

Family & Domestic Violence Leave Policy

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Created by	HR & Operations Manager	Created on	30 October 2024
Responsible person	HR & Operations Manager	Scheduled review date	29 October 2026

1. PURPOSE

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

2. COMMENCEMENT OF POLICY

- 2.1 This Policy commences from November 2024. It replaces all other domestic and family violence policies (whether written or not).

3. APPLICATION OF THIS POLICY

- 3.1 This Policy applies to employees of NECOM including full-time, part-time and casual employees. It does not form part of any employee's contract of employment.

4. DEFINITIONS

- 4.1 **Family and domestic violence** means violent, threatening or other abusive behaviour by certain individuals known to an employee that both:

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

To access paid family and domestic violence leave, the individual known to the employee could be:

- an employee's close relative
- a member of an employee's household, or
- a current or former intimate partner of an employee.

A close relative is:

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

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

5. RESPONSIBILITIES

5.1 Managers will:

- (a) model NECOM values, including behaving in a way that promotes a work environment free from any form of violence;
- (b) actively participate in domestic and family violence related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace;
- (c) encourage employees to actively participate in domestic and family violence related learning and development activities;
- (d) sensitively communicate with employees affected by domestic and family violence;
- (e) take prompt and appropriate action to address any reports of employees affected by domestic and family violence;
- (f) ensure appropriate levels of support are provided to employees affected by domestic and family violence; and
- (g) ensure appropriate management of work performance and monitoring of attendance issues.

5.2 Employees will:

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

6. SUPPORT FOR VICTIMS AND CARERS

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

Documentation

- 6.2 NECOM acknowledges that employees affected by domestic and family violence may not be in a position to provide supporting documentation. An employee's access to leave and other support options should not be unreasonably denied in the absence of supporting documentation.
- 6.3 Any related communications should be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.
- 6.4 1800RESPECT (1800737732) is the national domestic, family and sexual violence counselling information and support service.

7. LEAVE ENTITLEMENTS

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

- 7.1 All employees of NECOM can access ten (10) days per year of paid family and domestic violence leave. This includes full-time, part-time and casual employees.

- 7.2 The entitlement to paid family and domestic violence leave comes from the National Employment Standards (NES). It is a paid minimum leave entitlement, like annual leave or paid sick and carer's leave.
- 7.3 An employee's leave entitlement is available in full immediately and resets on their work anniversary. It does not accumulate from year to year.
- 7.4 Paid family and domestic violence leave is a standalone leave entitlement. This means employees receive it separately from other types of leave, such as annual leave or paid sick and carer's leave.
- 7.5 An employee must give NECOM notice of the taking of leave. The notice:
- (a) must be given to NECOM as soon as practicable (which may be a time after the leave has started); and
 - (b) must advise NECOM of the period, or expected period, of the leave.
- 7.6 NECOM will take steps to ensure information concerning any notice an employee has given, or evidence an employee has provided under clause 7.5 is treated confidentially, as far as it is reasonably practicable to do so.
- 7.7 However, NECOM may be required to disclose information provided by an employee if the disclosure is required by an Australian law or is necessary to protect the life, health or safety of the employee or another person.

8. WORK PERFORMANCE AND ATTENDANCE

- 8.1 Work performance or attendance may be influenced by factors not connected with work. Employees will be supported and encouraged to raise concerns about their personal circumstances, including whether domestic and family violence is a contributing factor to work performance and attendance.
- 8.2 It may also be necessary to include additional support and provide reasonable workplace and role adjustments for a period of time. Regular reviews, a return to work plan and performance improvement process may still be required.
- 8.3 Employees are protected from adverse action because they are experiencing (or have experienced) family and domestic violence. This also applies to future employees. This is because experiencing family and domestic violence is a 'protected attribute.' Employers can't take adverse action against an employee because of a protected attribute. Examples of adverse action can include:
- Dismissal
 - Changing an employee's job to their disadvantage
 - Being treated differently to other employees

9. FLEXIBLE WORK ARRANGEMENTS

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

10. OTHER WORKPLACE SUPPORT

- 10.1 NECOM may also consider the following:
- (a) workplace safety needs and arrangements to protect the employee and colleagues following a risk assessment, including increased security measures;
 - (b) supporting employees to have the workplace included in a Domestic Violence Order issued by the courts, where appropriate;
 - (c) providing other support and reasonable adjustments in the workplace, such as:

- (i) job redesign or changes to duties;
- (ii) changes to working hours or patterns of work;
- (iii) alternative suitable employment in other teams, offices and locations;
- (iv) changes to email address and telephone numbers; or
- (v) secure parking.

11. PERPETRATORS OF DOMESTIC AND FAMILY VIOLENCE

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

12. DISCLOSURES OF DOMESTIC AND FAMILY VIOLENCE

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

Policy version and revision information

Policy Authorised by:

Title: