

## **ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE**

### **2017-18 BUDGET ESTIMATES HEARINGS - ADDITIONAL QUESTIONS**

#### **Department of Communities**

#### **Hon Alison Xamon MLC asked:**

1. I refer to page 241, Outcomes and Key Effectiveness Indicators, fourth line:
  - a) Would the Minister please provide information about family and domestic violence clients' goals, including:
    - (i) how many goals a client would typically have;

Answer:

Clients of family and domestic violence accommodation and support services would typically have multiple goals. These would be based on the client's individual needs and situation, and reviewed by the service provider and client on a regular basis. Therefore the number of goals within a client's case management plan or safety plan could change within the period the client is supported by the service.

The Department does not receive data on the number of goals of individual clients. The Department receives information on the extent to which client achieve case management goals or safety plan goals at the completion of their accommodation or support service.

- (ii) the types of goals;

Answer:

Advocates work with clients to determine their short, medium and long term goals in relation to their safety and future stability. This could be legal advice, school arrangement, court advice in relation to violence restraining orders and tenancy related matters.

- (iii) how they are determined; and

Answer:

This is accomplished through a framework comprising of Common Risk Assessment, Risk Management tool and case management, where the support worker and client works collaboratively to monitor the progress of the achievement of their pre-determined goals.

- (iv) who determines if the goals have been achieved?

Answer:

The extent to which goals are achieved is based on worker assessment, in partnership with the client.

2. I refer to page 237, last dot point, and to WA's significant pay equity gap, and I ask:
- a) Does WA have a functioning pay equity unit;
  - b) If yes to a):
    - i. How many FTE are allocated to the unit; and
    - ii. Where is it the unit located;
  - c) What specific strategies are being funded to address the gender pay gap;
  - d) Has any specific money been allocated to undertake this work; and
  - e) which division's responsibility is it to coordinate initiatives to address the gender pay gap?

Answer:

Question redirected to the Minister for Commerce and Industrial Relations.

NAME

## **ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE**

### **2017-18 BUDGET ESTIMATES HEARINGS - ADDITIONAL QUESTIONS**

#### **Department of Communities**

#### **Hon Nick Goiran MLC asked:**

1. I refer to the Government's announcement that it would be providing its employees experiencing family and domestic violence with access to 10 days paid leave a year, and I ask:

- (a) is that entitlement to leave in addition to all other forms of paid leave or is it a sub-set of any other form of paid leave;

**Answer:**

The ten days paid family and domestic violence leave is in addition to all other forms of paid leave.

- (b) is that entitlement to leave documented in the form of a policy, procedure or similar; and

**Answer:**

The entitlement, as prescribed in Premier's Circular 2017/07 Family and Domestic Violence – Paid Leave and Workplace Support, will be incorporated into public sector instruments as they are replaced.

The Department of Mines, Industry Regulation and Safety has published the Circular to Departments and Authorities No. 5 of 2017 Family and Domestic Violence – Paid Leave and Workplace Support Guidelines.

- (c) if yes to (b), will the Minister table the document(s) comprising the policy, procedure or equivalent?

**Answer:**

See attached Premier Circular 2017/07 Family and Domestic Violence – Paid Leave and Workplace Support and Circular to Departments and Authorities No. 5 of 2017 Family and Domestic Violence – Paid Leave and Workplace Support Guidelines.

2. I refer to the evidence given at the hearing on 19 October 2017 in which the committee was informed that the Government's commitment to establish another Communicare Breathing Space was subject to a planning process for which \$200,000 had been allocated in the Budget under the heading "Male Perpetrators of Family and Domestic Violence Service", and I ask:

(a) Has the Minister met with Communicare to discuss this commitment;

Answer:

No

(b) If yes to (a):

(i) On what dates has the Minister attended such meetings;

(ii) Where did these meetings take place; and

(iii) Who attended these meetings;

Answer:

Not applicable.

(c) Is the planning process the responsibility of one person within the Department or are a team of people involved;

Answer:

The planning process involves a number of areas within the Department.

