

## FAMILY VIOLENCE POLICY

<b>Policy Number</b>	P-STA-010	<b>Version Number</b>	2.00
<b>Drafted by</b>	Executive Officer	<b>Approved Date:</b> <b>Review Date:</b>	January 2023 January 2024
<b>Responsibility</b>	The Board of Bubup Womindjeka Family and Children’s Centre Association (Inc.)		
<b>Related Service Policies</b>	<ul style="list-style-type: none"> <li>▪ Staff Code of Conduct Policy</li> <li>▪ Staffing Policy</li> <li>▪ Occupational Health and Safety Policy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Information and Communication Technology Policy</li> <li>▪ Privacy and Confidentiality Policy</li> </ul>	
<b>Legislation and Standards</b>	Relevant legislation and standards include but are not limited to: <ul style="list-style-type: none"> <li>▪ Fair Work Act 2009 (Cth)</li> <li>▪ Fair Work Regulations 2009 (Cth)</li> <li>▪ Family Violence Protection Act 2008</li> <li>▪ Family Law Act 1975</li> <li>▪ Occupational Health and Safety Act 2004</li> <li>▪ Occupational Health and Safety Regulations 2007</li> </ul>		
<b>Sources</b>	<ul style="list-style-type: none"> <li>▪ Fair Work Ombudsman</li> <li>▪ Australian Public Service Commission</li> <li>▪ Work Safe Victoria</li> </ul>		

### AUTHORISATION

This policy was adopted by the Bubup Womindjeka Family and Children’s Centre Board of Governance on the 21<sup>st</sup> of January 2020.

### PURPOSE

The purpose of the Family Violence Policy demonstrates Bubup Womindjeka Family and Children’s Centre’s commitment to providing a workplace in which family violence is not tolerated nor excused and to manage the impact it has on employees and their participation in the workplace.

The family violence policy is to:

- Raise awareness among employees about family violence and the impacts it has on people in the workplace, and how to support co-workers
- Create a safe working environment that promotes gender equity and models non-violent and respectful relationships
- Guide responses to employees who are affected by family violence
- Create a supportive environment that will encourage people experiencing family violence to seek support.

### PRINCIPLES

Bubup Womindjeka Family and Children’s Centre is committed to:

- Supporting employees at risk of or experiencing family violence
- Increasing safety in our workplace
- Ensuring employees feel comfortable in seeking support by creating a safe and supportive workplace culture

## SCOPE

This policy applies to the Approved Provider, Persons with Management or Control, Nominated Supervisor, Persons in day-to-day Charge, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Bubup Womindjeka Family and Children's Centre.

## DEFINITIONS

### **Family and Domestic Violence:**

The Fair Work Act defines family and domestic violence as violent, threatening or other abusive behaviour by an employee's close relative that seeks to coerce or control the employee and causes them harm or to be fearful.

### **Physical Violence:**

Physical abuse is any intentional act causing injury or trauma to another person or animal by way of bodily contact.

### **Sexual Assault or sexually abusive behaviour:**

Sexual abuse is any form of forced or unwanted sexual activity. The perpetrator of sexual abuse may use physical force, make threats or take advantage of a person unable to give consent.

### **Verbal Abuse:**

Verbal abuse consists of behaviours that are non-physical, but which can still be rather damaging, such as being threatening, insulting, or humiliating toward someone.

### **Emotional Abuse:**

Emotional abuse is any kind of abuse that is emotional rather than physical in nature. It can include anything from verbal abuse and constant criticism to more subtle tactics such as intimidation, manipulation, and refusal to ever be pleased.

### **Financial Abuse:**

Financial abuse is a form of abuse when one intimate partner has control over the other partner's access to economic resources, which diminishes the victim's capacity to support themselves and forces them to depend on the perpetrator financially.

### **Stalking:**

Stalking occurs when a person intentionally and persistently pursues someone against their will.

### **Social Abuse:**

Social abuse is preventing a person from having contact with relatives, friends, service providers and other people or restricting the person's activities, thereby increasing their sense of isolation.

