

Family & Domestic Violence



At Law Squared we take a zero tolerance approach to violence, and believe all employers have an ethical, and legal obligation to ensure all employees feel safe in the workplace, and understand their leave entitlements. To assist with this, we have created a Family & Domestic Violence Policy.



Family & Domestic Violence Policy

1. Introduction

[insert Company name] (ACN XXX XXX XXX) ([insert Business name]) is strongly committed to ensuring that none of its employees, Board members, directors, contractors, volunteers and visitors (**team members**) have to choose between their safety and their livelihood.

All team members deserve the opportunity to come to work, stay at work, and then leave work, while comfortable and safe in their surroundings, and to utilise all leave options open to them (including family & domestic violence leave).

If any team member is in immediate need of protection or emergency assistance, they should contact 000 as soon as possible.

2. Purpose

The purpose of this Policy is to:

- set out employees' entitlements to family & domestic violence leave and the procedures for taking it;
- ensure all survivors feel supported in relation to any family & domestic violence;
- create a positive and inclusive workplace;
- affirm [insert Business name]'s commitment to promoting a safe working environment that encourages survivors to utilise their family & domestic leave entitlements;
- support team members to report safety concerns; and
- ensure compliance with [insert Business name]'s legal obligations.

NB: This Policy summarises employees' entitlements under the National Employment Standards (**NES**), and hence if there is any contradiction between this Policy and the NES, the NES will apply.

3. Scope

This Policy applies to all team members of [insert Business name]

4. Definitions

"close relative" means

- an employee's:
 - o spouse or former spouse;
 - o de facto partner or former de facto partner;
 - o child;
 - o parent;



- o grandparent;
- o grandchild; or
- o sibling;
- a child, parent, grandparent, grandchild or sibling of an employee's current or former spouse or de fact partner, or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

"family & domestic violence" means violent, threatening or other abusive behaviour by an employee's close relative, a current or former intimate partner, or a member of their household that both:

- seeks to coerce or control the employee
- causes them harm or fear.

5. Paid Family & Domestic Violence Leave

From 1 February 2023 (and 1 August 2023 for small business employers), all employees (including full-time, part-time and casual employees) are entitled to 10 days of paid family & domestic violence leave in a 12-month period.

Employees are entitled to the full 10 days upfront (i.e. on 1 February 2023 or for new starters, their first day), meaning you won't have to accumulate it over time.

Family & domestic violence leave doesn't accumulate from year to year if it isn't used. Instead, the leave renews in full every year on each employee's work anniversary.

Family & domestic violence leave is paid:

- for an employee other than a casual – at the employee's full rate of pay, worked out as if the employee had not taken the period of leave; or
- for a casual employee – at the employee's full rate of pay, worked out as if the employee had worked the hours in the period for which the employee was rostered (NB: casuals can still take family & domestic violence leave for hours which they were not rostered to work, but they won't be paid in relation to such a period).

6. When can I take paid family & domestic violence leave?

All employees can take paid family & domestic violence leave if they need to do something to deal with the impact of family and domestic violence. This could include the employee:

- making arrangements for their safety, or the safety of a close relative (including relocation);
- attending court hearings;
- accessing police services;
- attending counselling; and/or
- attending appointments with medical, financial or legal professionals.



7. How do I take paid family & domestic violence leave?

Your safety is the utmost priority, and hence **[insert Business name]** strongly encourages you to do everything you need to do to ensure you (and those you care about) are safe. We have also included support services below in case that is helpful, and always recommend calling 000 if you are at an immediate risk of harm.

Once the above is prioritised and you are safe, we ask that you please notify a director or manager that you would like to take time off as paid family & domestic violence leave and for how long (if known). This can be done after the leave has already started.

Whilst the NES allows us to ask for evidence to show that you need to do something to deal with family & domestic violence, in line with best-practice we will never ask for that evidence from you. **[insert Business name]** simply wants to ensure that you are safe and properly supported.

8. Protections

[insert Business name] will take all reasonable steps to ensure you are provided with a safe workplace and that any information provided to us is treated sensitively and confidentially. For example, if you were to disclose that you are affected by family or domestic violence, the director or manager will:

- make themselves available to talk with you as a matter of priority if you would like to;
- discuss your workplace entitlements and options available to you, such as taking family & domestic violence leave or accessing flexible work arrangements;
- discuss possible safety measures that could be implemented, such as screening the employee's incoming calls, blocking emails, changing a phone number, or changing working hours or location; and
- take steps to ensure all disclosures and activities are kept confidential.

[insert Business name] will also ensure that:

- there is a zero tolerance to victimising any survivor for taking family & domestic violence leave (NB: if you have any concerns of victimisation please report this to a director or manager as soon as possible); and
- in line with the NES, pay slips will not mention family & domestic violence leave, including any leave taken and leave balances.

9. Roles and responsibilities

It is the responsibility of the directors and all managers to ensure that:

- **[insert Business name]** has a culture that supports survivors of family & domestic violence;
- they take all reasonable and proportionate measures to provide a safe environment for survivors of family & domestic violence;



- all team members understand and are committed to the principles of a safe workplace and applying it in **[insert Business name]**'s environments;
- all disclosures regarding family & domestic violence are treated confidentially, seriously and sympathetically, and are dealt with in a timely manner;
- immediate and appropriate steps are taken to minimise or eliminate risks relating to family & domestic violence in **[insert Business name]**'s environments;
- ongoing support, training and guidance is provided to all team members in relation to workplace safety principles and practice (both at induction and appropriately during the course of employment / engagement).

It is the responsibility of team members to:

- immediately disclose if they believe their own, or another team member's, safety is at risk in the workplace;
- ensure they support survivors of family & domestic violence;
- ensure they do not victimise survivors of family & domestic violence for making a disclosure or taking family & domestic violence leave;
- maintain confidentiality if they are involved in any disclosure or leave procedure.

10. Supports

[insert Business name] strongly encourages any survivor or witness of family & domestic violence to speak to their immediate manager or the directors, who can offer supports and assistance.

If you feel unsafe or need immediate help, we also confirm that you can:

- call 000;
- call 1800Respect (Australia's national sexual assault, domestic and family violence support service) on 1800 737 732;
- call safesteps Family Violence Response Centre (crisis response phone line) on 1800 015 188;
- call Lifeline on 13 11 14; and/or
- speak to your local GP.

Further information on various supports can also be found [here](#).

11. Breach of this Policy

Any breach of this Policy by a team member may result in counselling and/or disciplinary action, including up to termination of employment or cessation of engagement.

12. Review

This document will be reviewed every two years or more frequently, if required, by the directors to ensure continued compliance.