(d) What is the target date for the completion of the planning process; and

Answer:

The planning process is anticipated to be finalised by January 2018.

(e) When was the decision made to allocate \$200,000.00 to this planning process and who made that decision?

Answer:

The decision was made as part of the 2017-18 State Budget process.

3. I refer to the evidence given at the hearing on 19 October 2017 in which the committee was informed that the Government's commitment to establish two specialised "One Stop Hubs" was subject to a different process in comparison to the process being undertaken to fulfil a separate commitment to establish another Communicare Breathing Space , and I ask:

(a) what is that process;

Answer:

This is in the process of being determined at this point.

(b) who is involved in that process; and

Answer:

The establishment of 'one stop hubs' will involve consultation with a range of key stakeholders including (but not limited to) Western Australia Police, Department of Communities (Child Protection and Family Support and Housing), Legal Aid WA, Department of Justice and community sector family and domestic violence services.

(c) what is the target date for the completion of that process?

Answer:

This is in the process of being determined at this point.

4. I refer to the evidence given at the hearing on 19 October 2017 in which the committee was informed that the Government's commitment to establish a secure database accessible for information sharing between the Department and several other Departments was subject to a consultation process, and I ask:

(a) on what dates has the Minister attended meetings about the creation of this database;

Answer:

The Minister has not attended a meeting about the creation of this database programme, as it's development is at a program level.

(b) further to (a), where did those meetings take place and who was in attendance;

Answer:

Not applicable

- (c) which Department and which Minister has the lead responsibility for the establishment of this database;

Answer:

The Acting Director General of the Department of Communities chairs the high level working group for delivering the integrated database for information sharing. The Minister for the Prevention of Family and Domestic Violence is the lead Minister.

- (d) further to (c), what budget has been allocated for this; and

Answer:

A budget has not been allocated at this stage.

- (e) what is the target date for the database to be operational?

Answer:

A timeline is in the process of being determined as part of the scoping and project implementation.

5. I refer to the evidence given at the hearing on 19 October 2017 in which the committee was informed that the Government's allocation of \$1.7M in additional funding to an existing Non-Government Organisation to provide culturally appropriate support services to Aboriginal and Culturally and Linguistically Diverse female victims of family and domestic violence was subject to a process which is currently underway, and I ask:

- (a) what is that process;

Answer:

This involves the development of a service model before it goes out to an open tender process.

- (b) when did that process commence; and

Answer:

This process commenced in September 2017.

- (c) who is involved in that process?

Answer:

Within the Department of Communities, the Child Protection and Family Support Division's Non-Government Policy and Funding and Family and Domestic Violence Unit.

6. I refer to Budget Paper 2 Volume 1 page 237 which notes that Government reforms rely on partnerships across the community sector and I ask:

(a) How much funding has been allocated to the George Jones Child Advocacy Centre?

Answer:

The George Jones Child Advocacy Centre, operated by Parkerville Children and Youth Care Inc (Parkerville), is a purpose built, child friendly facility providing a multidisciplinary response to support children and young people who have been abused, and their families.

In 2017-18, the Department of Communities provides \$504,505 to Parkerville for the provision of Armadale Family Support Network, which operates from the George Jones Child Advocacy Centre.

7. I refer to Budget Paper 2 Volume 1 page 260 line item Grandcarer's Support Scheme and I ask:

(a) What is the eligibility criteria applicable to grandcarer's receiving this support; and

Answer:

The eligibility criteria for the Grandcarer's Support Scheme (GSS) is:

