

# Supporting staff affected by domestic and family violence Protocol



## 1. Our Commitment

The Department of Natural Resources, Mines and Energy is committed to providing a healthy, safe and supportive environment for all departmental staff and visitors in our workplaces. The department is actively taking steps to recognise and respond to all staff who may be affected by violence and are working to create a workplace that promotes a respectful, safe and inclusive culture. Respect is something we all want and deserve, and as a guiding principle we are committed to raising awareness of domestic and family violence.

Queensland Government is the state's largest employer and we can all contribute towards ending domestic and family violence by supporting affected colleagues and creating a safe, respectful and supportive workplace culture.

The leaders, managers, supervisors and all employees are committed to making DNRME a great place to work and can make a significant difference to employees affected by domestic and family violence by providing appropriate safety and support measures. All employees have a responsibility to model the Code of Conduct, which includes behaving in a way that promotes a work environment free from any form of violence and supporting those who are affected by domestic and family violence. Domestic and family violence is unacceptable in any setting including the workplace. Any employee who utilises workplace resources including by telephone, fax, mail or email to threaten, harass or inflict harm or injury to another person may be subject to disciplinary action.

The department's commitment includes:

- Promoting a safe, inclusive and respectful workplace free from all forms of violence including domestic violence;
- Ensuring procedures are in place to provide the necessary workplace support required to manage issues relating to domestic violence and to reduce the risks to the health, safety and wellbeing of all employees;
- Ensuring that all disclosures of domestic and family violence will be treated seriously and confidentially by all levels of management and employees;

This protocol has been developed to outline the department's commitment to supporting employees affected by domestic and family violence and to promote a transparent and consistent approach to the management of employees who are affected by domestic and family violence.

## 2. Definitions

**Domestic and Family Violence** is 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, and coercive or aimed at controlling or dominating the other person.

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

**Employees** include public servants, senior officers, senior executive officers, contractors, agency temporary staff, work experience, industry placements, trainees and volunteers who are employed and/or engaged in work for the Department.

**Delegated officer** includes Director, Executive Director and above.

**Mental Health First Aider** is an accredited DNRME employee trained to offer initial, confidential support and referral services to colleagues developing a mental health problem or experiencing a mental health crisis. The

first aid is given until appropriate professional help is received or until the crisis resolves. Mental Health First Aiders also provide support for employees affected by domestic and family violence.

**Employee Assistance Program (EAP)** – the department’s counselling and support service available to all employees and their immediate family.

### **3. Confidentiality and Disclosure**

The department recognises that disclosing, reporting and seeking assistance as a result of domestic and family violence requires courage. The department is committed to supporting employees and their families who are affected by domestic and family violence expediently and sensitively.

The department further recognises, that employees have the right to choose whether, when and to whom they disclose details of their personal circumstances in relation to domestic and family violence and whether or not they wish to make a formal report to police. They may disclose details to their manager and/or supervisor, mental health first aider or local HR or WHS representative or someone with whom they feel comfortable.

Sharing of personal information disclosed by an employee in relation to domestic and family violence will be kept confidential. If a disclosure impacts the safety of the employee or the safety of others in the workplace disclosure of the situation will be kept to a minimum and only for those who need to know for the purpose of maintaining safety or as otherwise required or authorised by law and the affected employee will be consulted.

It is not an obligation by law to report the matter to police if the person is not in immediate danger. By referring the employee to the appropriate support services (such as [EAP](#), [DVConnect](#), [Mensline](#) or [the LGBTIQ domestic and family violence support service](#)) the obligation to report then lies with the support services, if required. If you are unsure of what your obligation is you should speak to EAP in the first instance.

### **4. Raising awareness of Domestic and Family Violence in the workplace**

To create awareness of domestic and family violence in the workplace, the department provides all employees with access to the Australia’s CEO Challenge and Queensland Government’s e-learning program *Recognise, Respond, Refer*.

It is strongly encouraged that all employees including contractors and volunteers to the department complete the program. All new employees are strongly encouraged to complete the program upon commencement.

In addition, the department has also made a commitment for all employees to attend the Bystander Awareness Program to empower our people to think more critically and personally about issues such as disrespectful behaviour, violence and bullying and harassment as well as the attitudes, beliefs and behaviours that nurture and support these to exist.

### **5. Support available to those affected by domestic and family violence**

There are a number of support options available to assist employees affected by domestic and family violence.

