

**Australian Public Service Commission response to Questions on Notice
Senate Education and Employment Legislation Committee, 8 October 2018**

- 1. Which Departments and agencies currently have provisions in their enterprise agreements specifically for family or domestic violence leave (FDVL)? What are those provisions? Provide any data on the use of those provisions.**

No agency enterprise agreements provide a dedicated and separate leave type to be granted solely for absences as a result of family or domestic violence.

Of the 100 Australian Public Service (APS) enterprise agreements currently operating, five (5) contain specific reference to the use of existing leave types when an employee is affected by family or domestic violence:

- The Department of Jobs and Small Business¹, the Department of Education and the Workplace Gender Equality Agency enterprise agreements all provide that affected employees may access personal/carer's leave for absences related to family or domestic violence;
- The National Disability Insurance Agency enterprise agreement provides that miscellaneous leave may be granted for family or domestic violence absences; and
- The Bureau of Meteorology enterprise agreement includes a clause that highlights the availability of personal/carer's leave and miscellaneous leave for family or domestic violence purposes.

Where there are no specific references to leave for family or domestic violence in an enterprise agreement, agencies have the ability to support affected employees using existing provisions, such as personal/carer's leave and miscellaneous leave.

The APSC does not compile data on the use of individual leave types within agencies, beyond what is captured in the annual agency survey and reported through the State of the Service Report. Further detail provided in response to Question 2 below.

- 2. Where employees may access miscellaneous leave (rather than specific FDVL), does the APSC collect data from departments on the use of miscellaneous leave? If so, please provide the level of miscellaneous leave per department/ agency for the last 2 financial years.**

The APSC collects and reports on unscheduled absence rates across the APS, which includes employee usage of miscellaneous leave, through the annual State of the Service Report. This data does not indicate the reason for which the miscellaneous leave was granted.

See attached tables for 2016-2017 data and 2015-2016 data.

- 3. Prior to the most recent round of enterprise bargaining, how many departmental/agency enterprise agreements provided specific domestic and family violence leave? That is, how many departments/agencies previously provided specific family and domestic violence leave to their employees, but do not now? How many APS employees previously had this entitlement who do not have it now?**

None. No agency enterprise agreements previously provided a dedicated and separate leave type to be granted solely for absences as a result of family and domestic violence.

¹ Department of Employment at the time the agreement was made; the agreement remains so named.

State of the Service Report 2016-17
Unscheduled absence rates for APS agencies 2016-17

Source: <https://stateoftheservice.apsc.gov.au/unscheduled-absence-rates-2016-17/>

Table 1: APS miscellaneous leave rates (in days) for small sized agencies (250 or fewer employees) arranged from highest to lowest in total absence

Agency name	2016-17
Australian Pesticides and Veterinary Medicines Authority	0.7
Australian Fisheries Management Authority	0.3
Office of Parliamentary Counsel	1.6
Australian Institute of Family Studies	0.5
National Film and Sound Archive of Australia	0.8
National Health Funding Body	0.4
Safe Work Australia	0.4
Australian Skills Quality Authority	0.3
Office of the Australian Information Commissioner	0.5
Australian Research Council	1.8
National Health and Medical Research Council	0.3
Office of the Commonwealth Ombudsman	0.3
National Capital Authority	1.3
Australian Institute of Aboriginal and Torres Strait Islander Studies	0.4
National Portrait Gallery of Australia	0.4
Australian Building and Construction Commission	0.2
Royal Australian Mint	0.2
Great Barrier Reef Marine Park Authority	0.6
Australian Aged Care Quality Agency	0.1
Museum of Australian Democracy at Old Parliament House	0.4
Australian Transport Safety Bureau	0.3
Food Standards Australia New Zealand	0.4
Australian Commission for Law Enforcement Integrity	0.4
Cancer Australia	0.8
Australian Radiation Protection and Nuclear Safety Agency	0.2
Australian Commission on Safety and Quality in Health Care	1.0
Organ and Tissue Authority	0.5
Digital Transformation Agency	0.6
Australian Public Service Commission	0.3