- Grandchildren must be under 18 years of age when a Grandcarer is assessed for the GSS.
- Grandcarers must not be in receipt of regular financial support (fostering subsidy, enduring parental responsibility, special guardianship payment and ex-gratia payments) from the Department of Communities (formerly the Department of Child Protection and Family Support) for the grandchildren being claimed for under the GSS. This includes any guardianship or foster care payments made by any other State or Territory Governments. It should be noted, the Establishment Payment made by the Department of Communities is not considered to be financial support for the purposes of the GSS.
- Grandcarers must have full-time, primary care responsibility for their grandchild / children at the time of assessment. The Grandcarer must have been providing this care for a minimum of four months over the previous twelve month period to be eligible for a GSS payment.
- Grandcarers applying for a payment under the GSS must be permanently residing in Western Australia for the majority of the year. Grandcarers must also be an Australian citizen and/or a holder of a permanent visa issued by the Department of Immigration and Border Protection.
- Grandcarers may need to provide corroborating evidence that the parenting / caregiving situation they are claiming for under the GSS is bona fide. A bona fide situation is one where the grandparent has taken on the parenting role of their biological, marital, defacto or culturally defined grandchildren because the parents are not able or willing to do so.

- Where a grandchild / children are in the care of Grandcarers considered as a couple / partner / spouse/ de facto, only one Grandcarer is eligible to make an application for payment under the GSS in the 12 month assessment period.

(b) How many grandcarer's currently receive the support?

In 2016/17, 922 grandcarers received payment.

In 2017/18, 319 grandcarers have received payment year to date.

Grandcarers receive \$400 for the first child and \$250 for each subsequent child in care.

8. I refer to the machinery of government changes which have seen the Department of Child Protection and Family Support amalgamated into the Department of Communities, and I ask:

(a) What has been the cost of this amalgamation;

Answer:

In line with advice from the Public Sector Commission regarding the minimisation of costs related to machinery of government changes, the costs of amalgamating the Department of Child Protection and Family Support into the Department of Communities were kept at a minimum. The costs were:

- \$3,840 spent on creation of new logos or branding;
- \$1,640 spent on new signage;
- \$240 spent on business cards for the Corporate Executive;
- \$43,662 spent on ICT services for relocation of teams;
- \$21,405 spent on laptops and equipment;
- \$39,480 (annual cost) spent on Office 365 licenses;
- \$15,000 (annual cost) spent on Microsoft Cloud hosting email migration;
- \$14,256 spent on email migration;
- \$17,569 spent on intranet development and Yammer collaboration tool;
- \$60,407 spent on services for ministerial system;
- \$80,916 (annual cost) spent on Objective connect software;
- \$110,017 (annual cost) spent on Objective ministerial licenses and maintenance of additional licenses; and,
- \$354,068 spent on Objective ministerial licenses (perpetual).



- (b) What is meant by the term "Machinery of Government changes" and how is this different to the term "Agency restructure";

Answer:

A Machinery of Government change occurs when the government decides to change the way government responsibilities or functions are managed. It can involve the movement of functions, resources and people from one agency to another.

An 'agency restructure' generally refers to changes of functions and responsibilities within an agency.

- (c) What was the duration of Ms Emma White's tenure as Director General and how many years of experience did she have in child protection prior to her role as Director General;

Answer:

Ms White was Director General from 19 August 2014 to 3 July 2017, having commenced with the Department on 23 January 2006.

- (d) Who has taken over the position left vacant by Emma White and how many years of experience do they have in child protection;

Answer:

The position of Director General, Department for Child Protection and Family Support was abolished as part of machinery of government reforms, with its functions now undertaken by the Director General, Department of Communities.

- (e) How many years of experience did Sandie Van Soelen have in working with children check ("WWCC") cards;

Answer:

Ms Van Soelen commenced as the Director Working with Children Screening Unit from 8 July 2005, having been involved in establishing the legislation and Unit from 16 January 2003.

- (f) Further to (e), who has taken over her position as Director, Working with Children Screening Unit and how many years of experience do they have in WWCC cards;

Answer:

Ms Lynda Atherton is currently leading the Working with Children Screening Unit. Ms Atherton commenced with the Department on 17 May 1996 and has substantial experience in child protection practice, including as a District Director over many years.

- (g) How many years of experience did Amanda Gadsdon have in child protection;

Answer:

Ms Gadsdon commenced with the Department on 13 February 2012.