### **Spiritual Abuse:**

Spiritual abuse is the denial or use of spiritual or religious beliefs and practices to control and dominate a person.

### **Serious neglect where there is a relationship of dependence**

- withholding access to the person's money or belongings
- not allowing services to help someone

## **Damage to property or belongings**

- threatening damage to property
- breaking, hiding or damaging belongings

## **Technology assisted abuse**

- using technology, such as smart phones, social media and apps to threaten, isolate, abuse, track or stalk victim
- using technology to control what the victim does, who they see and talk to, what they read

## **Abuse or threatened abuse of pets**

- threatening to harm or kill pets
- injuring, killing or abducting pets

## **Behaviour by a person using violence that causes a child to be exposed to the effects of family and domestic violence**

- using children to send messages
- using visitation rights to harass the victim or threatening to take children away

## **Family and Domestic Violence**

Employees may sometimes experience situations of violence or abuse in their personal life which may affect their attendance or performance at work.

Bubup Womindjeka Family and Children's Centre recognises the potentially devastating impact that domestic and family violence can have on the lives of those who experience it, including their capacity to work and their financial security. Bubup Womindjeka Family and Children's Centre is committed to supporting employees who experience domestic and family violence and providing a workplace environment that promotes flexibility in times of need.

Under the new provisions of Fair Work Act, an employee is experiencing family and domestic violence if the employee's **close relative, current or former intimate partner, or member of their household** **both:**

- seeks to coerce or control them and cause them harm or fear
- is violent, threatening or behaves in another abusive way.

A close relative is:

- an employees
  - spouse or former spouse
  - de facto partner or former de facto partner
  - child
  - parent
  - grandparent
  - grandchild
  - sibling
  - a child, parent, grandparent, grandchild or sibling of an employee's current or former spouse or de facto partner, or
  - a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

## **Signs of Family and Domestic Violence**

Recognising the signs that an employee is experiencing family and domestic violence gives managers and co-workers the opportunity to provide the employee with support and help them explore their options. It's critical that workplaces know the signs that someone may be experiencing family and domestic violence, so they can assist employees access the support they need. Behaviours that may signal a person is experiencing family and domestic violence include:

- Excessive absence or lateness (especially on Mondays)
- A sudden or sustained drop in productivity

- Frequent unexplained bruises or injuries
- Wearing concealing clothing, even in warm weather
- Frequent or unusual work breaks, or unusual start or finish times
- Displaying anxiety
- Appearing distracted, depressed or overly jumpy
- Lack of concentration or difficulty making decisions
- Inability to take work-related trips
- Receiving excessive personal calls, texts or visits

## **ROLE RESPONSIBILITIES:**

### **The Approved Provider (Board of Governance) is responsible for:**

The Bubup Womindjeka Family and Children's Centre Board is the Approved Provider and has ultimate responsibility for the management and control of the service.

The Board delegates operational responsibility and day to day management of the service to the Responsible Person on duty and monitors the performance of the organisation, including responsibilities contained in this policy, through regular reporting and by ensuring appropriate resources are available to carry out the organisation's functions

### **Employees:**

Employees who wish to access any of the support available within the workplace can contact any of the following people:

- The Nominated Supervisor
- Human Resources Co-ordinator
- A colleague

Employees can also seek assistance from an external service. A list of services, including 24 hour support services, and their contact details can be found at the end of this policy.

Employees experiencing domestic and family violence may choose to disclose their situation to a trusted colleague. Where such information is disclosed, the colleague should provide support to the employee by:

- listening without judgement and respecting their decisions
- maintaining appropriate confidentiality
- encouraging them to seek help from a domestic and family violence support organisation
- referring them to this policy, the Employee Assistance Program, or any of the external support services listed at the end of this document.

Where the colleague is concerned about the employee's health and safety, they should speak to the Human Resources Co-ordinator.

Employees who have had information disclosed to them are encouraged to seek support for themselves within or outside the workplace, including through the Employee Assistance Program or an external support service.

