**FAMILY AND DOMESTIC VIOLENCE UNPAID LEAVE POLICY**

This template policy is intended to assist member businesses develop their own workplace policy. The following information should be used as a guide only. Any wording changes, other than those to insert a business name, may change the context, meaning or purpose of the policy. We recommend you receive advice from the Victorian Chamber of Commerce and Industry prior to making such changes.

Due to a recent determination by the Fair Work Commission, Modern Awards will now contain a model ‘Domestic and Family Violence’ Clause. This clause will be effective from 1 August 2018 and entitles all employees (including casuals) to five (5) days of unpaid domestic and family violence leave.

Award free employees are not yet entitled to unpaid domestic and family violence leave, but some businesses may find it administratively easier to implement this policy for all staff.

## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber’s team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222.

Disclaimer

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**FAMILY AND DOMESTIC VIOLENCE UNPAID LEAVE POLICY**

Date of issue:

Policy approved by:

Contact person:

## 1 PURPOSE

## 1.1 **[INSERT COMPANY NAME]** is committed to supporting employees experiencing domestic and family violence. **[INSERT COMPANY NAME]** recognises that employees sometimes face difficult situations in their work and personal life, such as domestic and family violence and that impact of domestic and family violence may extend to the work environment.

## 1.2 This Policy is intended to encourage employees who experience domestic or family violence to seek support and to allow an employee to continue to participate in the workforce and maintain their employment through a broad range of support.

## 2 COMMENCEMENT OF POLICY

## 2.1 This Policy will commence from **[INSERT APPLICABLE DATE]**. It replaces all other domestic and family violence policies (whether written or not).

## 3 APPLICATION OF THIS POLICY

3.1 This Policy applies to employees of **[INSERT COMPANY NAME]** including casual employees. It does not form part of any employee’s contract of employment.

## 4 DEFINITIONS

4.1 **Family and domestic violence** means violent, threatening or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

4.2 **Family member** means:

a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or

a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or

a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

4.3 A reference to a spouse or de facto partner in the definition of family member in clause 4.2(a) includes a former spouse or de facto partner.

## 5 RESPONSIBILITIES

5.1 Managers will:

1. model **[INSERT COMPANY NAME]** values, including behaving in a way that promotes a work environment free from any form of violence;
2. actively participate in domestic and family violence related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace;
3. encourage employees to actively participate in domestic and family violence related learning and development activities;
4. sensitively communicate with employees affected by domestic and family violence;
5. take prompt and appropriate action to address any reports of employees affected by domestic and family violence;
6. ensure appropriate levels of support are provided to employees affected by domestic and family violence; and
7. ensure appropriate management of work performance and monitoring of attendance issues.

5.2 Employees will:

1. model [INSERT COMPANY NAME] values, including behaving in a way that promotes a work environment free from any form of violence;
2. actively participate in domestic and family violence related learning and development activities;
3. sensitively communicate with colleagues affected by domestic and family related violence;
4. ensure colleagues are aware of available support services and encourage colleagues to seek assistance.

## 6. SUPPORT FOR VICTIMS AND CARERS

6.1 Support will be provided to any employee who discloses that they are a victim of domestic and family violence, or that they are caring for a person who is a victim of domestic and family violence.

*Counselling Support Services*

6.2 **[INSERT COMPANY NAME]** will offer the Employee Assistance Provider (EAP) or similar, to all employees. The EAP offers free and confidential support services through face-to-face, telephone and online counselling.

6.3 The EAP also provides specific advice to managers to support employees affected by domestic and family violence.

*Documentation*

6.4 **[INSERT COMPANY NAME]** reserves the right to request relevant documentation where an employee seeks to access their leave entitlement. Though **[INSERT COMPANY NAME]** acknowledges that employees affected by domestic and family violence may find it difficult to supply supporting documentation, **[INSERT COMPANY NAME]** accepts statutory declarations and documents issued by the court, police or the family violence service involved.

6.5 Any related communications should be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.

*Access to Personal/carer’s leave*

6.6 An employee is able to access personal/carer’s leave where they are not able to work due to domestic and family violence, or to provide care or support to a member of their immediate family or household member who is experiencing domestic and family violence.

6.7 For an employee to access personal/carers leave for domestic and family violence, the employee needs only to disclose the fact of domestic and family violence and that such circumstances prevent attendance at work.

