

## Domestic and family violence: Support in the workplace

### 1. Purpose

Queensland Health recognises that assisting employees affected by domestic and family violence provides an opportunity to build loyalty, trust, reduce workplace health and safety risk and improve the value that each employee adds to the workplace.

This guideline provides employees with additional information to supplement the Queensland Government's package to support an employee affected by domestic and family violence, including applying for leave required for domestic and family violence related purposes.

### 2. What is domestic and family violence?

Domestic and family violence (DFV) occurs when one person in a relevant relationship exhibits behaviour towards the other person which is: physically, sexually, emotionally, psychologically or economically abusive; threatening; coercive; or aimed at controlling or dominating the other person, causing them to fear for their or someone else's safety or wellbeing.

### 3. Best practice evidence

Best practice has shown that a safe and supportive work environment can provide a person affected by DFV with a safe haven. Similarly, the provision of information about services and support acts to enable a person to remain safe, both in the workplace and outside of the workplace.

Standing up against DFV is not always easy, however Queensland Health, in conjunction with the Queensland Government as one of the state's largest employers, can make a big contribution towards ending DFV, by supporting affected employees and promoting a safe, respectful working environment.

### 4. Employee confidentiality

Disclosing you are affected by DFV is not easy. Any approach by an employee to a colleague, line manager/supervisor or delegate in relation to DFV is to be treated with sensitivity. Employees have the right to choose whether, when and to whom they wish to disclose such information. A disclosure by an employee that they are affected by DFV is to be treated confidentially, except to the extent that further disclosure is required or permitted by law.

Where a colleague, line manager/supervisor is not the delegate to approve required support options for an employee affected by DFV, e.g. approve paid special leave, flexible work arrangements, workplace adjustments, etc., the person needs to advise the employee they will be approaching the relevant delegate on their behalf before doing so.

### 5. Support package

The Queensland Government has released a support package to assist employees affected by DFV. The package includes [Directive 4/15 Support for employees affected by domestic and family violence](#) that provides public service employees with access to:

- a minimum of 10 days paid special leave

- flexible working arrangements
- reasonable workplace adjustments
- counselling support services available via the employee assistance program (EAP).

Directive 4/15 has been applied to all health service employees of Hospital and Health Services and the Department of Health via the Public Service Regulation 2008.

## 6. Paid special leave

An employee affected by DFV is able to access a minimum of 10 days paid special leave per annum for DFV related matters. The term 'minimum' does not mean an employee has to take 10 days of leave on one occasion - the leave can be accessed as consecutive days/shifts, single days/shifts or a part of a day/shift to attend to matters arising from DFV. An employee does not have to access or exhaust other leave entitlements before accessing this paid leave entitlement.

It is acknowledged that individual circumstances may warrant an employee needing to take more than 10 days of leave in a year for DFV related matters. Delegates are to support employee requests for access to other leave entitlements for DFV purposes, and give due consideration to granting additional paid special leave for DFV where individual circumstances necessitate assistance.

An employee affected by DFV includes persons who may require leave to support a person directly affected by DFV. For example, an employee's sibling is a victim of DFV – the employee needs to access four hours of paid special leave to attend a court hearing as a support person for their sibling.

It is acknowledged that perpetrators of DFV may also be employees. Where an employee is a perpetrator\* (or potential perpetrator) of DFV, employer support is also to be extended to the individual to encourage behaviour change. For example, providing an employee with access to paid special leave for attendance at counselling sessions.

*\*Note an employee is required to notify their supervisor if charged with or convicted of an indictable offence (refer [HR Policy E4](#)).*

### Eligibility

Paid special leave for DFV is available to permanent, temporary and casual employees.

Part-time and casual employees are to receive access to paid special leave on a pro rata basis. The minimum paid special leave pro rata amount is to be based on the employee's current part-time ordinary hours or average casual hours. However, the minimum paid special leave entitlement for DFV is to be interpreted flexibly for these employees.

For example, the method for calculating the pro rata leave entitlement for a casual employee could be based on the formula used for calculating paid parental leave. Where the casual employee has less than a 12 month work history, the formula can be modified to average their hours over a shorter period.