### **Nominated Supervisors and Persons with Management or Control are responsible for:**

Ensuring employees are aware of this policy, and providing support, consistent with this policy, to employees affected by domestic or family violence. They may also be required to coordinate support with the Human Resources Co-ordinator for an employee experiencing domestic or family violence.

Where a Nominated Supervisor or Person with Management or Control is concerned about the wellbeing of an employee, they should discuss their concerns with the employee, encouraging them to use the assistance available if needed, and/or consult with the Human Resources Co-ordinator.

Where a domestic or family violence concern raises work health and safety concerns, managers should discuss these with the OH&S officer.

Nominated Supervisors and Person with Management or Control will facilitate support for an employee to the fullest extent possible in the workplace.

If a Nominated Supervisor or Person with Management or Control needs support as a result of an employee disclosing family and domestic violence to them, they are encouraged to contact the Employee Assistance Program or an external support service listed below.

## Human Resources Co-ordinator

The Human Resources Co-ordinator is responsible for providing advice to employees and the Centre Leadership Team about this policy.

The Human Resource Co-ordinator is also responsible for coordinating workplace support for employees affected by domestic or family violence. This may include:

- developing a safety plan with the employee
- coordinating security or ICT assistance
- advising and liaising with the employee's manager.

## Support

Employees experiencing domestic or family violence may require a range of support. This may include:

- Flexible working arrangements—under the National Employment Standards an employee experiencing violence from a member of the employee's family has a right to request flexible working arrangements. These requests can only be refused on reasonable business grounds. Such requests could include:
  - A change of hours to allow the employee to meet family commitments
  - Change of phone number and email address to limit unwanted contact, or screening or blocking calls and emails
  - Contact with police on the employee's behalf where appropriate
  - Flexibility in performance management—domestic and family violence should be acknowledged as a potential mitigating factor if performance has been affected. Managers should:
    1. Continue to have regular, sensitive conversations with the employee about the job requirements, performance expectations, and development opportunities of that performance cycle
    2. With assistance from the Human Resources Co-ordinator, offer to develop workload strategies for work to be managed and performance assessed having regard to the employee's circumstances
  - Referral to external support through BWFC's employee assistance program
  - Access to leave entitlements
  - Any other measures or changes to normal arrangements that are considered appropriate by BWFC.

To be eligible, employees must have worked with the same employer continuously for at least 12 months. A casual employee can make a request if:

- they've been working for the same employer regularly and systematically for at least 12 months
- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

## **Employees request flexible working arrangements**

Requests need to:

- be in writing
- explain what changes the employee is asking for
- explain the reasons for the requested change.

BWFCC who receive a request must provide a written response within 21 days which outlines whether the request is approved or refused. BWFCC can only refuse a request on reasonable business grounds. If a request is refused the written response has to include the reasons for the refusal.

Employers and employees can informally agree on changes to working arrangements.

## **Leave**

BWFCC is committed to supporting employees experiencing domestic or family violence. A flexible and supportive approach will be taken to management of leave for employees affected by domestic or family violence.

### **Family and Domestic Violence Leave**

From 1 February 2023, employees (including casual and part-time employees) are entitled to 5 days of paid family and domestic violence leave each 12 month period. This leave:

- doesn't accumulate from year to year if it isn't used
- is available in full when an employee starts working at a new workplace (*update by Fair Work*)
- renews in full at the start of each 12 month period of employment
- can be taken as a single continuous period or separate periods of one or more days

Employees who are affected by domestic or family violence may be granted leave for reasons including:

1. Attending medical, financial or counselling appointments
2. Making arrangements for their safety, or the safety of a close relative (including relocation)
3. Attending court hearings
4. Accessing police services
5. Accessing legal advice
6. Organising alternative care or educational arrangements for their children
7. Reasonable recovery periods.

Where an employee's absence for reasons associated with domestic or family violence needs to be supported by evidence, the Human Resources Co-ordinator will discuss with the employee the available options, such as a statement from a legal representative or court.

### **Leave for employees supporting a person experiencing domestic and family violence**

An employee who provides support to a person experiencing family and domestic violence is entitled to 5 days of paid family and domestic violence leave each 12 month period leave for the purpose of:

- (a) accompanying that person to legal proceedings, counselling, appointments with a medical or legal practitioner
- (b) assisting with relocations or other safety arrangements
- (c) other activities associated with the family and domestic violence including caring for children.