Commonwealth Grants Commission	0.2
Office of National Assessments	0.7
National Blood Authority	0.2
Productivity Commission	0.3
Australian Human Rights Commission	0.3
Australian Charities and Not-for-profits Commission	0.3
Australian National Maritime Museum	0.3
Australian Office of Financial Management	0.3
Torres Strait Regional Authority	1.5
Australian Centre for International Agricultural Research	0.3
Australian Digital Health Agency	0.9
National Offshore Petroleum Safety and Environmental Management Authority	0.5
Workplace Gender Equality Agency	0.1
Climate Change Authority	0.5
Tertiary Education Quality and Standards Agency	0.1
Australian Sports Anti-Doping Authority	0.4
Office of the Inspector-General of Taxation	0.2
Future Fund Management Agency	0.1

Table 2: APS miscellaneous leave rates (in days) for medium sized agencies (251-1000 employees) arranged from highest to lowest in total absence

Agency name	Miscellaneous leave
Aboriginal Hostels Limited	0.7
National Archives of Australia	0.3
Comcare	0.6
Australian Electoral Commission	0.6
National Museum of Australia	0.5
Office of the Fair Work Ombudsman	0.4
National Library of Australia	0.4
Australian Criminal Intelligence Commission	2.0
Administrative Appeals Tribunal	0.8
Clean Energy Regulator	0.3
Australian Financial Security Authority	0.3
Department of Communications and the Arts	0.4
Australian Communications and Media Authority	0.3
Defence Housing Australia	1.0
Fair Work Commission	0.5
Australian Institute of Health and Welfare	0.6
Geoscience Australia	0.6
Australian National Audit Office	0.3
Australian War Memorial	0.2
Australian Transaction Reports and Analysis Centre	0.3
Office of the Commonwealth Director of Public Prosecutions	0.2
Murray-Darling Basin Authority	0.3
Department of the Treasury	0.4
Australian Trade and Investment Commission	0.2
Australian Competition and Consumer Commission	0.4

[#]Agency commenced operations on 1 July 2016.

Table 3: APS miscellaneous leave rates (in days) for large sized agencies (1001+ employees) arranged from highest to lowest in total absence

Agency name	Miscellaneous leave
Department of Human Services	0.6
Department of Veterans Affairs	0.3
Department of Agriculture and Water Resources	0.5
Department of Health	0.7
Department of Social Services	0.5
Department of Education and Training	0.4
Department of Immigration and Border Protection	0.6
Department of Employment	0.4
Department of Finance	0.3
Department of Defence	0.4
Department of the Prime Minister and Cabinet	0.4
Department of Infrastructure and Regional Development	0.3
National Disability Insurance Agency	0.6
IP Australia	0.3
Australian Bureau of Statistics	0.5
Australian Taxation Office	0.3
Department of the Environment and Energy	0.3
Attorney-General's Department	0.3
Department of Industry, Innovation and Science	0.2
Bureau of Meteorology	0.2
Department of Foreign Affairs and Trade	0.2
Australian Securities and Investments Commission	0.4
Federal Court of Australia	0.2

State of the Service Report 2015-16

Unscheduled Absence in the Australian Public Service

Source: <https://www.apsc.gov.au/unscheduled-absence-australian-public-service>

Agency name	Miscellaneous leave
Aboriginal Hostels Limited	0.8
Administrative Appeals Tribunal	0.6
Attorney General's Department	0.4
Australian Aged Care Quality Agency	0.5
Australian Bureau of Statistics	0.7
Australian Centre for International Agricultural Research	0.3
Australian Charities and not-for-profits Commission	Nil data avail
Australian Commission for Law Enforcement Integrity	0.1
Australian Commission on Safety and Quality in Health Care	0.6
Australian Communications and Media Authority	0.3
Australian Competition and Consumer Commission	0.2
Australian Crime Commission	3.8
Australian Electoral Commission	0.4
Australian Financial Security Authority	0.3
Australian Fisheries Management Authority	0.6
Australian Human Rights Commission	0.4
Australian Institute of Aboriginal and Torres Strait Islander Studies	0.4
Australian Institute of Family Studies	0.6
Australian Institute of Health and Welfare	0.9
Australian National Audit Office	0.3
Australian National Maritime Museum	0.3
Australian Office of Financial Management	0.4

