

## Family and Domestic Violence Policy – Australia

### Contents

Application of the Policy .....	2
Policy .....	2
Purpose .....	2
Definitions .....	2
Support .....	3
Paid Family and Domestic Violence Leave .....	3
Request a flexible work arrangement .....	4
Confidentiality and Privacy .....	4
Disciplinary Action Associated With Family and Domestic Violence .....	4

## Application of the Policy

This policy only applies to Australian employees of BOC, Elgas and SPW ('the Business').

## Policy

Family and domestic violence (FDV) is an issue in the broader community and may directly impact employees working for BOC, Elgas, and SPW. FDV can have severe health and economic impacts on persons to whom FDV is directed, including an employee's family.

## Purpose

The purpose of this policy is to provide support to employees and the Business in managing incidences of FDV and reduce the impact on those involved. The *Support* section of this policy details the support available to an employee. For employees who may be perpetrators of FDV, such conduct may become a workplace matter and subject to this and/or other relevant workplace policies when:

- their conduct becomes subject to a court order impacting the workplace (including but not limited to business reputation) or working relationships; and/or
- conduct defined as FDV is perpetuated either in the workplace, during work time, uses work resources, impacts workplace health and safety or detrimentally impacts productivity or team functioning.

## Definitions

For the purposes of this policy, **Family and domestic violence (FDV)** is defined as per section 106B/106C of the Fair Work Act 2009:

- violent, threatening or other abusive behavior by a close relative of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

**Close relative** means:

- a member of the employee's immediate family; or
- related to the employee according to Aboriginal or Torres Strait Islander kinship rules

Examples of behavior that may constitute FDV include, but are not limited to:

- assault
- sexual assault or other sexually abusive behaviour
- stalking
- intentionally damaging or destroying property
- unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support
- unreasonably denying the family member the financial autonomy that he or she would otherwise have had
- preventing the family member from making or keeping connections with his or her family, friends or culture
- unlawfully depriving the family member, or any member of the family member's family, of his or her liberty

## Support

### HR/Management Support

The Business acknowledges the very personal and sensitive nature of FDV and the impact on an employee. We encourage employees who are experiencing FDV to speak in confidence to their line manager or, HR Business Partner. The line manager and/or HR Business Partner will assist and encourage the employee to explore options for support under this policy and ensure prompt action in relation to any requests for support.

### Workplace Health and Security

The Business will provide any practicable safety measure to ensure the safety of the employee within the workplace. 'Domestic Violence and Workplace Health and Security – A guideline for managers' found in the Employee Knowledge base is available for managers to assist employees affected by family and domestic violence.

### Counselling

Employees are encouraged to seek support either through via the company's EAP

Visit [www.convergeinternational.com.au](http://www.convergeinternational.com.au) (Username: lindegrou , Password: EAP - both case sensitive); or

Contact: [eap@convergeintl.com.au](mailto:eap@convergeintl.com.au) AU: 1300 687 327

## Paid Family and Domestic Violence Leave

Permanent employees who are experiencing FDV may access up to 5 days paid FDV leave in a 12-month period. FDV leave does not accrue. If an employee has utilised their entitlement within a 12-month period they should discuss options to access other types of leave with their line manager, if required.

The main purpose of providing a paid leave entitlement is to enable an employee to take action to address the impact of FDV. Specifically, this is for circumstances where it is impractical for the employee to perform that activity outside of their ordinary hours of work. Examples of circumstances in which FDV leave might be utilised include:

- Seeking medical, counselling, police or legal assistance relating to FDV
- Attending Centrelink to obtain a benefit
- Attending a financial institution to arrange financial autonomy from a perpetrator of FDV
- Attending court in relation to FDV perpetrated on the employee or family member
- Finding or moving into safe accommodation
- To make other related safety arrangements (e.g. changing locks, repairing doors/windows, installing alarms/video cameras)
- Relocating a family pet subject to FDV to safe location and/or seeking urgent veterinary attention for the pet

An employee wishing to access paid FDV leave must **notify their manager and/or their HR Business Partner** of the leave as soon as reasonably practicable and advise of the expected duration of the leave. Unless exceptional circumstances apply, employees are expected to provide notice prior to the leave commencing.

The HR Business Partner must provide final approval for the leave and may request supporting evidence.

Examples of such, may include:

- Documents issued by the police
- Documents issued by a court
- Family violence support service documents
- A statutory declaration

## Request a flexible work arrangement

An employee who is experiencing domestic violence, or who needs to provide care or support to a member of their household or immediate family because of FDV may request a change to their work arrangements. Such a request could involve a change to:

- Hours of work (e.g. changes to start and finish times)
- Patterns of work (e.g. change shifts or become part-time or job share)
- Locations of work (e.g. site or working from another location)

A request for a change to work arrangements must be made in writing and will be considered by the Business.

## Confidentiality and Privacy

The Business will treat information related to a request for support or actions related to securing workplace security and safety as confidential and private to the full extent possible in the circumstances. The matter is personal and sensitive, and we understand many employees would not wish other employees to know of their circumstances unless they choose to divulge it.

The existence of FDV perpetrated against an employee will only be revealed on a 'needs to know' basis. For example, IT or security (staff or contractors) may need sufficient detail to assess yours and other employee's security and safety needs and take appropriate actions.

Any disclosure under this policy will be restricted to "needs to know" and only to the level of detail necessary for the employee or contractor to fulfil their role related to providing Support and Workplace Safety and Security under this policy. They would not need to know any details regarding the FDV– just the nature of any support and safety/security actions required.

An employee will be consulted about any disclosure that seems necessary in the circumstances and in the development of any workplace safety and security measures.

All employees and managers are responsible to ensure the confidentiality of any disclosure made to them and that the information obtained is used only for the purpose it was provided.

## Disciplinary Action Associated with Family and Domestic Violence

At times, the perpetrator of FDV may be an employee of BOC, Elgas, or SPW. This may become an organisational issue in certain circumstances. Examples include, but are not limited to:

- Actions or behaviours constituting FDV committed within the workplace or related to work will constitute misconduct in the workplace. These actions may be subject to appropriate disciplinary action.
- The Business has an obligation to comply with a court order that impacts the employee's contact, actions or behaviour in the workplace and may report breaches of the order to the police.
- In the event an employee's actions regarding FDV has the potential to impact on the Business' reputation in the community.

### About this document

Version	Date	Author	Quality Reviewer	Approver
1.0	11/04/2019	J. Rondolo	S. Clark	M. Blume