- (h) Further to (g), who has taken over her position as Director, Aboriginal Engagement and Coordination and how many years of experience do they have in child protection;

Answer:

The position of Director, Aboriginal Engagement and Coordination was abolished as part of an agency restructure prior to the announcement of machinery of government changes, with the functions of the position now undertaken within other areas of the Department.

- (i) How many years of experience did Julieanne Davis have in child protection;

Answer:

Ms Davis commenced with the Department on 4 October 2007.

- (j) Further to (i), who has taken over her position as Executive Director, Country Services and how many years of experience do they have in child protection;

Answer:

Mr Andrew Geddes is currently the Executive Director, Country Services and Therapeutic Care. Mr Geddes commenced with the Department on 18 March 1997.

- (k) Has the termination of the abovementioned senior executive staff been the reason for the Government's announcement on 15 September of a 6 month delay to the Out of Home Care Reform;

Answer;

No

- (l) If no to (k), what are the reasons for the delay;

Answer:

The Machinery of Government changes provide a unique opportunity to enhance service delivery for children and young people. The delay will enable the Department of Communities to capitalise on these opportunities and facilitate further refinement of the costing and service models.

- (m) Are the machinery of government changes the reason for the shortage of case workers for children in foster care in the South West; and

Answer:

No

- (n) If no to (m), what are the reasons and what is currently being done to address this?

Answer:

There is no current shortage of FTE in the South West. There is only one current 0.8 FTE case worker vacancy in the South West. There are 7 FTE positions that are not currently backfilled due to various staff being on leave and acting in other roles. Recruitment is in progress to backfill these positions and is due to be finalised by mid-November 2017.

*WMEQ*

## POLICY

The Government is committed to providing workplace support measures to employees in situations of family and domestic violence through the introduction of an additional paid leave entitlement for all employees including casuals.

The following comprehensive package to support victims of family and domestic violence will have effect from the date of this Circular:

- ten days non-cumulative paid Family and Domestic Violence Leave;
- reinforced flexible work arrangements and safety plan agreements; and
- continued access to employer sponsored confidential counselling services.

## BACKGROUND

The entitlement to paid Family and Domestic Violence Leave for all public sector employees is set out in the attached model clause (**Attachment A**). The model clause will be incorporated into public sector industrial instruments as they are replaced.

Implementation guidelines to assist agencies will be issued by the Department of Commerce Public Sector Labour Relations. The model clause and the implementation guidelines should be read in conjunction with relevant awards and agreements.

Employees, supervisors and managers are to be made aware of this Circular, and of the support available to those employees affected by family and domestic violence.

**Mark McGowan MLA**

**PREMIER**

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Circular/s replaced by this Circular:
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## Attachment A

### Family and Domestic Violence Leave – Model Clause

1.1 The employer recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work, the employer is committed to providing support to employees who experience family and domestic violence.

1.2 An employee will not be discriminated against because of their disclosure of, experience of, or perceived

5. accrued time off in lieu of overtime, flexi leave or banked hours.

1.19 Approval of leave without pay is subject to the provisions of the employee's industrial agreement and/or award.

#### **Confidentiality**

1.20 The employer will take all reasonable steps to ensure any information disclosed by employees regarding family violence is kept strictly confidential. Disclosure will be on a need-to-know basis only and only to maintain safety. Where possible, disclosure will only occur with the express consent of the employee.

1.21 Employers will take reasonable steps to ensure any information or documentation provided by an employee regarding family and domestic violence is kept confidential.

1.22 Only the employee will retain a copy of evidence for accessing family and domestic violence leave and information will not be kept on the employee's personnel file unless otherwise agreed. The employer will record that any evidence produced was sighted.

1.23 Subsequent disclosure within an organisation should be on a need-to-know basis, for example if there is a potential for workplace safety to be impacted and generally with the consent of the employee.

1.24 This clause does not override any legal obligations to disclose information.

#### **Contact person**

1.25 The employer will identify contact/s within the workplace who will be trained in family and domestic violence and associated privacy issues. The employer will advertise the name of any family and domestic violence contacts within the workplace.