Australian Pesticides and Veterinary Medicines Authority	0.2
Australian Public Service Commission	0.7
Australian Radiation Protection and Nuclear Safety Agency	0.1
Australian Research Council	2.2
Australian Securities and Investments Commission	0.5
Australian Skills Quality Authority	0.9
Australian Sports Anti-Doping Authority	0.5
Australian Taxation Office	0.4
Australian Trade Commission	0.2
Australian Transaction Reports and Analysis Centre	0.3
Australian Transport Safety Bureau	0.2
Australian War Memorial	0.2
Bureau of Meteorology	0.3
Cancer Australia	0.1
Clean Energy Regulator	0.7
Climate Change Authority	0.4
Comcare	0.5
Commonwealth Grants Commission	1.2
Defence Housing Australia	0.8
Department of Agriculture and Water Resources	0.5
Department of Communications and the Arts	0.4
Department of Defence	0.5
Department of Education and Training	0.3
Department of Employment	0.1
Department of Finance	0.4
Department of Foreign Affairs and Trade	0.2
Department of Health	0.6
Department of Human Services	0.5

Department of Immigration and Border Protection	0.6
Department of Industry, Innovation and Science	0.3
Department of Infrastructure and Regional Development	0.6
Department of Social Services	0.4
Department of the Environment	0.4
Department of the Prime Minister and Cabinet	0.4
Department of the Treasury	0.4
Department of Veterans' Affairs	0.3
Digital Transformation Office	0
Fair Work Commission	0.6
Family Court and Federal Circuit Court	0.5
Federal Court of Australia	0.3
Food Standards Australia New Zealand	1.6
Future Fund Management Agency	0.2
Geoscience Australia	0.5
Great Barrier Reef Marine Park Authority	0.1
Independent Hospital Pricing Authority	Nil data avail
IP Australia	0.3
Murray-Darling Basin Authority	0.4
Museum of Australian Democracy at Old Parliament House	0.3
National Archives of Australia	0.3
National Blood Authority	0.1
National Capital Authority	0.9
National Disability Insurance Scheme	0.4
National Film and Sound Archive of Australia	0.7
National Health and Medical Research Council	0.6
National Library of Australia	0.4
National Museum of Australia	0.5

National Offshore Petroleum Safety and Environmental Management Authority	0.5
National Portrait Gallery of Australia	0.4
Office of National Assessments	0.4
Office of Parliamentary Counsel	0.4
Office of the Australian Information Commissioner	0.3
Office of the Commonwealth Director of Public Prosecutions	0.2
Office of the Commonwealth Ombudsman	0.2
Office of the Fair Work Building Industry Inspectorate	0.3
Office of the Fair Work Ombudsman	0.4
Office of the Inspector-General of Taxation	0.1
Organ and Tissue Authority	0.7
Productivity Commission	0.3
Royal Australian Mint	7.7
Safe Work Australia	0.4
Tertiary Education Quality and Standards Agency	0.7
Torres Strait Regional Authority	Nil data avail
Workplace Gender Equality Agency	0.2

APS Domestic and Family Violence Policy Framework

Drafting Note:

This is a template policy that agencies can use to develop their own policies on domestic and family violence.

Agencies should tailor this policy to suit their operations. Generic references to the agency, human resources and employee assistance programs should be amended to reflect the arrangements of individual agencies.

Agencies should ensure that the support and leave outlined in their domestic and family violence policies are consistent with other human resources policies and their enterprise agreements.

