

DOMESTIC AND FAMILY VIOLENCE POLICY

INTERIM

BACKGROUND

1. Domestic and family Violence ¹ is a serious and complex issue affecting our community. Domestic and family violence is not limited to physical violence. It includes behaviour such as emotional, economic and psychological abuse.
2. Domestic and family violence occurs in all parts of our society, but it is predominately women and children who are the victims/survivors of domestic and family violence.
3. Domestic and family violence can and does occur in all kinds of relationships, including LGBTIQ relationships². However, the overwhelming majority of people who use violence are male.
4. Domestic and family violence impacts individuals, groups and communities who may have also faced other forms of discrimination, in different ways. The intersection of the multiple forms of discrimination may contribute to structural inequities, which can increase risk and create barriers for individuals seeking help.
5. The Safer Families package announced in the 2016-17 ACT Budget is the largest action to address family violence across government and community organisations in Canberra's history. In 2017-18 the Office of the Coordinator-General for Family Safety led the co-design of the Family Safety Hub.
6. As part of the work to develop the ACT Family Safety Hub insights were gathered from frontline workers and people with lived experiences of domestic and family violence. A key insight drawn from this work is that people are most likely to disclose to trusted people, which often includes their colleagues or managers.
7. The ACT Public Sector (ACTPS) recognises that workplaces have an important role in preventing and responding to domestic and family violence in our communities. Indeed, employers have a legal responsibility to create safe work environments. But beyond this, workplaces significantly influence our attitudes, beliefs and behaviours in both our personal and professional lives.
8. The ACTPS is committed to providing support to employees who are experiencing domestic and family violence. This can be in the way of reasonable adjustments in the workplace, access to EAP providers, as well as access to paid leave in accordance with the Enterprise Agreements. The Enterprise Agreements also contain other flexible provisions, which can be accessed by employees experiencing domestic and family violence.

¹ Note that the Enterprise Agreements use the broad term Family Violence as defined in the *Family Violence Act 2016*.

² A recent 2019 survey conducted by the Women's Centre for Health Matters and AIDS Action Council shows that almost 60% of LGBTIQ women have experienced sexual domestic or family violence.

PURPOSE

9. This policy sets out principles and guidelines about responding to domestic and family violence victim/survivors and perpetrators in ACTPS and associated agency workplaces. This policy puts the support for an employee experiencing domestic and family violence at the centre of any response to domestic and family violence.

APPLICATION

10. This policy contains a set of whole of government instructions issued by the Head of Service under the *Public Sector Management Act 1994* which binds all employees and officers engaged under that Act.
11. This Policy should be read in conjunction with other elements of the ACTPS Family Violence Toolkit.
12. Responses to domestic and family violence should be undertaken with reference to the *Guide to Responding to Disclosures of Domestic and Family Violence*.

DEFINITION

13. Domestic and family violence is an ongoing pattern of behaviour aimed at controlling a victim through fear. The term 'domestic violence', which is a form of 'family violence' is often used to refer to violence against an intimate partner or ex-partner, while 'family violence' is a broader concept and includes violence perpetrated against children, older people, parents and other kin or family members.
14. The ACTPS Enterprise Agreements use the legal definition 'family violence' as contained in the *ACT Family Violence Act 2016* (The 'Act') (sections 8–11). The Act defines family violence³ as any of the following behaviours by a person against a family member:
 - i. physical violence or abuse
 - ii. sexual violence or abuse
 - iii. emotional or psychological abuse
 - iv. economic abuse
 - v. threatening behaviour
 - vi. coercion orany other behaviour that:
 - > controls or dominates the family member and causes them to feel fear for their safety or the safety of another family member; or
 - > causes a child to hear, witness or otherwise be exposed to the above behaviours.

³ Note that under the *Family Violence Act 2016*, the definition of 'family violence' includes violence used by a 'domestic partner' and recognises 'domestic partner' and 'intimate partner' as distinct entities.

PRINCIPLES

15. The three principles that underpin the approach to incidents and disclosures of domestic and family violence in the ACTPS are – Support, Confidentiality and Safety.
16. The ACT Government recognises the right to live free from the fear and experiences of violence, and the right to liberty and security of a person outlined in the *Human Rights Act 2004*.
17. The ACT Government understands that domestic and family violence can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.
18. The ACT Government believes that workplaces have an important role in supporting people who are, or have been, affected by domestic and family violence and in assisting them to take steps to secure their safety.
19. The ACTPS recognises that domestic and family violence may have a range of impacts on employees in the workplace. For example:
 - arriving late to work or needing to leave work at short notice to protect themselves and/or children; or
 - requesting time off work to attend appointments; or
 - experiencing difficulty in managing workloads; or
 - being distracted, anxious or distressed; or
 - receiving threatening or abusive calls, texts or emails at work; or
 - witnessing threats and /or violence and abuse towards an employee in the workplace.

