

	FAMILY AND DOMESTIC VIOLENCE LEAVE	Document No:	HR-PRO-038
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1. Purpose

The Australian Catholic Bishops Conference (ACBC) is committed to ensuring that its workers and their families are supported should they experience family and domestic violence. Violence in family and domestic relationships has no place in our society. The ACBC will take seriously any disclosure of family and domestic violence and will provide appropriate support to its workers and their families.

The ACBC recognises that domestic and family violence impacts upon safety, and physical and emotional wellbeing, and so is committed to:

- worker safety;
- challenging any language in the workplace that degrades women, men or children;
- identifying and opposing sexual and gender based harassment in the workplace;
- ensuring that workers are aware that family and domestic violence is unacceptable and will not be tolerated;
- listening to those who are experiencing family and domestic violence and learning from them;
- learning about the issue of family and domestic violence; and
- supporting disclosure of family and domestic violence through education and recognition that disclosure could save a life.

2. Scope

This procedure applies to all full-time, part-time and casual workers in ACBC agencies.

3. Related Documents

Fair Work Act 2009
[ACBC Conditions of Employment](#)
[HR-PRO-019 Flexible Work Arrangements](#)
[HR-PRO-011 Grievances](#)

4. Definitions

Family and Domestic Violence

Family and domestic violence means violent, threatening or other abusive behaviour by an employee's family member that:

- seeks to coerce or control the employee
- causes them harm or fear.

A family member includes:

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

Family and Domestic Violence Leave

Full-time, part-time and casual employees are entitled to five (5) days of unpaid leave each year to deal with matters related to family and domestic violence, as follows:

- (a) the leave is available in full at the start of each 12 month period of the employee's employment; and
- (b) the leave does not accumulate from year to year; and
- (c) is available in full to part-time and casual employees (not pro-rated).

The leave is not required to be taken all at once and can be taken as single or multiple days.

An employer and employee can also agree for an employee to take less than 1 day at a time, or for the employee to take more than 5 days.

The Australian Catholic Bishops Conference's Conditions of Employment details the entitlement to family and domestic violence leave.

Supervisor

The Supervisor is a Bishop, an Agency Head, Director, Manager, Coordinator or Team Leader, who is responsible for the day-to-day supervision of workers.

5. Responsibilities

Worker

The worker requesting family and domestic violence leave must:

- Take reasonably practicable steps to ensure their safety at work
- Discuss their request for leave with their supervisor
- Complete the "[Application for Leave of Absence](#)" (or equivalent in their agency) and submit it to their Supervisor for approval.

Supervisor

The Supervisor is responsible for:

- Taking reasonably practicable steps to ensure the workers safety at work
- Notifying the police of any allegation of domestic violence reported (if applicable)
- Seeking assistance from the Office for Employment Relations or the HR function in the agency in regard to reporting of domestic violence to the relevant authority
- Providing workers and their family members access to the ACBC Employee Assistance Program
- Advising the workers of their entitlement to family and domestic violence leave
- Approving the family and domestic violence leave

6. When can family and domestic violence leave be taken

Workers can take the family and domestic violence leave if they need to deal with matters brought about by their experience of family and domestic violence and it's impractical to do so outside their ordinary hours of work.

For example, this could include:

- making arrangements for their safety, or safety of a family member (including relocation)
- attending court hearings, or
- accessing police services.

7. Other types of leave

A worker may choose to take other types of leave such as annual leave or personal leave in conjunction with family and domestic violence leave.

A worker cannot be asked to use their accumulated annual leave or personal leave to deal with family and domestic violence.

8. Process for taking family and domestic violence leave

1. Workers may request family and domestic violence leave at any time when the need arises. Workers must inform their supervisor as soon as possible (which may be after the leave has been taken). The worker should also inform their supervisor of how long the leave is expected to last.
2. The worker must complete an “[Application for Leave of Absence](#)” (or equivalent in their agency) stating the time that they wish to take off as “special leave” or “Other”. They must submit this form to their Supervisor as soon as practicable.
3. The Supervisor may either approve or refuse the request for leave. However, a Supervisor must not refuse leave without good reason. The Supervisor may ask the worker to provide evidence that the leave has been used for dealing with family and domestic violence. The types of evidence can include:
 - Documents issued by the Police
 - Documents issued by a court of law
 - Family violence support service documents
 - A statutory declaration
4. If the Supervisor has approved the application for leave of absence, the Supervisor must forward the signed “Application for Leave of Absence” form to the payroll function.
5. If the Supervisor has refused the application for leave he /she must give the worker the reason for refusal and give the worker an opportunity to discuss the situation with a view to resolving the matter.
6. If the worker is not satisfied with the response from the Supervisor, they may take action according to the ACBC process for resolving grievances ([HR-PRO-011 Grievances](#))

9. Support for those experiencing family and domestic violence

Support will be provided to any worker who discloses that they are dealing with domestic and family violence. There may be a number of ways to provide this support, depending on the nature of each case and the way the worker wants to be supported. Examples could be developing a safety plan which may include:

- Encouraging the worker to use the ACBC Employee Assistance Program (EAP), and reminding them that it is available to family members as well
- Temporarily changing a workers work location
- Relocating a workstation so that the worker cannot be seen by the general public
- Changing a work number and allowing a provision to block certain phone numbers
- Removing contact details from directories and lists that are easily accessible (e.g. on websites)
- Allowing the worker to access flexible work arrangements
- Providing a well-lit parking place near the workplace, or making arrangements to escort the worker to their car or to public transport

Special measures may be required if a protection order (e.g. Apprehended Violence Order) is in place. In this case, the Supervisor must discuss the steps to be taken to protect the worker while at work.