Alternatively, part-time and casual employee requests for leave for domestic and family violence related matters are to be considered on a case-by-case basis by the relevant delegate, taking into account the employee's individual circumstances.

### Applying for paid special leave

Paid special leave for DFV purposes may be taken as consecutive days/shifts, single days/shifts or for part of a day/shift.

An employee is to complete an application for leave form or AVAC noting the reason for leave as '*paid special leave – other*' or similar. Paid special leave – other for DFV purposes is to be approved by the relevant delegate in accordance with the relevant HR delegations manual. There is no requirement for an employee to record on the leave application/AVAC that the paid special leave – other is for DFV purposes. No supporting documentation is to be attached to an application.

## Leave approval

When an employee approaches their line manager/supervisor to request paid special leave for DFV purposes and the manager/supervisor is not the approving delegate, the manager/supervisor is to directly progress the leave application/AVAC to the relevant delegate for approval (i.e. via brief/memo/email/in person) on behalf of the employee. Where any information is to be progressed via a correspondence chain or email accessible to staff other than the delegate, information is to be de-identified to protect the privacy of the individual employee.

Persons approving paid special leave for DFV are to ensure they have the required HR delegated authority. A delegate is to be satisfied the employee requires the leave because the employee is affected by DFV. An employee's request for leave provided through a line manager/supervisor to a delegate should be noted as supported by the line manager/supervisor to satisfy the delegate.

Supporting documentation is not to be attached to the leave application/AVAC. Where an employee has supporting documentation, e.g. court notice, medical certificate, etc., such documentation is to be sighted by the line manager/supervisor or delegate and returned to the employee. When the employee does not wish for the documentation to be returned, the material is to be noted as 'confidential' and filed securely.

The absence of supporting documentation is not to be used to deny an employee access to paid special leave or other leave entitlements for DFV purposes.

## Payroll processing

The Public Service Commission have advised there is not a requirement to report on leave takings for DFV, therefore Queensland Health does not need to identify and record the amount of leave approved or which staff are accessing such leave for DFV related reasons.

Payroll should use the leave code "Exceptional – Full Pay" to process paid special leave – other; this is an existing generic leave code that is used for a variety of discretionary paid special leave types.

Where the leave application/AVAC for 'paid special leave – other' is approved by an appropriate delegate, the leave should be processed by Payroll without the need for further details and/or contact with the delegate or employee.

Employee privacy is to be maintained by Payroll processing staff. Any leave form received for 'paid special leave – other' is to be processed in a non-judgemental manner in consideration that the grant of special leave with pay could be for a variety of reasons and may not be for the reason of domestic and family violence purposes.

Work areas may liaise directly with their local Payroll Hub to ensure such leave applications are received and processed discretely to maintain employee privacy.

## 7. Flexible work arrangements

An employee affected by domestic and family violence is able to seek access to flexible working arrangements such as:

- part-time employment
- variable working arrangements
- telecommuting
- purchased leave.

Employees are to discuss individual arrangements with their manager/delegate. Managers are to support flexible work option requests for employees affected by domestic and family violence.

Flexible work arrangements may only be required for an interim period and should be reviewed on a regular basis depending on the employee's personal circumstances.

Reference is to be made to the [Flexible Working Arrangements HR Policy C5](#) and the [Guideline for Flexible work arrangements](#).

## 8. A safe and secure workplace

The department has a duty of care to employees and a responsibility for providing a safe and healthy workplace. Providing safety can include:

- reasonable workplace adjustments including temporary or permanent transfer to a different position, change of work station location, work email and work telephone number
- other adjustments to job structure, change of workplace facility/location, car parking or work environment in response to actual or threatened domestic violence
- a risk assessment and assistance with an employee safety plan
- working with local building/facility security to develop an emergency response plan.

Employees are encouraged to raise any safety concerns due to domestic and family violence they have regarding themselves or their colleagues with their line manager/supervisor or local occupational health and safety (OHS) advisor. For example, an employee should advise their line manager/supervisor, local OHS advisor and/or building/facility security when they have a domestic violence/protection order in place that names the employee's workplace, to safeguard the individual and their colleagues.