SUPPORTING EMPLOYEES

20. It is important that, as a workplace, we have a strong and robust response to domestic and family violence as attitudes and cultures that prevail in workplaces can influence the level to which violence in our society is supported or condoned.
21. Every disclosure is different, but in general, if someone tells you about their experiences of violence, you should respond by: showing them that you believe them; showing empathy; avoiding judgement or blame; and enabling the victim to be in control of decisions, as loss of control is a key aspect of people's experience of violence.
22. Every situation is different and a flexible and sensitive approach to the application of this policy and associated supports is an important element to responding to employees experiencing domestic and family violence.
23. How domestic and family violence is experienced and addressed may also be influenced by cultural differences. It is important that managers recognise and respect the different needs as well as the personal and cultural circumstances of each case when providing support to the affected employee.
24. The framework for responding to domestic and family violence is structured in a way that allows the employee to turn to someone they trust in the workplace, rather than having to make formal applications for support. For this reason, managers/supervisors have the necessary delegations to approve leave and other flexible arrangements. This also supports the employee's right to confidentiality and privacy.

25. The framework for responding to domestic and family violence requires managers/supervisors to use their own judgement to apply a common-sense approach to every situation and is not intended to be restrictive and/or overly prescriptive.
26. Managers/supervisors are not expected to be domestic and family violence experts and should seek assistance from their Human Resources area where necessary. HR areas will work with managers/supervisors in a way that maintains the confidentiality of the employee.
27. Any response to domestic and family violence should be guided by the affected employee as the employee is in the best position to assess the level of risk that they are under. Managers/supervisors should take an active role in applying supports and enterprise agreement provisions to support the employee in dealing with domestic and family violence. Managers need to remain conscious of how the employee's circumstances, background and culture may impact on the support required and how circumstances can change rapidly and the level of risk of harm for the employee may change accordingly
28. ACTPS employees experiencing domestic and family violence are encouraged to inform a manager with whom they feel comfortable and who will inform them of the available supports.
29. The ACTPS understands how difficult it can be for an employee to disclose that they have experienced or are experiencing domestic and family violence and strives to create an environment where people feel safe to disclose. Any disclosure by an employee experiencing domestic and family violence will be treated on a need to know basis for the purpose of workplace safety and with the highest possible level of confidentiality in line with the *Information Privacy Act 2014*. It should be noted that the mandatory reporting requirements under the *Children and Young People Act 2008* will apply in these situations. Failure to report child sexual offences may also be a crime under the *Crimes Act 1900 (ACT)*.

OTHER CONSIDERATIONS

30. The ACTPS is committed to promoting, achieving and maintaining the highest levels of health and safety for all employees. Additionally, under the *Work Health and Safety Act 2011* the ACTPS has a duty of care to its employees within the workplace. If there is a possibility that an abusive partner/family member/stalker or other threat to safety may affect an employee at work, appropriate steps will need to be taken to ensure the safety of the employee and their colleagues. Apart from immediate security arrangements, this may include implementing appropriate reasonable adjustments such as moving the affected employee to another work location, changing telephone numbers and email contact details.
31. The ACTPS will not tolerate domestic and family violence being perpetrated in or from the workplace. Such behaviour is a direct violation of the ACTPS Code of Conduct and Section 9 of the *Public Sector Management Act 1994* and may lead to misconduct proceedings under the enterprise agreements. In addition, allegations of sexual or physical assault within the bounds of the workplace will be immediately referred to the police.
32. ACTPS employees who perpetrate domestic and family violence outside the workplace may be referred to relevant counselling and support services if appropriate. Managers/supervisors should seek advice from their relevant HR area on what support is appropriate in the circumstance.

LEGISLATIVE REFERENCE

33. The key principles of this policy are aligned with the following authorised sources:

- > *Family Violence Act 2016*
- > *Public Sector Management Act 1994*
- > *Information Privacy Act 2014*
- > *Children and Young People Act 2008*
- > *Work Health and Safety Act 2011*
- > *Human Rights Act 2004*



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