#### **Individual Support**

1.26 Where there is a risk to the personal health or safety of an employee who is experiencing or has experienced family and domestic violence, the employer, where appropriate, may:

- (a) facilitate flexible working arrangements, such as changes to hours/days worked, working different days or length of days, changed shift/rostering arrangements, in accordance with the provisions of the employee's industrial agreement and/or award; and/or
- (b) make workplace modifications including changes to the employee's telephone number and email address and, where appropriate/practicable, the employee's work location.

1.27 An employee who is experiencing or has experienced family and domestic violence may access confidential counselling support via the employer's employee assistance program.

#### **Workplace Safety**

1.28 Where an employee raises issues of family and domestic violence the employer should establish with the employee the level of risk and seek advice from their human resource/safety specialist to review and implement specific safety and emergency management systems and plans.

1.29 With the exception of access to the employer's employee assistance program which is available to all employees, the provisions of this clause are only applicable to employees who are victims of family and domestic violence.

CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 5 OF 2017

**FAMILY AND DOMESTIC VIOLENCE - PAID LEAVE AND WORKPLACE  
SUPPORT GUIDELINES**

The Premier's Circular 2017/07 Family and Domestic Violence – Paid Leave and Workplace Support (Premier's Circular) requires employing authorities to implement workplace support measures for employees experiencing family and domestic violence, including the introduction of an additional paid leave entitlement for all employees.

The attached Implementation Guidelines (Guidelines) assist agencies in developing their own agency specific arrangements and procedures.

A copy of the Guidelines is available online at the Public Sector Labour Relations webpage at <http://www.commerce.wa.gov.au/labour-relations/public-sector-employers>.

The Guidelines are to be read in conjunction with the Premier's Circular and applicable industrial awards and/or agreements. A copy of the Premier's Circular is available online at the Department of the Premier and Cabinet website at [www.dpc.wa.gov.au](http://www.dpc.wa.gov.au).

Please contact your Labour Relations Adviser if you have any queries regarding the attached guidelines.



Sandy Newby  
A/EXECUTIVE DIRECTOR  
LABOUR RELATIONS

All



## Implementation Guidelines

Premier's Circular 2017/07

### Family and domestic violence - paid leave and workplace support

Issued by: A/Executive Director, Labour Relations

Date: 29 September 2017

#### Introduction

The Western Australian Government is committed to supporting Public Sector employees experiencing family and domestic violence (FDV) by helping them to maintain their employment and participate safely in the workplace.

The Premier's Circular 2017/07 Family and Domestic Violence – Paid Leave and Workplace Support (Premier's Circular) requires public sector employers to implement FDV paid leave and workplace initiatives. Agencies will work to provide supportive work environments where their employees are comfortable in disclosing family and domestic violence related concerns which may impact on their work-life.

All employees, including casuals, can access up to an additional 10 days, non-cumulative paid leave per calendar year. Other leave entitlements do not need to be exhausted to access FDV leave. If an employee uses all of the 10 days paid FDV leave, they can access an extra two days unpaid FDV leave on each occasion if required.

These Implementation Guidelines assist agencies in developing their own agency specific arrangements and procedures. Each instance of FDV will have its own unique circumstances and should be managed with administrative compassion.

#### Family and Domestic Violence

FDV is defined in accordance with Section 5A of the *Restraining Orders Act 1997*.

FDV occurs when a person uses violence, or a threat of violence, or any other behaviour towards a family member that coerces or controls that family member or causes them to be fearful.

This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, coercive, or aimed at controlling or dominating the other person through fear.

There are other forms of violence/abuse that are not covered by the Premier's Circular. For example, being a victim of crime by an unknown person, or a person not intimately known, while distressing, is not considered family or domestic violence.

## **Paid and unpaid leave entitlement**

The Premier's Circular is to be read and applied in conjunction with the relevant industrial instrument/s.

Full time and part-time Public Sector employees experiencing FDV can access up to 10 days paid FDV leave in a calendar year. FDV leave will be paid at the full rate of pay as if the day was worked.

