



Family and Domestic Violence Victim Support Policy (Staff)

1. Purpose

King's Own Institute (KOI) is committed to promoting the health and safety of all employees. KOI recognises that an employee may be amongst those affected by domestic violence and that the impact of domestic violence is not restricted to private life but can extend to the work environment.

This Policy is intended to heighten awareness of domestic violence as an issue that may need to be addressed in the workplace, and outlines KOI's commitment to supporting employees who are victims of domestic violence.

2. Scope

The Policy applies to all full-time, part-time and casual employees of KOI.

3. Related Documents

The following documents relate to this policy:

- Critical Incident Policy
- Health Safety and Wellbeing Policy
- Work Health and Safety Policy
- Prevention and Resolution of Bullying, Discrimination and Harassment Policy
- Prevention and Resolution of Sexual Assault and Sexual Harassment Policy

The following legislation informs this policy:

- *Family Law Act 1975* (Cth)
- *Crimes (Domestic and Personal Violence) Act 2007* (NSW)

4. Definitions

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 the employee harm or fear

Family Member

includes:

- an employee's spouse, former spouse, de facto partner, 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
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules

5. Policy

5.1. Commitments

Employees who are experiencing domestic violence will be supported by KOI to maintain employment while dealing with their circumstances.



KOI seeks to create a supportive work environment in which employees feel comfortable and secure in coming to work and requesting the support and flexibility they need to manage legal, medical, domestic or other matters related to domestic violence.

An employee who is supported to stay in employment while dealing with domestic violence is more likely to maintain financial and emotional independence, which is critical to breaking the cycle of violence and control.

To meet these commitments, KOI will take the following steps:

- provide reasonable support for victims of domestic violence, including:
 - appropriate safety and security measures onsite
 - flexible work arrangements
 - paid family and domestic violence leave to manage legal, medical, domestic or other matters related to domestic violence
 - referral to counselling support
- protect the employee from discrimination because of their disclosure or experience of domestic violence, and ensure they are not subject to disadvantage solely for being a victim of domestic violence
- provide training to key KOI personnel on managing family and domestic violence complaints
- have due regard for each person's right to privacy and confidentiality when disclosing domestic violence
- employees who commit acts of violence will be subject to KOI's disciplinary procedures for such behaviours.

5.2. Contacts for Support

Requests for support to address needs arising from domestic violence should be made as follows:

- by employees to an appropriate supervisor or line manager
- by employees directly to Police if the threat is considered real and imminent.

The Human Resources Manager must be informed of all reports of domestic violence involving KOI Staff, as soon as a supervisor or line manager becomes aware of such incidents, and the Human Resources Manager will immediately inform the CEO, while respecting the victim's right to confidentiality.

5.3. Safety

Domestic violence impacts negatively on a victim's sense of safety, self-esteem and confidence and can have severe health consequences. Domestic violence is of concern in the workplace as it can adversely affect productivity, attendance, the quality of workplace relationships and the health and wellbeing of the employee.

When a disclosure concerning domestic violence is made, the manager will work with the employee raising the concern to put in place strategies to ensure their safety while at work. The employee concerned should agree to any personal safety measures adopted. The manager will need to assess whether others in the workplace or using the premises may also be at risk.

Measures for increasing individual safety in the workplace in the context of domestic violence may include but are not limited to:

- when appropriate, advising co-workers
- setting up procedures for alerting Police
- temporary relocation of the employee to a more secure area
- options for voluntary transfer or permanent relocation to another position or site
- change of work schedule
- escort for entry to and exit from the building
- managing telephone, e-mail or mail harassment
- changing the employee's contact details and/or removing their information from public directories



- if a court protection order exists, asking the employee to consider including the relevant work site on the order
- keeping a photograph of the perpetrator and/or a copy of any existing court protection orders in a confidential, on-site location and providing copies to security staff

When a perpetrator violates a court order by coming into the workplace or when a person becomes violent in the workplace, the relevant manager will:

- contact Police
- document any incidence of violence as soon as possible and, within 24 hours, via an Accident/Incident Report Form; and
- refer any employees involved in or witnessing the violent incident to the EAP provider;
- In the case where a reported domestic violence situation is occurring between two members of employees, KOI will explore any reasonable changes to working arrangements necessary to protect the safety of both parties.

5.4. Leave

An employee who is experiencing domestic violence can apply for flexible working arrangements or appropriate leave in order to obtain assistance, attend court, or make any necessary arrangements to create a safe situation.

All employees (including casual employees) are entitled to 10 days paid family and domestic violence leave.

Employees are entitled to the 10 paid days from the date they commenced with KOI, 5 days renews each 12 months but does not accumulate from year to year if it is not used. The 5 days can be taken in one period, or in multiple periods (e.g. single days).

The employee can request for family and domestic violence leave with the approval of the CEO, or in the absence of the CEO, the CEO's assigned delegate.

Paid family and domestic violence leave does not break an employee's period of continuous service, but does not count as service when calculating accumulated entitlements such as paid leave.

In addition to the above paid leave entitlement, employees of KOI can request to take accrued leave, or request to apply for additional leave without pay.

When applying for leave or flexible working arrangements because of domestic violence, the employee may be required to verify that they are a victim of domestic violence by providing one of the following:

- documents issued by Police Services (inclusive of a report filed with Police)
- documents issued by a court
- family violence support service documents
- a statutory declaration

Where, due to an emergency, it is not possible to provide advance notice of the intention to take leave, the employee should notify their manager of their circumstances and anticipated length of absence before the close of business (or as soon as reasonably practicable).

5.5. Confidentiality

All information pertaining to an employee's personal circumstances in terms of domestic violence will be kept confidential to the extent possible and will not be placed on their personal file.

Other employees should be informed of domestic violence circumstances on a 'need to know basis' only. Where possible, the need to notify others will be discussed first with the employee experiencing domestic violence.

It may not be possible to maintain strict confidentiality in circumstances where:

- there is a need to act to protect the safety of employees or others onsite



- there are concerns about children or vulnerable adults
- action is being taken to enforce a court protection order

5.6. Referral

An employee who discloses that they are experiencing, or participating in, domestic violence will be referred to KOI's EAP for support and assistance.

5.7. Record Keeping

All relevant records must be kept in KOI's records management system, in accordance with the Documents and Records Control Policy.

Document control

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*****END OF POLICY*****