



AUDIENCE	CATEGORY
All Employees	People

Policies and procedures

# Family and Domestic Violence

This document was endorsed by Chief People Officer on 17 October 2024.



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### ARE YOU IN IMMEDIATE DANGER?

If you are feeling unsafe in the workplace right now, **contact** our **security team on s 22** or call **000**.

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## Overview

Treasury acknowledges the significant impact family and domestic violence can have on the lives of those who experience it, and a holistic approach should be taken to support employees experiencing family and domestic violence that is appropriate for their individual circumstances.

This policy sets out Treasury's commitment to supporting employees who are victim/survivors of family and/or domestic violence in alignment with Treasury's Enterprise Agreement 2024-2027 and relevant legislation.

## Purpose

The purpose of this policy is to provide employees experiencing family and/or domestic violence with information on how to access both internal and external supports. This policy also acts as a guide for managers and colleagues in supporting employees who are affected by family and/or domestic violence.

## Scope

This policy applies to all Treasury staff irrespective of gender and type of employment.

## Contacts

For advice or to discuss support options, please contact the Performance and Wellbeing Team on **s 22** or via **s 47E(d)** [@treasury.gov.au](mailto:s22@treasury.gov.au).

<p>What is family and domestic violence?</p>	<p><b><i>The Fair Work Act 2009</i> defines family and domestic violence as violent, threatening or other abusive behaviour by a close relative of a person, a member of a person’s household or a current or former intimate partner of a person, that seeks to coerce or control the person and that causes the person harm or to be fearful.</b></p> <p>Family and domestic violence can affect anyone and a range of intersecting factors including but not limited to, background, culture and sexuality can contribute to differing rates and experiences of violence as well as greater barriers to accessing safety and support.</p> <p>Family and domestic violence can be isolated or be a continuous pattern of abusive behaviour by one person over another. It can appear in many forms in addition to physical violence, and perpetrators will often use multiple tactics such as controlling behaviour (coercive control), emotional and/or psychological abuse, financial abuse, social abuse, sexual abuse, threats or harm to property, belongings and/or pets, technology facilitated abuse, spiritual and/or cultural or elder abuse.</p>
<p>Term “victim-survivors”</p>	<p>Victim-survivor is a term commonly used when referring to people who have experienced family and domestic violence. The term 'victim-survivor' recognises the ongoing effects and harm caused to an individual by family and domestic violence while also honouring their strength and resilience.</p>

## Confidentiality and safety in the workplace

Treasury adopts a 'need to know' approach regarding communication of an employee's experience of family and domestic violence and takes all reasonable steps to treat information confidentially.

If someone discloses information about experiencing family and/or domestic violence individuals are required to maintain privacy and not disclose this information without obtaining the persons consent, unless there are genuine concerns of a serious threat to life, health or safety, or suspected unlawful activity or serious misconduct.

Once Treasury becomes aware an employee is at heightened risk, they must, in consultation with the affected employee (and where they choose their representatives) identify suitable safety controls in the workplace, so far as reasonably practicable.

## Alleged Perpetrators of Family and Domestic Violence

The [APS Code of Conduct](#) applies to all Treasury employees. Where an employee is alleged to have perpetrated family and/or domestic violence in or from the workplace, they may be investigated for a potential breach of the Code of Conduct. All matters will be dealt with on a case-by-case basis with a focus on the safety of the employee experiencing family and domestic violence.

## Support

Employees experiencing family and domestic violence may require a range of supports in the workplace. Managers should discuss available supports with the employee or an approved contact to determine those that may be appropriate in the individual's circumstance.

Supporting employees experiencing family and/or domestic violence should be led by the individuals desire to engage in further support and/or involve legal authorities.

An individual may contact Treasury's security team on **s 22** if there is imminent risk of domestic and family violence **in the workplace**.