Purpose

1. The <insert agency name> is committed to supporting employees affected by domestic and family violence. A sensitive and holistic approach to supporting employees allows them to continue to participate in the workplace during a difficult time.
2. This policy provides a framework to support employees who experience domestic and family violence. Employees who are experiencing, or who are at risk of experiencing, domestic and family violence are encouraged to seek support from the workplace.
3. This policy also acts as a guide for managers and colleagues to supporting employees whose work life is affected by domestic and family violence. It outlines support available within and outside the workplace for individuals, their managers, and their colleagues.

Introduction

4. Domestic and family violence is a pattern of abusive behaviour in an intimate relationship that over time puts one person in a position of power over another and causes fear. It is often referred to as a pattern of coercion and control. Statistically, domestic and family violence is most likely to be committed against women. Domestic and family violence can include, but is not limited to:
 - a. physical violence
 - b. sexual assault or other sexually abusive behaviour
 - c. emotional or psychological abuse
 - d. verbal abuse
 - e. spiritual or cultural abuse
 - f. economic or financial abuse.
5. Employees may sometimes experience situations of violence or abuse in their personal life which may affect their attendance or performance at work.
6. The <insert agency name> recognises the potentially devastating impact that domestic and family violence can have on the lives of those who experience it, including their capacity to work and their financial security. The <insert agency name> is committed to supporting employees who experience domestic and family violence and providing a workplace environment that promotes flexibility in times of need.

Immediate Danger

7. If you are feeling unsafe in the workplace right now, contact <insert agency security reference> on <insert relevant contact number> or call 000.

Confidentiality

8. Information about a domestic and family violence situation should be handled similarly to other personnel and health information.
9. Employees and managers must maintain appropriate confidentiality in regard to personal information. Discussions with managers in the line of reporting or with Human Resources will be on a strictly need-to-know basis.
10. Discussion should not include personal information without obtaining prior consent from the employee. However, the Australian Privacy Principles permit the use and disclosure of personal information in certain circumstances including lessening or preventing a serious threat to life, health or safety, or taking appropriate action in relation to suspected unlawful activity or serious misconduct.

Roles and responsibilities

Employees

11. Employees who wish to access any of the support available within the workplace can contact any of the following people:
 - a. their immediate manager;
 - b. a more senior manager; or
 - c. Human Resources <insert agency specific details>.
12. Employees can also seek assistance from an external service. A list of services, including 24 hour support services, and their contact details can be found at the end of this document.
13. Employees experiencing domestic and family 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:
 - a. listening without judgement and respecting their decisions
 - b. maintaining appropriate confidentiality
 - c. encouraging them to seek help from a domestic and family violence support organisation
 - d. referring them to this procedure, the Employee Assistance Program, or any of the external support services listed at the end of this document.
14. Where the colleague is concerned about the employee's health and safety, they should speak to <agency HR/WHS contact>.
15. Employees who have had information disclosed to them are encouraged to seek support for themselves within or outside the workplace, including through the Employee Assistance Program or an external support service.

Managers

16. Managers are responsible for ensuring employees are aware of this policy, and providing support, consistent with this policy, to employees affected by domestic and family violence. They may also be required to coordinate support with Human Resources for an employee experiencing domestic and family violence.
17. Where a manager is concerned about the wellbeing of an employee, they should discuss their concerns with the employee, encouraging them to use the assistance available if needed, and/or consult with Human Resources.
18. Where a domestic and family violence raises work health and safety concerns, managers should discuss these with **<agency WHS contact>**.
19. Managers should facilitate support for an employee to the fullest extent possible in the workplace.
20. If a manager needs support as a result of an employee disclosing family and domestic violence to them, they can also contact the Employee Assistance Provider or one of the external support services listed below.

