld.gov.au`)
- sharing information with the employee's work colleagues on a 'need to know' basis, regarding any necessary security requirements in order to protect the employee (e.g. establishing rules around disclosing the employee's changed contact details and/or location to unidentified callers)
- updated emergency contacts and/or next of kin details.

Safety plan arrangements should be reviewed at pre-determined intervals to ascertain ongoing appropriateness.

Resources specific to risk assessments and safety plans to support an employee in the workplace affected by domestic and family violence are available via the Queensland Health's domestic and family violence employee support [QHEPS page](#).

3 Responsibilities

Attachment One outlines the responsibilities of delegates, managers and employees in supporting a colleague affected by domestic and family violence.

Definitions:

Domestic and family violence	Has the same meaning as 'domestic violence' as defined in the <i>Domestic and Family Violence Protection Act 2012</i> .
Employee	Unless otherwise stated, for the purposes of this policy, 'employee' includes permanent, temporary and casual employees, agency staff, Visiting Medical Officers, contractors, consultants, students, volunteers and others who exercise power or control resources for and on behalf of Queensland Health.

History:

July 2020	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions – application amended as a result of changes to the Hospital and Health Boards (Changes to Prescribed Services) Amendment Regulation 2019.
April 2016	<ul style="list-style-type: none"> • This is a new HR policy implemented to meet requirements of Directive 4/15 – Support for employees affected by domestic and family violence. • Applicable to Department of Health employees only.

Managing the risk of psychosocial hazards at work
 Code of Practice 2022
 applies 1 April 2023
 Protected BEMS8

Attachment One – Responsibilities

1 Responsibilities of delegates

Delegates are to approve access to leave entitlements and other support options where they are satisfied the employee requires leave or assistance because the employee is affected by domestic and family violence.

2 Responsibilities of managers and supervisors

Managers/supervisors are to:

- model the public service values, including modelling behaviour that promotes a work environment free from any form of violence and harassment
- actively participate in domestic and family violence related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace
- encourage employees to actively participate in domestic and family violence related learning and development activities
- sensitively communicate with employees affected by domestic and family violence and maintain employee confidentiality
- take prompt and appropriate action to address any reports of employees affected by domestic and family violence
- ensure appropriate levels of support are provided to employees affected by domestic and family violence
- ensure appropriate management of work performance and monitoring of attendance issues.

3 Responsibilities of employees

Employees are to:

- model the public service values, including behaving in a way that promotes a work environment free from any form of violence and harassment
- actively participate in domestic and family violence related learning and development activities
- sensitively communicate with colleagues affected by domestic and family violence
- ensure colleagues are aware of available support services and encourage colleagues to seek assistance
- notify their manager/supervisor if charged or convicted of an indictable offence.