## 9. Counselling support

All Queensland Health employees and their immediate family members have access to confidential counselling 24 hours a day, seven days a week, through the [Employee Assistance Program \(EAP\)](#) – phone 1800 604 640.

If an employee discloses to you they are affected by domestic and family violence, encourage them to contact the EAP or another dedicated domestic and family violence support service (if they have not already done so).

Line managers/supervisors are able to access the EAP manager assist program for free, confidential, specialist advice on how to provide support to an employee affected by domestic and family violence.

## 10. When a colleague is a victim of domestic and family violence – what should you do?

Recognising the signs that a colleague is being abused gives you the opportunity to support and encourage them to talk about their situation and enable them to explore their options.

A place of work should be safe for an individual and their co-workers, so it is in everyone's best interest to look for the signs and take steps to be supportive.

Co-workers and managers should always be supportive, respectful and encouraging, and communicate that they are willing to help if and when their colleague chooses to discuss their situation.

If you know or believe that a colleague is a victim of domestic and family violence, communicate your concerns for their safety.

If your colleague chooses to confide in you about their abusive relationship/situation, consider the following responses:

"It is not your fault. You do not deserve to be treated this way."

"You are not alone and I am glad you told me about what you are going through."

"I am here for you and you know you also have access to support within this organisation."

"What can I do to help you?"

Your colleague needs support and validation not judgment. Make sure your colleague knows they can access a range of support options in the workplace, as identified in this document.

Maintain confidentiality of your colleague's domestic and family violence circumstance. Encourage your colleague that while it may seem confronting, confidential help from people who understand their situation is available from the EAP or a dedicated domestic violence support service, 24/7. Offer to make the call with them if they need your support.

Report any threats of violence you experience or witness in or around the workplace to your manager/supervisor, local building/facility security personnel, the police, or human resources.

Increase your knowledge about supporting someone who is affected by domestic and family violence:

- complete the [Recognise, Respond, Refer](#) on line training package
- refer to the resources available via:
  - [Domestic and family violence in the workplace](#) QHEPS page
  - Public Service Commission [DFV workplace support package](#)
  - Queensland Government [Domestic and family violence](#) web page.

## Warning signs

Be aware of the warning signs that a colleague may be being abused at home; these can include:

- social withdrawal from co-workers
- visible bruises/injuries
- emotional outbursts on the phone
- frequent calls which leave them upset
- lateness or frequent absences
- poor job performance
- depression or anxiety
- eating disorder (under or over eating)
- low self-esteem or confidence
- abuse of drugs or alcohol.

## Getting help

You are not expected to be a counsellor or know all of the answers when a colleague approaches you to disclose they are affected by domestic and family violence. The main consideration is that the person has a support network.

If they have not done so, encourage your colleague to contact the EAP (OPTUM - 1800 604 640) or a dedicated and experienced support service such as DVConnect Womensline (1800 811 811) or DVConnect Mensline (1800 600 636). The EAP and DVConnect can provide counselling, information and referral to other services.

In a crisis situation, the EAP and DVConnect can assist to coordinate safe accommodation or other emergent support for the person. In an emergency always call '000'.

## 11. Related documents

### Standards, procedures, guidelines

- Public Service Regulation 2008
- Public Service Commission Directive 4/15 Support for employees affected by domestic and family violence

- Flexible Working Arrangements HR Policy C5 (QH-POL-242)
- Support for employees affected by domestic and family violence HR Policy C73 (QH-POL-391)
- Guideline for Flexible work arrangements

#### Forms, templates

- Attendance Variation and Allowance Claim (AVAC)
- Leave Application

## 12. Definitions of terms used in the guideline

Term	Definition / Explanation / Details	Source
Employee	Unless otherwise stated, for the purposes of this guideline, '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.	Support for employees affected by domestic and family violence HR Policy C73
Relevant relationship	An intimate personal relationship, a family relationship or an informal care relationship.	<i>Domestic and Family Violence Protection Act 2012</i>

## 13. Document approval details

### Document custodian

Executive Director, Employment Arrangements

### Approval officer

Chief Human Resources Officer

### Approval date:

## 14. Version control

Version	Date	Prepared by	Comments / reason for update
1.0	April 2016	HR Branch	New document