Payment for FDV leave shall only be made for those hours that would normally have been worked had the employee not been on FDV leave.

Paid FDV leave is in addition to other leave entitlements.

FDV leave can be used for activities related to family and domestic violence. Such activities may include but are not limited to:

- ☐ Medical and/or legal appointments;
- ☐ Attending to financial matters;
- ☐ Relocation and moving;
- ☐ Attendance at court or legal proceedings;
- ☐ Matters that arise that are compassionate or pressing nature that arise without notice and require immediate attention.

If an employee uses all of their paid FDV leave entitlement they are entitled to up to two days unpaid FDV leave on each occasion that they need it. There is no requirement for employees to have exhausted other forms of leave in order to access the two days unpaid FDV leave. Employees can instead choose to access paid personal leave or other forms of paid leave in this situation.

## **Casual employees**

A casual employee who is not able to attend scheduled work because of FDV related activities will be entitled to up to 10 days FDV paid leave according to their regular work patterns on a case-by-case basis.

It is not possible to have fixed policies and systems that cover every FDV leave circumstance that may arise. Agencies will need to be compassionate when dealing with requests from casual employees. For employees with an intermittent or infrequent work pattern, the entitlement would need to be determined by the chief executive (or delegate) taking into account the circumstances of the case.

Casual workers should not be overlooked or denied future work because of an application for FDV leave.

## **Applying for FDV leave and disclosure**

Employee requests for FDV leave are to be treated with sensitivity, compassion and confidentiality.

Employers should consider the personal circumstances of the employee seeking the leave in a non-judgmental manner. It is important to recognise and have respect for employees' cultural and ethnic background, sexual orientation, disability and age.

Supporting documentation outlining reasons for absence due to FDV may be required and can be in the form of a document issued by WA police, a Court, a registered health practitioner, district nurse, maternal and child health care nurse, a



family violence support service or lawyer. Where it is not reasonably practicable to provide this, a statutory declaration may be accepted.

Employees experiencing FDV may not be in a position to immediately provide supporting documentation; however they should not be denied FDV leave in the absence of evidence.

### **Confidentiality**

All employees including managers must ensure that they deal with an employee's application for FDV leave with sensitivity and respect the privacy of the employee.

While the privacy of employees will be respected, disclosure within the organisation may occur on a need-to-know basis, or, where there are concerns for the safety of any employee. Where possible, disclosure to third parties will only occur with the prior consent of the employee. An employee who discloses FDV should be made aware of how their information will be managed internally with other areas (for example, human resources (HR) services, or where safety plans are involved, occupational health and safety).

### **Record keeping**

FDV disclosure and leave request records must be managed in a similar way to other sensitive employee-related records such as grievances or disciplinary matters.

Records related to FDV must be marked confidential and access confined to those employees who have been authorised through the agency's delegation schedule.

Where written evidence is provided, the sighting of evidence by managers or FDV Contact Officers may be manually recorded for reporting purposes. Recording and monitoring FDV leave should be appropriately allocated within the agency e.g. the responsibility of the Director of Human Resources or equivalent (DHR).

### **Payroll**

Agencies may create codes within their leave and payroll systems to record FDV leave, but should ensure that only the employee and the relevant managers/HR staff are able to access these details on a need-to-know basis.

If it is not possible to isolate the level of access to a specific FDV leave payroll code, then FDV leave should not be recorded in the payroll system. FDV leave can be recorded and monitored outside the payroll system. An appropriate manual system of recording information on a confidential file can be utilised.

### **Roles and responsibilities**

#### **Agencies as Employers**

Agencies are encouraged to consider ways to:

- ☐ provide a supportive workplace for employees who are experiencing and/or disclosing FDV;
- ☐ put in place procedures for managing leave applications and disclosure;
- ☐ protect the privacy of employees, and maintain confidentiality; and
- ☐ establish the underpinning internal administrative arrangements required to put in place FDV Leave and support.