#### **Leave**

Under [Directive No. 04/15 Support for Employees Affected by Domestic and Family Violence](#), an employee who is affected by domestic and family violence will have access to a minimum of 10 days per year of paid leave. This may be for reasons such as attending medical, legal, police or counselling appointments, attending court and other legal proceedings, organising alternative accommodation, childcare or education arrangements for any person due to matters arising from domestic and family violence for supporting the person affected by domestic and family violence.

The employee does not have to use other entitlements before accessing this leave. Leave can be taken as consecutive days, single day or part of a day. Employees can apply for this leave by selecting the leave code SPEC – Discretionary through Aurion ESS.

An employee who is experiencing domestic and family violence may also access further leave paid or unpaid including special leave, sick leave, recreational leave, long service leave, carers leave, TOIL and flex time to attend to matters arising from domestic and family violence.

## Flexible working arrangements/practices

The department will provide employees who are affected by domestic and family violence with access to flexible working arrangements. Employees are encouraged to discuss their request for flexible working arrangements with their managers in the first instance.

The department 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 include the workplace in any Domestic Violence Order issued by the courts where appropriate, and providing support and reasonable adjustments in the workplace including:
  - Changes to working times and patterns (e.g. change of work hours, working from home, job-sharing, compressed working hours),
  - Changes to work practices (e.g. a change to their telephone number or email address to avoid harassing contact),
  - Changes to their specific duties (e.g. to avoid potential contact with an alleged person who uses violence and abuse while at work),
  - Temporary relocation (e.g. relocation to another workplace), and
  - Other necessary reasonable adjustments that may be required.

Relocation requests can be discussed with Accommodation Services to facilitate an urgent relocation. If there is a safety risk identified in the Risk Assessment and Workplace Safety Plan regarding entering or exiting the building, Accommodation Services can arrange relocation to another building and can assist in the relocation where possible. Contact Manager Accommodation Services on 3333 5111 for assistance.

Requests for changes to work arrangements or practices can be made with the employee's immediate manager and/supervisor. These requests will be given genuine consideration having regard to the safety and needs of the employee and their colleagues arising from the domestic and family violence matters and operational requirements.

The [flexible working arrangements intranet page](#) provides further information with regards to the process and the types of flexible working arrangements which may be considered in supporting an employee currently experiencing domestic and family violence.

## Counselling and Support Services

DNRME has a team of accredited [Mental Health First Aiders](#) who have been trained to provide initial assistance, in a confidential manner, to employees affected by domestic and family violence, as well as offer their managers and supervisors guidance around how to best support the employee. The team of Mental Health First Aiders can provide immediate confidential support and provide information on referral services.

There are a number of counselling and referral services available to staff.

- The [Employee Assistance Program](#) (EAP) provides a free and completely confidential counselling service. The service, is available to all employees and their immediate family. There's an emergency counselling hotline available 24X7, and you can book up to 4 free counselling sessions a year per issue.
- [DVConnect](#) is a statewide telephone service offering anyone affected by domestic or family violence a free 'crisis hotline' 24 hours a day, 7 days a week. They provide support in accessing safe accommodation, transport and even temporary care for pets. Calls to 1800 811 811 are free from any public phone.
- Specialised [LGBTIQ domestic and family violence support](#) for gender diverse or same sex relationships.
- [Aboriginal and Torres Strait Islander family violence support services](#) provides support, counselling, referral and information to people affected by family violence.
- The [DFV counselling, support and advice information](#) provides examples of support services available, in addition to support and counselling available through the EAP.

## 6. Documentary evidence

When considering support options, the department acknowledges that employees affected by domestic and family violence 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.

All requests for supporting documentation must be requested in a sensitive and non-judgemental manner, and any document sighted must be returned to the employee.

## 7. Work performance and attendance

Work performance and 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 the domestic and family violence 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.

## 8. Safety in the Workplace

Any employee who threatens, harasses or abuses a family or household member within or outside the workplace is in direct violation of the [Code of Conduct](#) for the Queensland Public Service and/or the *Public Service Act 2008* and may be subject to disciplinary action. This includes employees who use workplace resources such as phones, fax machines, email, mail or other means to threaten, harass or abuse another person.

Employees who become aware of a colleague affected by domestic and family violence or of an employee using abuse or violence are encouraged to talk to their manager and/or supervisor or mental health first aider. The employee and/or the manager should encourage the colleague affected by domestic and family violence to seek help and refer the individual to appropriate services such as the EAP or other community services available to those experiencing domestic and family violence. These are available on the [domestic and family violence intranet](#) page.

