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## **Domestic and Family Violence Leave Policy**

### **1. PURPOSE**

- 1.1 Fitzpatrick Group ("Fitzpatrick Group") is committed to supporting employees experiencing domestic and family violence. Fitzpatrick Group recognises that employees sometimes face difficult situations in their work and personal life, such as domestic and family violence and that impact of domestic and family violence may extend to the work environment.
- 1.2 This Policy is intended to encourage employees who experience domestic or family violence to seek support and to allow an employee to continue to participate in the workforce and maintain their employment through a broad range of support.

### **2. COMMENCEMENT OF POLICY**

- 2.1 This Policy will commence from 25/07/2022. It replaces all other domestic and family violence policies (whether written or not).

### **3. APPLICATION OF THIS POLICY**

- 3.1 This Policy applies to employees of Fitzpatrick Group including casual employees. It does not form part of any employee's contract of employment.

### **4. DEFINITIONS**

- 4.1 **Family and domestic violence** means violent, threatening or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

- 4.2 **Family member** means:

- (a) a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or
- (b) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or
- (c) a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

- 4.3 A reference to a spouse or de facto partner in the definition of family member in clause 4.2(a) includes a former spouse or de facto partner.

### **5. RESPONSIBILITIES**

- 5.1 Managers will:

- (a) model Fitzpatrick Group values, including behaving in a way that promotes a work environment free from any form of violence;
- (b) actively participate in domestic and family violence related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace;
- (c) encourage employees to actively participate in domestic and family violence related learning and development activities;
- (d) sensitively communicate with employees affected by domestic and family violence;
- (e) take prompt and appropriate action to address any reports of employees affected by domestic and family violence;

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- (f) ensure appropriate levels of support are provided to employees affected by domestic and family violence; and
- (g) ensure appropriate management of work performance and monitoring of attendance issues.

5.2 Employees will:

- (a) model Fitzpatrick Group values, including behaving in a way that promotes a work environment free from any form of violence;
- (b) actively participate in domestic and family violence related learning and development activities;
- (c) sensitively communicate with colleagues affected by domestic and family related violence;
- (d) ensure colleagues are aware of available support services and encourage colleagues to seek assistance.

**6. SUPPORT FOR VICTIMS AND CARERS**

- 6.1 Support will be provided to any employee who discloses that they are a victim of domestic and family violence, or that they are caring for a person who is a victim of domestic and family violence.

*Documentation*

- 6.2 Fitzpatrick Group 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 unreasonably denied in the absence of supporting documentation.
- 6.3 Any related communications should be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.

**7. LEAVE ENTITLEMENTS**

*Access to domestic and family violence **unpaid** leave*

- 7.1 An employee of Fitzpatrick Group will be entitled to five (5) days per year of unpaid leave to deal with family and domestic violence.
- 7.2 The leave will be available in full at the start of each 12 month period of the employee's employment and the leave does not accumulate from year to year.
- 7.3 An employee may take unpaid leave to deal with family and domestic violence if the employee:
- (a) is experiencing family and domestic violence; and
  - (b) needs to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside their ordinary hours of work.
- 7.4 An employee must give Fitzpatrick Group notice of the taking of leave. The notice:
- (a) must be given to Fitzpatrick Group as soon as practicable (which may be a time after the leave has started); and
  - (b) must advise Fitzpatrick Group of the period, or expected period, of the leave.



- 7.5 An employee who has given Fitzpatrick Group notice of the taking of leave may be required to give evidence that would satisfy a reasonable person that the leave is taken for the purpose specified in clause 7.3.
- 7.6 The employee does not have to use other leave entitlements before accessing this leave. This leave can be taken as consecutive days, single days or part-days by agreement with Fitzpatrick Group
- 7.7 Fitzpatrick Group will take steps to ensure information concerning any notice an employee has given, or evidence an employee has provided under clause 7.5 is treated confidentially, as far as it is reasonably practicable to do so.
- 7.8 However, Fitzpatrick Group may be required to disclose information provided by an employee if the disclosure is required by an Australian law or is necessary to protect the life, health or safety of the employee or another person.

## **8. WORK PERFORMANCE AND ATTENDANCE**

- 8.1 Work performance or 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 domestic and family violence is a contributing factor to work performance and attendance.
- 8.2 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 performance improvement process may still be required.

## **9. FLEXIBLE WORK ARRANGEMENTS**

- 9.1 Fitzpatrick Group will provide employees affected by domestic and family violence with access to flexible work arrangements. Employees are encouraged to discuss their request for flexible work arrangements with their managers in the first instance.

## **10. OTHER WORKPLACE SUPPORT**

- 10.1 Fitzpatrick Group may also consider the following:
- (a) workplace safety needs and arrangements to protect the employee and colleagues following a risk assessment, including increased security measures;
  - (b) supporting employees to have the workplace included in a Domestic Violence Order issued by the courts, where appropriate;
  - (c) providing other support and reasonable adjustments in the workplace, such as:
    - (i) job redesign or changes to duties;
    - (ii) changes to working hours or patterns of work;
    - (iii) alternative suitable employment in other teams, offices and locations;
    - (iv) changes to email address and telephone numbers; or
    - (v) secure parking.

## **11. PERPETRATORS OF DOMESTIC AND FAMILY VIOLENCE**

- 11.1 Domestic and family violence is unacceptable in any setting, including the workplace.
- 11.2 Any employee of Fitzpatrick Group who perpetrates violence and abuse from the workplace, including by telephone, fax, mail, email, internet or social media may be subject to disciplinary action.

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**12. DISCLOSURES OF DOMESTIC AND FAMILY VIOLENCE**

- 12.1 All employees of Fitzpatrick Group have a right to choose whether, when and to whom they disclose information about being affected by domestic and family violence. This policy does not override any legal obligations to disclose information.
- 12.2 Information disclosed by an employee in relation to domestic and family violence will be kept confidential, except to the extent that disclosure is required or permitted by law.

**Variations**

Fitzpatrick Group *reserves the right to vary, replace or terminate this Policy from time to time.*