



Queensland
**Human Rights
Commission**

Support for employees affected by domestic and family violence

May 2020

Approved

A handwritten signature in black ink, appearing to read "Scott McDougall".

Scott McDougall
Commissioner
18 May 2020

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Purpose

This policy aims to foster a workplace culture where employees affected by domestic and family violence (DFV) are supported in the workplace, contributing to a health and safe working environment for all.

Commitment

The Queensland Human Rights Commission (QHRC) 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 DFV, that may affect their attendance, performance at work or safety.

DFV 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.

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

QHRC leaders, managers, supervisors and all employees are committed to making QHRC a great place to work. QHRC can make a significant difference to employees affected by DFV by providing appropriate safety and support measures.

DFV is unacceptable in any setting, including the workplace. Any QHRC 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. 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 DFV.

Human rights

In applying this policy we will consider whether:

- Any human rights may be affected by the decision;
- Any legislation or other law requires a decision to be made in a certain way, regardless of the affect on any human rights.

If there is discretion in making the decision, we will consider:

- Whether any human rights that are identified as being affected by the decision are being limited;
- Whether any limitation of a human right is reasonable, and is demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

In deciding whether a limit is reasonable and justified, we will take into consideration and balance the following matters:

- The nature of the human right
- The nature and purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom;
- The relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose;
- Whether there are any less restrictive and reasonable ways to achieve the purpose of the limitation;
- The importance of the purpose of the limitation
- The importance of preserving the human right, taking into account the nature and extent of the limitation on the human right;

- Any other relevant matter.

Human rights means the rights in the *Human Rights Act 2019*.

Policy

Confidentiality and disclosure

QHRC employees have the right to choose whether, when and to whom they disclose information about being affected by DFV. This policy does not override any legal obligations to disclose information.

Information disclosed by an employee in relation to DFV will be kept confidential, except to the extent that disclosure is required or permitted by law.

Awareness raising

QHRC will make available and promote the online awareness raising program, *Recognise, Respond, Refer: Domestic Violence and the Workplace*, jointly developed by the Queensland Government and Australia's CEO Challenge. All employees are required to complete the program annually.

QHRC will ensure that information on support options are made available to employees.

Support options available to employees

There are a number of support options available to assist employees affected by DFV. These arrangements should be reviewed at regular intervals to ensure that they are appropriate.

Documentation

When considering the support options outlined below:

- QHRC acknowledges that employees affected by DFV may not be in a position to provide supporting documentation. An employee's access to leave and other support options should not be denied in the absence of supporting documentation.
- any related communications must be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.

Leave entitlement

A QHRC employee who is affected by DFV will have access to a minimum of 10 days per year of paid leave.

The reasons may include, but are not limited to, attending medical, legal, police or counselling appointments; attending court and other legal proceedings; and organising alternative accommodation and care or education arrangements for the purposes of attending to matters arising from DFV or supporting the person affected by DFV.

Leave should be granted where the chief executive is satisfied that the employee requires leave because the employee is affected by DFV. However, leave should not be denied in the absence of supporting documents.

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 a fraction of a day.

The employee may also access further paid or unpaid leave, including special leave, sick leave, carers leave, recreation leave, long service leave or other accrued time to attend to matters arising from DFV—this will be in accordance with the directives relating to each type of leave.

Work performance and attendance

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 DFV is a contributing factor to work performance and attendance.

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 a performance improvement process may still be required.

Flexible working arrangements

QHRC will provide employees affected by DFV with access to flexible working arrangements. Employees are encouraged to discuss their request for flexible working arrangements with their managers in the first instance.

Counselling support services

QHRC will offer the Employee Assistance Provider (EAP) or similar, to all employees and their immediate family members. The EAP offers free and confidential support services through face-to-face, telephone and online counselling.

The EAP also provides specific advice to managers to support employees affected by DFV.

Other workplace support and role adjustments

QHRC may also consider:

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

Safety in the workplace

Of paramount consideration is the safety and wellbeing of all QHRC employees in the workplace. Fostering a workplace culture where employees affected by DFV are supported contributes to a healthy and safe working environment for all.

In situations where an employee affected by DFV is concerned for their safety or that of their colleagues, it is recommended that the employee work in consultation with their manager and/or supervisor and/or human resources officer to develop a [Workplace safety plan agreement](#).

A *DFV risk assessment* should be completed by the supervisor/manager and/or human resources officer in consultation with the employee affected by DFV, prior to completing a *Workplace safety plan agreement* and include any necessary support and reasonable adjustment.

The *Workplace safety plan agreement* should outline the specific workplace safety needs and arrangements to support the employee, such as:

- any changes in relation to any work patterns, practices or work location
- any precautionary plans to be undertaken pre or post-work (e.g. travel arrangements, secure carpark etc.) to support the safety of the employee
- any workplace changes and/or security measures to protect the employee and their colleagues where necessary
- updated emergency contacts and/or next of kin details.

Arrangements should be reviewed at pre-determined intervals to ensure currency and to ascertain ongoing appropriateness.

Responsibilities

Leaders/managers/supervisors will:

- model the public service values, including behaviour in a way that promotes a work environment free from any form of violence
- actively participate in DFV related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace
- encourage employees to actively participate in DFV related learning and development activities
- sensitively communicate with employees affected by DFV
- take prompt and appropriate action to address any reports of employees affected by DFV
- ensure appropriate levels of support are provided to employees affected by DFV
- ensure appropriate management of work performance and monitoring of attendance issues
- act compatibly with human rights when applying this policy.

Employees will:

- model the public service values, including behaving in a way that promotes a work environment free from any form of violence
- actively participate in DFV related learning and development activities
- sensitively communicate with colleagues affected by DFV
- ensure colleagues are aware of available support services and encourage colleagues to seek assistance.

Authority

This policy is based on the following legislation:

- *Domestic and Family Violence Protection Act 2012*
- *Public Service Act 2008*

This policy is to be read in conjunction with:

- *Code of Conduct for the Queensland Public Service.*

Scope

This policy applies to employees of QHRC, including contractors, agency temporary staff, work experience and industry placements, trainees and volunteers.

Definitions

Unless otherwise defined, the terms in this directive have the meaning set out in the *Public Service Act 2008*.

DFV has the same meaning as domestic violence as defined in the *Domestic and Family Violence Protection Act 2012*. The most current version of the Act can be located at:

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/D/DomeFamVPA12.pdf>

Related information

- *Domestic and Family Violence Protection Act 2012*
- *Work Health and Safety Act 2011*
- *Public Service Act (2008)*
- Code of Conduct for the Queensland Public Service
- Family Leave (Queensland Public Sector) Award – State 2012
- Directive relating to supporting employees affected by domestic and family violence
- Directive relating to special leave
- Directive relating to sick leave
- Directive relating to recreation and long service leave
- Directive relating to leave and travel concessions – isolated centres
- Directive relating to leave without salary credited as service

Commitment to regular review

The Queensland Human Rights Commission welcomes comments that can improve this policy. Feedback should be addressed to the Responsible Officer.

Resources

The Public Service Commission has developed support materials that staff and agencies may access to improve support for people experiencing episodes of domestic violence. The support materials can be accessed via the following link:

<https://www.forgov.qld.gov.au/domestic-and-family-violence>

Further information and assistance

For further information please contact:

- Your manager or supervisor
- Director, Engagement and Corporate Services
- Senior Administration Officer
- Employee assistance provider, Benestar

Policy administration

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