Human Resources

21. Human Resources is responsible for providing advice to employees and managers about this policy. They can also provide information on the enterprise agreement and any other relevant policies and procedures.
22. Human Resources is also responsible for coordinating workplace support for employees affected by domestic and family violence. This may include:
 - a. developing a safety plan with the employee
 - b. coordinating security or ICT assistance
 - c. advising and liaising with the employee's line manager.
23. The domestic and family violence contact officer in Human Resources is **<insert name and contact details>**.

Support

24. Employees experiencing domestic and family violence may require a range of support. This may include:
 - a. Flexible working arrangements—under the National Employment Standards an employee experiencing violence from a member of the employee's family has a right to request flexible working arrangements. These requests can only be refused on reasonable business grounds. Such requests could include:
 - i. a change of hours to allow the employee to meet family commitments;
 - ii. changes to work location; or
 - iii. relocation to suitable alternative employment where this is able to be identified;
 - b. Secure parking and other security measures where possible and as required;
 - c. Change of phone number and email address to limit unwanted contact, or screening or blocking calls and emails;
 - d. Contact with police on the employee's behalf where appropriate;
 - e. Flexibility in performance management—domestic and family violence should be acknowledged as a potential mitigating factor if performance has been affected. Managers should:

- i. continue to have regular, sensitive conversations with the employee about the job requirements, performance expectations, and development opportunities of that performance cycle;
 - ii. with assistance from Human Resources, offer to develop workload strategies for work to be managed and performance assessed having regard to the employee's circumstances;
- f. Referral to external support through the < **employee assistance program**>;
- g. Access to leave entitlements in accordance to the <insert agency name> enterprise agreement; or
- h. Any other measures or changes to normal arrangements that are considered appropriate by the agency.

Drafting Note:

The list of support that agencies can provide should be tailored to suit your organisation. The above list is not exhaustive. Other supports that could be adopted include:

- a) a mobile phone loan scheme to provide employees with a secure means of communication;
- b) emergency financial assistance by means of a salary advance that is repaid over an agreed period, e.g. to assist with relocation costs;
- c) family rooms for employees who are required to attend work with their children.

Leave

Drafting Note:

Agencies should tailor this section to suit their organisation. The details listed below should be consistent with your agency enterprise agreement or other industrial instrument.

- 25. Leave is provided in accordance with the <insert agency name> enterprise agreement.
- 26. The <insert agency name> enterprise agreement contains leave entitlements designed to assist employees and allow them flexibility to deal with personal crises, such as being affected by domestic or family violence.
- 27. The <insert agency name> is committed to supporting employees experiencing domestic or family violence. A flexible and supportive approach will be taken to management of leave for employees affected by domestic or family violence.
- 28. Employees who are affected by domestic or family violence may be granted leave for reasons including:
 - a. Attending medical or counselling appointments;
 - b. Moving into emergency accommodation and seeking more permanent safe housing;
 - c. Attending court hearings;
 - d. Attending police appointments;
 - e. Accessing legal advice;
 - f. Organising alternative care or educational arrangements for their children;
 - g. Reasonable recovery periods.
- 29. Personal/carer's leave entitlements should be used:
 - a. for illness or injury affecting the employee resulting from domestic or family violence;
 - b. to provide care or support to a family or household member who is ill or injured as a result of domestic or family violence; or
 - c. to provide care or support to a family or household member who is affected by an unexpected emergency as a result of domestic or family violence.

30. In circumstances where personal/carer's leave does not apply, or if an employee has exhausted their personal/carer's leave entitlements, the <insert agency name> will make reasonable allowances, subject to the <agency enterprise agreement>. This may include the employee accessing other leave including annual leave, long service leave or miscellaneous leave. Miscellaneous leave may be approved with or without pay depending on the reason for and length of leave.
31. Employees may be given flexibility in work hours, and may be allowed to make up time where leave cannot be used.
32. Where an employee's absence for reasons associated with domestic and family violence needs to be supported by evidence, the delegate will discuss with the employee the available options, such as a statement from a legal representative or court.