### Steps towards a supportive workplace

Ensure that staff and managers are made aware of the Premier's Circular and of the support available for all employees;

Review existing internal policies to ensure they are consistent with the Premier's Circular and these Implementation Guidelines;

Develop procedures to support the implementation of the Premier's Circular, and introduction of paid FDV leave, consistent with any existing FDV clauses in relevant industrial instruments;

Work towards making FDV training and development available to all employees to improve workplace understanding of FDV and the agency's implementation procedures;

Nominate internal FDV Contact Officers, which may include HR Managers, other managers/case managers, or interested available officers (e.g. grievance officers, OHS officers, sexual harassment officers) who have been suitably trained;

Consider the level of delegation required for the FDV Contact Officers; and

Be prepared to provide reasonable alternative work arrangements, if required, for employees experiencing FDV.

Agencies should ensure that employees are offered the appropriate level of advice and support, including access to employee assistance programs, but should not act or advocate on behalf of employees.

It is recognised that the take up of FDV leave is unknown. It is anticipated that over time agencies will build capacity to manage FDV disclosure, leave and workplace support. Capacity building goes beyond training or providing assistance. It also involves assisting people to gain the knowledge and experience that is needed to solve problems, implement change, build effective actions and create workplaces as safe spaces for employees and colleagues experiencing FDV.

Dependent on the agency's size, location, and the capability of available resources, agencies can implement procedures through managers, a centralised FDV unit or contact point that is part of, or sits outside of HR. Agencies should consider ways to implement appropriate responses (e.g. including access to centralised support available through the agency's HR branch) for employees at decentralised workplaces (e.g. schools, prisons or hospitals).

It is suggested that agencies work towards the provision of suitable training for FDV Contact Officers (who may be existing Equity, Occupational Health and Safety or Grievance Officers), and where possible managers.

FDV Contact Officers would generally have received staff development or training in:

- ☐ understanding confidentiality and privacy;
- ☐ applying relevant internal policies;
- ☐ overcoming unconscious bias;
- ☐ developing objectivity and impartiality; and
- ☐ maintaining professional distance and resilience.

This training could be incorporated into training provided in-house by staff development teams or external training providers for Equal Employment Opportunity Contact Officers, or included with or connected to other Equity, Occupational Health and Safety or Grievance Officer training.

Information, education or training may be made available to employees through websites and other communication channels (e.g. display posters with information about FDV support and/or have information available on the intranet; or point employees to free on-line resources).

Examples of on-line resources include:

Recognise, Respond, Refer program developed by Australia's CEO Challenge  
<http://www.australiasceochallenge.org/what-we-do/online-learning/>

Australia's National Research Organisation for Women's Safety Limited (ANROWS)  
<https://anrows.org.au/publications/fast-facts-0>

White Ribbon Australia

<https://www.whiteribbon.org.au/>

### **Managers**

Managers' responsibilities include:

- ☐ understanding the objectives of the FDV leave clause and the importance of reasonable workplace adjustments and flexibilities in achieving the objectives;
- ☐ respecting privacy of employees experiencing FDV and understanding the confidential and private nature of leave applications and/or disclosures;
- ☐ providing information when required about accessing employee assistance programs and other avenues of help and assistance;
- ☐ working with FDV Contact Officers, where appropriate, in the management of FDV leave and workplace support. For example, understanding that the employee may only feel comfortable speaking with the FDV Contact Officer; and working with the FDV Contact Officer to put in place delegation to approve FDV leave; or work with the FDV Contact Officer in the communication and implementation of specific workplace accommodations;
- ☐ if required, accessing manager assistance schemes provided by their employment assistance program, or training; and
- ☐ supporting FDV leave and workplace support training for employees.

Where an employee tells a manager that they are experiencing or have experienced FDV, the manager should:

- ☐ consider the workplace safety of the employee;
- ☐ offer confidential workplace support to the employee;
- ☐ consider an employee's request for FDV leave, keeping in mind that the specific intention of the clause is to provide leave and workplace support;
- ☐ provide the employee with contact details for the agency's employee assistance program and FDV Contact Officer; and
- ☐ obtain the approval of the employee prior to speaking to other employees about the employee's personal circumstances and/or private details.