### Safety Planning

In situations where an employee who is experiencing domestic and family violence is concerned for not only their safety but that of their work colleagues, it is recommended that the employee work in consultation with their manager and/or supervisor and/or human resources officer to develop a Risk Assessment and Workplace Safety Plan). A domestic and family violence Risk Assessment and Workplace Safety Plan should be completed by the supervisor/manager and/or human resources officer or mental health first aider in consultation with the employee affected by domestic and family violence.

The 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; and
- 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.

### Returning to Work

When returning to work after leave due to domestic and family violence related issues, employees are encouraged to talk to their manager regarding any ongoing safety concerns. Employees who have identified a

risk to their safety or that of their colleagues in the workplace, are encouraged to either review an existing and/or develop a Risk Assessment and Workplace Safety Plan in consultation with their manager/supervisor and/or human resource officer, or mental health first aider.

### **Raising concerns about a colleague**

Employees concerned about, or have become aware of a colleague who they suspect may be at risk or affected by domestic and family violence are encouraged to raise any issues with a mental health first aider or their manager and/or supervisor in the first instance. If an employee considers that their manager/supervisor has not taken action or appropriate action, the matter should be referred to the next line of management.

## **9. What are my obligations?**

### **Supervisors/Managers will:**

- Model the public service values and respectful behaviour in a way that promotes a work environment free from any form of violence.
- Call 000 in the event of an emergency or call PoliceLink for any other incident where the police need to be involved.
- Participate in domestic and family violence related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace.
- Liaise with Accommodation Services to source alternative work location, if required.
- Encourage other employees to actively participate in domestic and family violence related learning and development programs and activities.
- Sensitively communicate with employees affected by domestic and family violence and ensure confidentiality is respected.
- Take prompt action to address any reports of employees affected by domestic and family violence.
- Ensure appropriate support and safety of employees affected by domestic and family violence in the workplace by developing a Risk assessment and Workplace Safety Plan in consultation with the employee, this includes ensuring that appropriate levels of support are provided to employees affected by domestic and family violence.
- Ensure appropriate management of employee work performance and monitoring of attendance issues.
- Encourage employees affected by domestic and family violence to seek counselling advice and support through the EAP service and other appropriate external community services.

### **Employees will:**

- Model the public service values and respectful behaviour, in a way that promotes a work environment free from any form of violence.
- Participate in domestic and family violence related learning and development activities to have greater awareness and understand the impacts of domestic and family violence in the workplace.
- Sensitively communicate with colleagues affected by domestic and family violence.
- Ensure their colleagues who are affected by domestic and family violence are aware of the available support services and encourage them to seek assistance, advice and support through the EAP service and other appropriate external community referral services.
- Ensure confidentiality is respected.

### **Mental Health First Aiders will:**

- Call 000 in the event of an emergency or call PoliceLink for any other incident where the police need to be involved.
- Provide confidential and immediate support services to an employee or colleague.
- Refer the employee or colleague to professional support services specific to domestic and family violence.
- Discuss where appropriate any issues with a relevant manager and/or supervisor if required.
- Sensitively communicate with colleagues affected by domestic and family violence and ensure confidentiality is respected.



## Delegated Officer (Director, Executive Director or above)

- Should take the appropriate actions where an employee using violence in the workplace has breached the Code of Conduct.
- Should consider all cases related to domestic and family violence and provide approval for any required leave application, requests or requests for changes of working arrangements/practices, and/or reasonable adjustment requests.

## 10. Further information

Should you require any further information or clarification, please contact:

- Your manager or supervisor;
- [Mental Health First Aider](#)

## 11. Related legislation and policy

### Legislation

- [Public Service Act 2008](#)
- [Anti-Discrimination Act 1991](#)
- [Domestic and Family Violence Protection Act 2012](#)
- [Work Health and Safety Act 2011](#)
- [Information Privacy Act 2009](#)

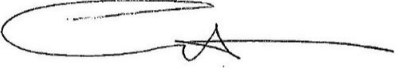
### Directives

- [Directive No. 04/15 Support for employees affected by domestic and family violence](#)
- [Directive No. 05/17 Special Leave](#)
- [Directive No. 10/18 Sick Leave](#)
- [Directive No. 04/17 Recreation Leave](#)
- [Directive No. 11/18 Long Service Leave](#)
- [Directive No. 14/18 Leave and Travel Concessions – Isolated Centres](#)
- [Directive No. 01/19 Leave without Salary Credited as Service](#)

### Policies

- [Code of Conduct for the Queensland Public Service](#)
- [Information Privacy Compliance Policy](#)
- [Discrimination, Sexual Harassment and Workplace Bullying Protocol](#)
- [Occupational Violence Protocol](#)

### Approval


Signed:
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Date: 27 February 2020