Recording Absences

33. The recording of absences will balance the privacy of the employee and the need to monitor and report on leave usage.
34. All records are to be kept securely and confidentially according to the <insert agency name> <Privacy Policy> and <Records Management Policy>.

Drafting Note:

This section should be tailored to reflect the details of agencies' leave types and leave management systems. Agencies may take a range of approaches to ensuring the employee's confidentiality. These may include:

- a. ensuring that leave management systems include an 'Other' category where a reason must be specified for personal or miscellaneous leave
- b. having the delegate or the domestic and family violence contact officer in Human Resources facilitate the leave application. A sample clause of this kind is below:

To ensure confidentiality, < Human Resources> will advise the employee's line manager that <Miscellaneous Leave—Other> has been approved and will organise for a leave form to be submitted on the <HR system> on behalf of the employee.

Perpetrators of Domestic and Family Violence

35. The <insert agency name> understands that the workplace may include not only employees who are victims of, or affected by, domestic and family violence, but also perpetrators—and that this must also be handled appropriately and sensitively.
36. The <insert agency name> will not tolerate domestic and family violence being perpetrated in or from the workplace. The APS Code of Conduct requires APS employees, when acting in connection with their employment, to treat people with respect and courtesy and without harassment. Any employee who:
 - a. threatens, harasses or abuses a partner, ex-partner, family or household member at, or from, work or
 - b. uses workplace resources such as phones or email to threaten, harass or abuse a family or household member

may be investigated for a potential breach of the APS Code of Conduct.

37. An employee suspected of perpetrating violence will also be referred to the relevant support services, including the Employee Assistance Program.

38. Domestic and family violence is a criminal offence and is subject to the relevant state or territory laws. The police should be notified of any incidents of domestic and family violence in the workplace.

Further assistance

39. For any queries regarding the operation of this policy please contact Human Resources.
40. If you or someone you know is experiencing domestic and family violence, or you simply want to find out more, the following external services are available to provide information and assistance:
- a. 1800Respect – National sexual assault, domestic family violence counselling service:
1800 737 732
 - b. **<insert agency name>**'s Employee Assistance Program - **<insert details>**
 - c. Lifeline: 13 11 14—24-hour crisis support and referral
 - d. Relationships Australia: 1300 364 277
 - e. Mensline: 1300 789 978
 - f. EveryMan: 6230 6999
 - g. Department of Human Services Family and Domestic Violence Services
 - h. Department of Social Services – Family Safety Pack
 - i. Domestic Violence Crisis Centre
 - j. National Disability Insurance Scheme - information for employees with a disability
 - k. Safesteps
 - l. Australian Indigenous Health Infonet – Family violence
 - m. Another Closet – Domestic and Family Violence in LGBTIQ Relationships

Circular 2018/2: Family and Domestic Violence Leave Clause: Fair Work Commission's decision to include model term in all modern awards

Last updated: 9 October 2018

This page is: current

1. On 6 July 2018, the Fair Work Commission finalised the content of the model family and domestic violence leave term. The term provides five days unpaid leave to deal with family and domestic violence will be inserted in all modern awards as part of the four yearly review of modern awards.¹

Family and domestic violence

2. The term defines family and domestic violence to mean violent, threatening or other abusive behavior by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

Implications

3. This new clause applied to 123 industry awards from the first full pay period on or after 1 August 2018, including the Australian Government Industry Award 2016 (AGIA).² The AGIA covers most Commonwealth bodies not covered by the *Public Service Act 1999* or agency-specific enterprise awards.
4. The inclusion of a new clause in modern awards forms part of the Better Off Overall Test (BOOT). An enterprise agreement passes the BOOT if the Fair Work Commission (FWC) is satisfied that terms and conditions of an agreement are better off overall than if the relevant modern award applied.
5. The BOOT assesses whether employees covered by an enterprise agreement are better off on a global basis against the Award.
6. Australian Government employees currently have access to generous paid leave for family and domestic violence through existing leave entitlements, such as personal/carer's and miscellaneous leave.
7. It is possible the FWC in deciding whether to approve an agreement will require agencies to make undertakings to include a separate leave type for family and domestic violence leave.
8. Currently, there is no schedule to consider the inclusion of the model term in the Australian Public Service Enterprise Award 2015 or other Commonwealth enterprise awards. This will occur after the FWC has finished the majority of its work on industry awards.