This leave will be in addition to existing leave entitlements, it may be taken as consecutive or single days or as a fraction of a day and can be taken without prior approval.

### **Interaction with other paid leave**

An employee can use paid family and domestic violence leave during a period of paid personal/carer's or annual leave. If this occurs, an employee is no longer on the other form of paid leave and is taking paid family and domestic violence leave instead. The employee will need to provide the required notice and evidence.

## Notice and evidence

If an employee takes **paid** family and domestic violence leave, they have to let their employer know as soon as possible. This can happen after the leave has started. Employees also need to tell their employer how long they expect the leave to last. An employer can ask for evidence to show that the employee needs to do something to deal with family and domestic violence and it's not practical to do that outside their hours of work.

- documents issued by the police
- documents issued by a court
- family violence support service documents, or
- a statutory declaration.

## Maintaining Employee Confidentiality

Family violence issues should always be discussed in a safe and confidential space. It is important that the privacy of employees experiencing family violence is strictly maintained, and that disclosures of family violence are only provided to other employees (such as managers or HR staff) as required, and only with the consent of the employee experiencing the violence.

In addition, it is important that information pertaining to a disclosure of family violence is kept strictly confidential and is not recorded on the employee's personnel file without their express permission (with the exception of recording family violence leave).

If an employee chooses to record information about their family violence experience, it is important that only information that relates to the workplace is documented, as this information could be used if a family violence issue is brought before the courts.

Family violence incidents involving children may need to be reported to a relevant authority, in line with relevant legislation. This should be undertaken in consultation with the employee experiencing violence as well as a specialist family violence service.

Employers aren't prevented from disclosing information if it's:

- required by law, or
- necessary to protect the life, health or safety of the employee or another person.

## Documenting Employee Disclosures of Family Violence

It is recommended that only the following information be recorded and stored securely and confidentially on an appropriate data management system:

- The date and time discussions occurred
- The details of family violence incidents as relevant to the workplace
- The details of support BWFCC has provided to the employee, including referral options, workplace safety planning and information provided
- Whether a referral has been made to justice services, for example, the police or child protection.

## Further assistance

If you or someone you know is experiencing domestic and family violence, or you simply want to find out more, the following external services are available to provide information and assistance:

1. 1800Respect – National sexual assault, domestic family violence counselling service: 1800 737 732
2. BWFCC's Employee Assistance Program- BWFCC Psychologist
3. Lifeline: 13 11 14 - 24-hour crisis support and referral
4. Relationships Australia – <https://relationships.org.au/> - 1300 364 277
5. Vic Domestic Violence Response Line – [www.dvvic.org.au](http://www.dvvic.org.au), 1800 015 188
6. Vic Safe Steps – <https://www.safesteps.org.au/> -1800 015 188
7. Vic wire – [www.wire.org.au](http://www.wire.org.au), 1300 134 130
8. Vic Jobwatch – [www.jobwatch.org.au](http://www.jobwatch.org.au). 03 9662 1933

9. Child Protection Helpline – 132 111
10. Kids Helpline – 1800 551 800
11. Mensline: 1300 789 978
12. EveryMan: 6230 6999
13. Department of Social Services – Family Safety Pack - <https://www.dss.gov.au/family-safety-pack>

## EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Nominated Supervisor of Bubup Womindjeka Family and Children’s Centre will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness
- Monitor the implementation, compliance, complaints and incidents in relation to this policy
- Keep the policy up to date with current legislation, research, policy and best practice
- Revise the policy and procedures as part of the service’s policy review cycle, or as required
- Notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

## ATTACHMENTS

Attachment 1: Family Violence Policy Appendix

Relevant Forms/Documents

Version History			
Date	Version	Author/s	Details
January 2020	1.00	Executive Officer	New Policy
January 2021	1.00	Executive Officer	Policy reviewed and no changes made.
January 2022	2.00	Director of Education	Policy revised and changes made to expectations, flexible working arrangements, support expectations. As well some editorial changes.
January 2023	2.00	Director of Education	Policy revised and updated.