### Available support

<b>Leave</b>	<ul style="list-style-type: none"><li>• Access to paid <a href="#">family and domestic violence leave</a> in accordance with the <a href="#">Treasury's Enterprise Agreement 2024-2027</a> and <a href="#">leave guidelines</a>.</li><li>• Access to other leave types (i.e., personal, carers or annual leave), as appropriate.</li></ul>
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<b>Flexible work arrangements</b>	<ul style="list-style-type: none"> <li>• Flexible working arrangements – under the National Employment Standards in the Fair Work Act 2009 employees experiencing family and domestic violence from a member of their family or providing care for a member of their family experiencing violence has a right to request flexible working arrangements. These requests may include: <ul style="list-style-type: none"> <li>– a change of hours to allow the employee to meet family, health, wellbeing, medical or legal commitments</li> <li>– a change to an employee’s pattern of hours</li> <li>– a change of location of work were reasonably practicable.</li> </ul> </li> <li>• Treasury’s <a href="#">Flexible Work Policy</a> provides further information on the range of flexibilities that may be accessed.</li> </ul>
<b>Other supports</b>	<ul style="list-style-type: none"> <li>• External FDV specialised support services, such as the national DV service <a href="#">1800RESPECT</a>, or other <a href="#">national and state external support services</a>.</li> <li>• Contact emergency services (e.g., police) on 000</li> <li>• Treasury’s Employee Assistance Program (EAP) has FDV trained clinicians, via <a href="#">S 22</a> or International <a href="#">S 22</a>. Individuals seeking support for family and/or domestic violence matters should advise the contact centre they are seeking an FDV specialised clinician.</li> <li>• Contacting Treasury’s security team on <a href="#">S 22</a> or police on 000 if an employee is in imminent danger to domestic and family violence in the workplace.</li> <li>• Assistance from security team/MSS Guards to be escorted from Treasury buildings and other potential security measures.</li> <li>• Support from Treasury’s security team to manage reporting obligations for security clearance holders.</li> <li>• Assistance from Treasury’s IT team in relation to work phone and email addresses to limit unwanted contact or blocking calls and emails. Please contact the Director IT Service Delivery or Director IT Operations.</li> <li>• Managers supporting performance – family and domestic violence should be acknowledged and considered as a potential mitigating factor if performance declines. Managers should: <ul style="list-style-type: none"> <li>– continue to have regular, sensitive conversations with the employee about the job requirements, performance expectations and development opportunities.</li> <li>– work with the employee to develop work strategies and potential adjustments to support continued performance taking into account individual circumstances.</li> </ul> </li> </ul>

## Roles and Responsibilities

<b>Employees (Victim – Survivors)</b>	<p>Employees are responsible for engaging appropriately in relation to accessing supports, including maintaining contact with the workplace. Employees can initiate access to support within the workplace through discussing their needs with one of the following people:</p> <ul style="list-style-type: none"> <li>• their first or second level supervisor</li> <li>• a more senior manager</li> <li>• People Organisational and Strategy Branch (POSB) s 47E(d) @treasury.gov.au or s 22</li> <li>• Security Team for immediate safety concerns – s 22</li> </ul>
<b>Managers</b>	<p>Managers are responsible for providing support and advice to employees affected by family and domestic violence.</p> <ul style="list-style-type: none"> <li>• managers should ensure they maintain regular appropriate contact with the impacted employee, consider their individual circumstances and preferred method of communication.</li> <li>• where there is a risk to an employee's safety in the workplace, managers should contact Treasury's security team s 22</li> <li>• supporting employees experiencing family and/or domestic violence should be led by the individuals desire to engage in further support and/or involve legal authorities and respect their decisions.</li> <li>• managers should seek further advice and support from the Performance and Wellbeing Team via email s 47E(d) @treasury.gov.au or phone s 22 as required.</li> </ul>
<b>Employees (Colleagues)</b>	<p>Employees experiencing family and domestic 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:</p> <ul style="list-style-type: none"> <li>• listen without judgement and respecting their decisions.</li> <li>• maintaining appropriate privacy and confidentiality.</li> <li>• encouraging them to advise their manager to allow appropriate supports to be put in place.</li> <li>• encouraging them to seek help from a domestic and family violence support organisation such as 1800RESPECT or relevant state FDV service,</li> <li>• referring them to this policy, Treasury's Employee Assistance Program or the <u>FDV TERI page</u>.</li> </ul>



<b>People Organisational Strategy Branch</b>	<p>POSB is responsible for Treasury's Family and Domestic violence policy and providing advice to employees and managers about the FDV policy and supports available.</p> <ul style="list-style-type: none"> <li>POSB is the central delegate for decisions on paid FDV leave.</li> </ul>
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### Important

Remember that when a someone confides in you, it's crucial to recognise that you are not a trained professional. It's perfectly acceptable to seek assistance elsewhere if you feel unable to provide the necessary support.

Employees who are experiencing distress after information has been disclosed to them are encouraged to seek support from Treasury's Employee Assistance Program or one of the external support services identified on the [FDV TERI page](#).

To enhance interpersonal skills and learn about psychological first aid to better support employees, the following courses are available via APSLearn:

- [Compassionate Foundations](#)
- [Connections](#)

## Related documents

[Leave Guidelines](#)

[Flexible Work Arrangements Policy](#)

[Fair Work Act 2009](#)

## Version control

Date Modified	Version	Section of document	Author of change	Summary of change
15/10/2024	1	All	Performance and Wellbeing	New policy to support the <i>Treasury Enterprise Agreement 2024-2027</i> .



## Family and Domestic Violence Leave: Approach to Implementation

### Entitlement to paid leave

From 1 February 2023, Treasury employees will have an annual entitlement to paid family and domestic violence leave.