## **FDV Contact Officers**

FDV Contact Officers do not provide counselling or legal advice.

FDV Contact Officers will work with managers, employees and HR in the operation of these Implementation Guidelines and agency specific procedures including providing advice to the agency about accessing services, applying for FDV leave and appropriate record keeping and confidentiality. The role of FDV Contact Officers may be found to fit within existing responsibilities, for example suitably skilled HR or occupational safety and health/well-being areas within agencies.

FDV Contact Officers should:

- ☐ undertake appropriate training or refresher training;
- ☐ provide advice about workplace options and support services;
- ☐ work with managers to provide support for employees and information on a need-to-know basis if necessary; and
- ☐ work with managers and/or internal Occupational Safety Health representatives or seek advice, if appropriate, in relation to individual safety plans for employees at risk of FDV in the workplace.

Where an employee has sought assistance from an agency FDV Contact Officer instead of their manager, the FDV Contact Officer should advise the employee that their manager may need to be informed in-confidence of any arrangements made to support the employee. The employee's consent to share information should be obtained. An employee may consent to partial disclosure to their manager.

However, in instances where there is an inherent safety risk to either the employee or other employees, information may be released on a need-to-know basis. This should be limited to relevant information only. The employee should be made aware of who has received information.

## **Employees**

Employees experiencing FDV can:

- ☐ seek support from the employee assistance program;
- ☐ seek workplace support from their manager or agency FDV Contact Officer; and/or
- ☐ discuss the range of workplace support available with their manager or agency FDV Contact Officer.

Employees should be mindful of the expectations and limitations of confidentiality. For example, FDV Contact Officers and managers may have to reveal that an employee is unavailable to work to accommodate workplace arrangements that impact on workloads or work arrangements of colleagues.

Employees experiencing FDV have the option of consulting their agency FDV Contact Officer (if this is more comfortable) instead of their direct manager to progress FDV leave requests or make alternative working arrangements. A manager may need-to-know that an employee is accessing FDV leave but the details and circumstances of the FDV leave do not need to be revealed by the FDV Contact Officer to the manager. In some agencies, FDV Contact Officers may have delegated authority to approve leave requests, or to work with the appropriate manager to arrange approval of leave on behalf of the employee.

It is understood that employees may have difficulty meeting usual notification of absence requirements due to their circumstances; however notification should occur as soon as reasonably practicable.

### **Workplace safety planning**

Where there is concern for the safety in the workplace of an employee experiencing FDV or their colleagues, the agency should undertake a risk assessment in consultation with the employee. Advice should be sought from the DHR or the FDV Contact Officer, or other appropriate resource, in the development of a workplace safety plan and/or emergency management plan.

Safety plans need to reflect usual workplace safety measures as well as the specific plans tailored to the nature of the workplace and the work patterns of individuals.

Examples of online resources include:

1800RESPECT

<https://www.1800respect.org.au/get-help/staying-safe-understanding-safety-planning/>

Australian Human Rights Commission

<https://www.humanrights.gov.au/domestic-violence-and-workplace-employee-employer-and-union-resources-2012>

Government of Western Australia Department of Communities (Child Protection and Family Support)

<https://www.dcp.wa.gov.au/CrisisAndEmergency/FDV/Pages/CRARMF2.aspx>

### **Work performance**

FDV can affect the wellbeing, productivity and performance of employees. As required, employees experiencing FDV should be supported to develop and implement a reasonable modified work plan and timeframes that enable them to continue in their role. It may be necessary to include additional support and provide reasonable workplace and role adjustments for a period of time, such as:

- ☐ job redesign or changes to duties;
- ☐ changes to working hours or patterns of work;
- ☐ alternative suitable employment in other teams, offices and locations;
- ☐ changes to email address and telephone numbers; and /or
- ☐ secure parking.

Regular reviews, a return to work plan and a performance improvement process may still be required.