## ATTACHMENT 1: FAMILY VIOLENCE POLICY APPENDIX



## **Physical Violence:**

Physical abuse occurs when a person uses physical force against another person.

- Physically hurting or restraining shaking, slapping, pushing, punching or scratching
- Kicking
- Spitting or biting
- Trying to strangle or choke
- Abuse of children or pets
- Using weapons
- Driving dangerously
- Destroying property and throwing things
- Locking someone out of their house or in the house
- Sleep and food deprivation or forced feeding
- Physical restraint e.g. pinning against the wall or bed

## **Sexual Assault or sexually abusive behaviour:**

Sexual abuse is any form of forced or unwanted sexual activity. The perpetrator of sexual abuse may use physical force, make threats or take advantage of a person unable to give consent. Sexual abuse includes:

- Rape
- Deliberately causing pain during sex
- Assaulting the genitals
- Forced sex without protection against pregnancy or sexually transmitted infections (STIs)
- Forcing someone to perform sexual acts
- Using sexually degrading insults
- Unwanted touching
- Unwanted exposure to pornography
- Sexual jokes
- Withholding sex as punishment
- Using sex to coerce compliance

## **Verbal Abuse:**

Verbal abuse is a key feature of emotionally abusive relationships. The perpetrator consistently makes statements that negatively label a person. Verbal abuse includes:

- Name-calling
- Continuous criticism, swearing and humiliation in public or in private
- Attacks on someone's intelligence, body or parenting
- Yelling

## **Emotional Abuse:**

Emotional abuse includes:

- Blaming a partner for all the problems in a relationship
- Constantly comparing them with others to undermine their self-esteem and self-worth
- Usually being in a bad mood
- Intentionally embarrassing them in public
- Name calling
- Yelling, insulting or swearing at them (also known as verbal abuse)
- Controlling someone's finances (also known as financial abuse)
- Telling them what to wear
- Preventing them from seeing their friends and family (also known as social abuse)
- Stalking
- Threatening suicide
- Making them feel guilty when they refuse sex
- Threatening to report their immigration status
- Online humiliation and intimidation

## **Financial Abuse:**

Financial abuse includes:

- Someone taking complete control of finances and money
- Restricting access to bank accounts
- Providing an inadequate allowance and monitoring what their partner spends money on
- Forbidding a partner to work
- Taking a partner's pay and not allowing them to access it
- Preventing them from getting to work by taking their keys or car
- Identity theft to secure credit
- Using their credit card without their permission
- Refusing to work or contribute to household expenses

## **Stalking:**

Stalking occurs when a person intentionally and persistently pursues someone against their will. Stalking involves a pattern of strange or suspicious incidents. To control, intimidate and create fear in a person, a stalker may:

- Make repeated phone calls
- Send numerous text messages
- Loiter outside or near a person's home or work
- Leave messages on social networking sites, such as Facebook
- Leave notes on a person's car
- Leave flowers at a person's home
- Follow or continually stare at the person they are stalking

- Monitor a person's use of technology, including phone, email and other communications.

## **Social Abuse:**

Perpetrators of social abuse prevent a person from spending time with family and friends, and participating in social activities. Social abuse can include:

- Monitoring someone's phone calls and emails
- Deciding which friends and family members your partner can talk to and spend time with
- Continuously criticising your partner's friends and family
- Not allowing your partner to meet or spend time with neighbours
- Moving the person far away so they cannot reach family or friends
- Verbally and/or physically abusing them in public or in front of other people.

## **Spiritual Abuse:**

Spiritual abuse is the denial or use of spiritual or religious beliefs and practices to control and dominate a person.

Spiritual abuse includes:

- Preventing someone from practicing their religion
- Misusing spiritual or religious beliefs and practices to justify other types of abuse and violence
- Forcing someone to act against their spiritual or religious obligations
- Accusing someone of being too religious or not religious enough
- Ridiculing someone's understanding of religious practices or beliefs.