¹ Ross J, Hatcher VP, Spencer C, [4 yearly review of modern awards – Family and Domestic Violence Leave \[2018\] FWCFB 3936](#).

² [Schedule of determinations, Family and domestic violence clause \(AM2015/1\)](#).

Enterprise Agreements

9. The *Workplace Bargaining Policy 2018* encourages agencies to put policies and practices in place that provide the maximum support available for employees affected by family and domestic violence.
10. The use of Personal/Carer's Leave or Miscellaneous Leave for employees affected by family and domestic violence can be made available through enterprise agreements.
11. The APSC encourages agencies to adopt a holistic approach in supporting employees affected by family and domestic violence. This includes providing access to flexible working arrangements, employee assistance programs and employee safety plans.
12. Agencies should ensure their employees who are suffering from domestic violence are be given the maximum appropriate support.
13. A [template Domestic and Family Violence Policy](#) is available on the APSC's website.
14. For agencies covered by the AGIA and who use Common Law Contracts to set the terms and conditions of employment, the model term will become the minimum entitlements.

Further information and advice

15. Additional information on the [Government's domestic or family violence leave policy](#) is available on the Australian Public Service Commission's website.
16. Contact your APSC relationship manager or email workplacerelations@apsc.gov.au.

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Workplace Relations Group

14 September 2018

Asset ID: #....

Circular 2012/3: Supporting Employees Affected by Domestic or Family Violence

Last updated: 23 Nov 2012

This page is: current

The purpose of this circular is to ensure a consistent, respectful and supportive approach is taken across Australian Government employment in relation to employees who are affected by domestic or family violence.

Domestic or family violence

2. A National Plan to Reduce Violence against Women and their Children has been developed and endorsed by the Prime Minister and all Australian premiers and chief ministers at the Council of Australian Governments (COAG)¹. This Plan makes it a priority for all Australians, but particularly governments, to take responsibility for reducing violence against women and children and to support people affected by domestic or family violence. Agencies are encouraged to avoid being narrow in thinking about domestic and family violence and to recognise the serious harm that can arise in various relationships.
3. Consistent with the National Plan, domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship. While there is no single definition, the central element of domestic violence is an ongoing pattern of behaviour aimed at controlling a partner through fear, for example by using behaviour which is violent and threatening. In most cases, the violent behaviour is part of a range of tactics to exercise power and control over women and their children, and can be both criminal and noncriminal. Domestic violence includes physical, sexual, emotional and psychological abuse².
4. The National Plan also notes that family violence is a broader term that refers to violence between family members, as well as violence between intimate partners. The term, 'family violence' is the most widely used term to identify the experiences of Indigenous people, because it includes the broad range of marital and kinship relationships, in which violence may occur³.
5. Domestic or family violence is a serious problem in Australia, with it being estimated in the National Plan to Reduce Violence against Women and their Children that '[a]bout one in three Australian women experience physical violence and almost one in five women experience sexual violence over their lifetime'⁴. The majority of this violence is perpetrated by partners or family members. This violence crosses all ages, races, cultures, socioeconomic and demographic barriers⁵.
6. Men can also experience domestic or family violence, though rates are estimated to be far lower than for women and the violence generally less severe⁶. While violence against men is not as common, it should be treated as seriously as violence against women.
7. The Australian Government and the Australian Public Service is committed to providing a fair, flexible, safe and rewarding workplace for all employees. The provision of such a workplace is especially important for Australian Government

employees who experience domestic or family violence. We are all responsible for upholding this commitment and we can all help to ensure that our colleagues and staff who may be affected by domestic or family violence are always treated sensitively and respectfully at work.