## 7. LEAVE ENTITLEMENTS

*Access to domestic and family violence* ***unpaid*** *leave*

7.1 An employee of **[INSERT COMPANY NAME]** will be entitled to five (5) days per year of unpaid leave to deal with family and domestic violence.

7.2 The leave will be available in full at the start of each 12 month period of the employee’s employment and the leave does not accumulate from year to year.

7.3 An employee may take unpaid leave to deal with family and domestic violence if the employee:

1. is experiencing family and domestic violence; and
2. needs to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside their ordinary hours of work.

7.4 An employee must give **[INSERT COMPANY NAME]** notice of the taking of leave. The notice:

1. must be given to **[INSERT COMPANY NAME]** as soon as practicable (which may be a time after the leave has started); and
2. must advise **[INSERT COMPANY NAME]** of the period, or expected period, of the leave.

7.5 An employee who has given **[INSERT COMPANY NAME]** notice of the taking of leave may be required to give evidence that would satisfy a reasonable person that the leave is taken for the purpose specified in clause 7.3.

7.6 The employee does not have to use other leave entitlements before accessing this leave. This leave can be taken as consecutive days, single days or part-days by agreement with **[INSERT COMPANY NAME]**

7.7 **[INSERT COMPANY NAME]** will take steps to ensure information concerning any notice an employee has given, or evidence an employee has provided under clause 7.5 is treated confidentially, as far as it is reasonably practicable to do so.

7.8 However, **[INSERT COMPANY NAME]** may be required to disclose information provided by an employee if the disclosure is required by an Australian law or is necessary to protect the life, health or safety of the employee or another person..

## 8. WORK PERFORMANCE AND ATTENDANCE

8.1 Work performance or attendance may be influenced by factors not connected with work. Employees will 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.

8.2 It may also be necessary to include additional support and provide reasonable workplace and role adjustments for a period of time. Regular reviews, a return to work plan and performance improvement process may still be required.

## 9. FLEXIBLE WORK ARRANGEMENTS

9.1 **[INSERT COMPANY NAME]** will provide employees affected by domestic and family violence with access to flexible work arrangements. Employees are encouraged to discuss their request for flexible work arrangements with their managers in the first instance.

## 10. OTHER WORKPLACE SUPPORT

10.1 **[INSERT COMPANY NAME]** may also consider the following:

1. workplace safety needs and arrangements to protect the employee and colleagues following a risk assessment, including increased security measures;
2. supporting employees to have the workplace included in a Domestic Violence Order issued by the courts, where appropriate;
3. providing other support and reasonable adjustments in the workplace, such as:
	* 1. job redesign or changes to duties;
		2. changes to working hours or patterns of work;
		3. alternative suitable employment in other teams, offices and locations;
		4. changes to email address and telephone numbers; or
		5. secure parking.

## 11. PERPETRATORS OF DOMESTIC AND FAMILY VIOLENCE

11.1 Domestic and family violence is unacceptable in any setting, including the workplace.

11.2 Any employee of **[INSERT COMPANY NAME]** who perpetrates violence and abuse from the workplace, including by telephone, fax, mail, email, internet or social media may be subject to disciplinary action.

12. DISCLOSURES OF DOMESTIC AND FAMILY VIOLENCE

12.1 All employees of **[INSERT COMPANY NAME]** have a right to choose whether, when and to whom they disclose information about being affected by domestic and family violence. This policy does not override any legal obligations to disclose information.

12.2 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.

Variations

**[INSERT COMPANY NAME]** reserves the right to vary, replace or terminate this Policy from time to time.

Associated documents

* Personal Leave Policy

Policy version and revision information

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| --- | --- |
| Policy Authorised by: ADD NAME OF PERSON AUTHORISING THE POLICYTitle: ADD TITLE OF PERSON REVIEWING THE POLICY | Original issue: 1/08/2018 |
| Policy Maintained by: ADD NAME OF PERSON MAINTAINING THE POLICYTitle: ADD TITILE OF PERSON MAINTAINING THE POLICY | Current version: ADD VERSION NUMBER |
| Review date: 1/08/2019 |   |

ACKNOWLEDGEMENT

## I acknowledge:

## receiving the Policy;

## that I will comply with the Policy; and

## that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

|  |  |
| --- | --- |
| Employee Name: |   |
| Signed: |   |
| Date: |   |