10. Confidentiality

Any disclosure of domestic and family violence including any notice to take family and domestic violence leave and or any evidence given must be considered confidential unless disclosure is:

- Required by law or
- Necessary to protect the life, health or safety of the worker or another person

Supervisors and any other workers who may have knowledge of a co-workers situation must be aware that any information relating to a workers experience of domestic and family violence is sensitive.

Information that is mishandled can have extreme adverse consequences to the worker experiencing the domestic or family violence.

Supervisors must discuss how information will be handled with the worker.

Where a worker makes an allegation of domestic violence against another person or is a protected person in any order related to domestic violence (i.e. Apprehended Violence Order), the worker should provide a copy of the relevant order to their Supervisor. This will enable the Supervisor to formulate and implement appropriate safety measures at work.

Mandatory reporting

Supervisors should be aware that any disclosure of domestic or family violence involving a child (where that child is directly experiencing domestic violence or is in a home where they witness domestic violence) may require the Supervisor to report the matter to the Police or a state authority at the earliest opportunity. The Supervisor should seek assistance from the Office for Employment Relations or from the HR function in their Agency.

For more information regarding mandatory reporting see [1800Respect](http://www.1800respect.org.au) (www.1800respect.org.au)

11. Victimisation

Victimisation of a worker as a result of accessing family and domestic violence leave will be regarded as a serious breach of conduct.

An allegation of victimisation will be formally investigated.

If substantiated, it will result in appropriate disciplinary action being taken against the perpetrator.

12. Allegations of family and domestic violence against a worker

It is an expectation of the ACBC that no worker will commit any act of domestic violence. Any such behaviours are unacceptable and in complete contradiction with our beliefs and principles.

Any worker who has been subject to a complaint as a result of family and domestic violence is required to disclose this to their Supervisor as soon as possible after being charged by the Police and/or is the defendant in an Apprehended Violence Order (AVO) or Apprehended Domestic Violence Order (ADVO).

Any worker who is or has been charged as a result of a complaint of domestic violence should understand that the matter may trigger a risk assessment in relation to working with children and/or vulnerable adults. The outcome of the risk assessment may include cancellation or revocation of their Working with Children Check clearance or implementation of a temporary bar on working with children/vulnerable adults.

Any employee who is or has been charged with criminal offences as a result of a complaint of domestic violence (as defined in 6.1) or is the defendant in an AVO/ADVO involving an adult needs to be aware that they may be immediately placed on leave or stood aside while the matter is being resolved.

13. Accrual of family and domestic violence leave

Family and domestic violence leave is available in full from the first day that a worker commences work with the ACBC. i.e. the full amount of 5 days of unpaid leave for each 12 month period is available to every worker from the first day of work with the ACBC.

Any unused domestic and family violence leave does not accumulate from one year to the next.

Refer to the ACBC Conditions of Employment for complete details of the entitlement.

14. Accrual of Entitlements while on family and domestic violence leave

A period of family and domestic violence leave will not count as service for the purposes of accruing annual leave and personal/carer's leave, or calculating redundancy pay which is based on years of continuous service with the employer.

However, an absence on family and domestic violence leave does not break the worker's continuity of service with the employer, meaning service with the employer, both prior to and subsequent to family and domestic violence leave, will count when calculating a worker's entitlement.

15. Allowances

Allowances are not paid while a worker is utilising unpaid family and domestic violence leave.

16. Use of ACBC provided equipment during family and domestic violence leave

A worker will retain the use of ACBC provided equipment such as a mobile phones and laptops while they are on family and domestic violence leave.

A worker will retain the use of an ACBC provided vehicle during a period of family and domestic violence leave.

10. Illness or injury during family and domestic violence leave

If a worker is sick or injured while on family and domestic violence leave, they can use their paid personal/carer's leave entitlement instead of using family and domestic violence leave.

The Supervisor may request the worker to provide notice and evidence when taking personal/carer's leave while on family and domestic violence leave.

11. Records

All records provided in relation to family and domestic violence must be held confidentially with personnel files and will be treated in accordance with the Australian Catholic Bishops Conference's and its agency's records (Data) management policies and practices. Examples of records include:

Copies of protection orders

Evidence documents

[Application for Leave of Absence form](#)