Domestic or family violence and the workplace

8. Domestic or family violence has a variety of impacts on workplaces. Affected individual employees may be prevented from or delayed in getting to work or need to leave work at short notice. They may receive threatening or abusive calls, texts or emails at work. They may need to take time off work to attend court hearings, counselling or to access family support services to protect themselves and their children. Sometimes affected employees may have trouble managing their workload and may be distracted.
9. Other staff in the workplace may also be impacted by working alongside an affected employee, such as through witnessing threats and/or violence towards the employee at the workplace. Managers must be conscious of their work health and safety obligations to ensure, to the extent reasonably practicable, the health and safety of others while at work. They should be alert to the effect of domestic or family violence on all employees, if they are aware of the existence of such issues within their workforce.
10. Agencies should also give consideration to these issues when developing workplace safety strategies and should ensure contact officers and managers are aware of, and have skills to address, the risks which may arise in relation to domestic or family violence and the workplace.

Support and assistance

11. As mentioned above, domestic or family violence can impact negatively on the workplace. It can affect the performance, productivity and safety of those affected and those working with someone affected. Providing support, understanding and flexibility to employees who are affected by domestic or family violence is crucial and all staff should ensure that this is provided.
12. Employees should be made aware of the support available for staff affected by domestic or family violence and that any disclosure relating to personal difficulties will be treated in the utmost confidentiality. Creating awareness should encourage staff to inform their managers or human resources areas that they are the victim of domestic or family violence so that support can be provided.
13. Agencies should raise awareness of any free, independent counselling service available to employees and particularly encourage employees affected by domestic violence, as well as their managers and colleagues, to use such services. Examples of such services are employee assistance programs and state and territory domestic violence services. Consideration of how to maximise the effectiveness of employee assistance programs to support employees affected by domestic violence is encouraged.
14. Employees should also be told of specialised advice services, such as the 1800 RESPECT (1800 737 732) number, which is a free, confidential, 24 hour helpline

and counselling service which offers individualised assistance targeted towards those affected by domestic and family violence.

Leave arrangements for Australian Government employees affected by domestic violence

15. Commonwealth legislation and workplace instruments contain extensive leave entitlements which have been designed to assist employees and allow them flexibility to deal with personal crises, such as being affected by domestic or family violence.
16. As a model employer, the Australian Government is committed to supporting employees experiencing difficulties with domestic or family violence.
17. In accordance with agencies' enterprise agreements, people who are affected by domestic or family violence should be allowed to access their personal leave entitlements for reasons such as:
 - a. Attending medical or counselling appointments;
 - b. Moving into emergency accommodation and seeking more permanent safe housing;
 - c. Attending court hearings;
 - d. Attending police appointments;
 - e. Accessing legal advice; and
 - f. Organising alternative care and educational arrangements for their children.
18. However, in circumstances where personal leave does not apply, or if employees have exhausted their personal leave entitlements, understanding should be shown and reasonable allowance made for employees affected by domestic or family violence.

Further information

19. Information about domestic and family violence and its interrelationship with the workplace can be found at [Safe at Home, Safe at Work](#) website.
20. For further information and assistance in relation to supporting employees affected by domestic or family violence, please contact the Workplace Relations Policy Team on (02) 6202 3750.

Helen Bull
Group Manager
Workplace Relations Group
20 November 2012

¹ - [Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs, 2011, National Plan to Reduce Violence Towards Women and their Children 2010-2022, Canberra.](#)

² - Note 1, page 2.

³ - Note 1.

⁴ - Note 1, page 9.

⁵ - Note 1, page 11.

⁶ - Jane Mulroney and Carrie Chan, 'Men as Victims of Domestic Violence – Topic Paper'
Australian Domestic and Family Violence Clearinghouse, 2005, New South Wales.

Asset ID: #52919