The new entitlement follows the passage of the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022* which amends the *Fair Work Act 2009* to replace the current entitlement in the National Employment Standards to five days of unpaid family and domestic violence leave in a 12-month period with an entitlement to ten days of paid leave for all employees.

In practice, Treasury already provides paid leave to employees affected by family and domestic violence as part of a range of support options available under Treasury's *Family and Domestic Violence Policy* and *Family and Domestic Violence Guidelines*. Further, the entitlement to ten days paid leave has been available to Treasury employees in an interim way since the release of the *Public Sector Interim Workplace Arrangements 2022* on 6 October 2022.

### Accessing paid leave

The commencement of the new entitlement requires Treasury to implement more formal arrangements for employees to access the leave. Access to the leave must reflect both:

- Treasury's support to employees, including the need for discretion and the requirement for family and domestic violence leave to not be expressed on employee pay slips, and
- the need for Treasury to promote the proper use and management of public resources and establish and maintain appropriate systems of risk oversight and management, and appropriate systems of internal control.<sup>1</sup>

Treasury proposes to implement paid leave for family and domestic violence in a way that provides employees with two different pathways for accessing leave. The different pathways are intended to treat the sensitivity of the circumstances by giving the employee options for who they might like to deal with. The two pathways are described below.

#### *Pathway 1 – employee speaks with their manager*

Many employees will feel comfortable speaking with their manager about their need for leave. In these circumstances, managers at the EL2 classification and above can approve up to five days of paid miscellaneous leave (including more than one period of paid miscellaneous leave, totalling more than five days).<sup>2</sup> A manager can give verbal or written approval for the leave. The manager would then speak with the Wellbeing team in People and Organisational Strategy Branch to arrange for the leave to be appropriately recorded (in the manner described below).

#### *Pathway 2 – employee speaks with the Wellbeing team*

In some circumstances, employees may feel more comfortable speaking with the Wellbeing team about their need for leave, for example because they have an existing relationship with a member of the Wellbeing team. The Director of the Wellbeing team can give verbal or written approval for the leave.

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<sup>1</sup> See section 3 of the *Public Governance, Performance and Accountability Act 2013*.

<sup>2</sup> The reference in this document to managers approving five days miscellaneous leave reflects Treasury's HR delegations, under which EL2s can approve up to five days of paid miscellaneous leave in a single block.

Where the Director of the Wellbeing team approves leave, the team would speak with the employee's manager to notify the manager that the employee will be on leave for the period approved. This notification is necessary for the manager to manage the operational needs of their team. The Wellbeing team will not disclose that the leave is because the employee is affected by family and domestic violence.

Under both pathways, the discussion should provide sufficient information for the manager or the Wellbeing team to be satisfied that family and domestic violence leave is the appropriate leave type in the circumstances. In many cases, it's acknowledged that leave will need to be approved retrospectively.

### Recording paid leave

During the Senate Education and Employment Legislation Committee Inquiry into the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022*, several stakeholders noted the potential for a pay slip to compromise an employee's safety if it recorded information about the employee's paid family and domestic leave entitlement. For example, a pay slip that recorded a decrease in an employee's paid family and domestic leave balance could act as a red flag for perpetrators who may be monitoring an employee's pay slips and bank account. The Bill was amended to enable regulations to be made preventing an employer from recording paid family and domestic violence leave on an employee's pay slip.

For discretion and to avoid the situations identified by the Committee Inquiry, Treasury is not proposing to create a leave type labelled as 'Family and Domestic Violence Leave' or similar. Instead, family and domestic violence leave will be implemented through the existing 'Miscellaneous Leave – Other'.

#### *Pathway 1 – employee speaks with their manager*

Where a manager approves leave, the manager would then speak with the Wellbeing team so that the team can arrange with the Payroll team for the leave to be recorded in the Aurion system as 'Miscellaneous Leave – Other'. At the same time, the Wellbeing team can offer further advice and support to the employee's manager.

#### *Pathway 2 – employee speaks with the Wellbeing team*

Similarly, where the Wellbeing team approves leave, the team will arrange with the Payroll team for the leave to be recorded in the Aurion system as 'Miscellaneous Leave – Other'.

Under both pathways, the Aurion system will not contain any formal "balance" of family and domestic violence leave available. Rather, appropriate use by employees will be supported by managers and the Wellbeing team. Use of the leave will appear on the employee's pay slip as "Other Leave". There will be no reduction in pay.

### Next steps

The Employment Relations team is engaging with Treasury's Workplace Relations Committee and employee networks to seek feedback and endorsement of the proposed approach to implementing the new entitlement to paid family and domestic violence leave. Once settled, the approach will be reflected in amendments to the Leave Guidelines (if necessary) and the *Family and Domestic Violence Policy* and *Family and Domestic Violence Guidelines*.