



# HKRP Domestic and Family Violence Policy

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HKRP has zero tolerance to domestic and family violence and this policy endeavours to provide support for employees affected by domestic and family violence.

## 1 Purpose

HKRP is strongly committed to providing a healthy and safe working environment for all employees. It is recognised employees sometimes face difficult situations in their work and personal life, such as domestic and family violence (DFV), that may affect their attendance, performance at work or safety.

DFV occurs when one person in a relationship uses violence or abuse to maintain power and control over the other person. 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.

DFV can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.

HKRP leaders, managers, supervisors and all employees are committed to making HKRP a great place to work. HKRP can make a significant difference to employees affected by DFV by providing appropriate safety and support measures.

DFV is unacceptable in any setting, including the workplace. Any HKRP employee who perpetrates violence and abuse from the workplace, including by telephone, fax, mail, email, internet or social media may be subject to disciplinary action.

All employees have a responsibility to model HKRP values, which includes behaving in a way that promotes a work environment free from any form of violence and supporting those who are affected by DFV.

Fostering a respectful, inclusive, gender equitable workplace culture, where employees affected by DFV are supported in the workplace, contributes to a healthy and safe working environment for all.

## 2 Application

This policy applies to every employee and contractor of HKRP. This includes:

- any HKRP employee whether permanent, fixed term temporary, full-time, part-time or casual; and
- any volunteer, student, contractor, consultant or anyone who works in any other capacity for HKRP.

## Definitions

**DFV** has the same meaning as domestic violence as defined in the “Domestic and Family Violence Protection Act 2012”. The most current version of the Act can be located at: <https://www.legislation.qld.gov.au/browse/inforce#/act/title/d>.

In the UK, the relevant Act is the Domestic Abuse Act 2021 located at: <https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted>.

An employee who uses or may use **DFV** is an employee:

- a) who has voluntarily identified as a person who uses or may be at risk of using DFV; or
- b) who has been named as a respondent to an existing application for a DFV order or police protection notice; or
- c) to whom a current DFV order or police protection notice applies; or;
- d) who has been charged with a DFV offence by a law enforcement agency and charges remain pending; or
- e) who has been found to be using DFV by a court.

## 3 Policy

### 3.1 Confidentiality and disclosure

HKRP employees have the right to choose whether, when and to whom they disclose information about being affected by DFV. This policy does not override any legal obligations to disclose information.

Information disclosed by an employee in relation to DFV will be kept confidential, except to the extent that disclosure:

- is required or permitted by law; or
- is necessary to support the employee in the workplace.

### 3.2 Awareness raising and capability development

Executives of HKRP are responsible for ensuring the organisation:

- a) promotes employee awareness of the DFV policy, support options and advice available
- b) develops and maintains organisational capability to respond supportively to employees affected by DFV, such as face-to-face training for managers, HR staff and any designated DFV support staff.

## 3.3 Support options available to employees

There are several support options available to assist employees affected by DFV. These arrangements should be reviewed at regular intervals to ensure they are appropriate.

### 3.3.1 Documentation

When considering the support options outlined below:

- a) HKRP acknowledges that employees affected by DFV may not be in a position to provide supporting documentation. An employee's access to leave and other support options should not be denied in the absence of supporting documentation, except where clause 3.3.4 applies.
- b) any related communications must be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.

### 3.3.2 Leave entitlement

Subject to clause 3.3.4, an HKRP employee who is affected by DFV will be able to access their sick leave entitlement under the existing sick leave rules where DFV will be documented as the reason for the leave:

- a) where the director is satisfied that the employee requires leave because the employee is affected by DFV. Leave should not be denied in the absence of supporting documents, except where clause 3.3.4 applies.
- b) The employee may also access further paid or unpaid leave, including special leave, sick leave, carers leave, recreation leave, long service leave or other accrued time to attend to matters arising from DFV—this will be in accordance with the directives relating to each type of leave.

### 3.3.3 Additional Leave Clarification

For the purpose of clause 3.3.2 above and noting the complexity of DFV situations, additional sick leave may be approved at the discretion of the director or delegate having regard to the circumstances of individual employees (as per existing sick leave rules).

This additional leave may be provided where there are extenuating circumstances, for example, where travel for court appearances may require several days; or where safety risks for a family and children requires time to organise accommodation or care arrangements.

Discussion about support and leave options should be compassionate, sensitive and maintain confidentiality.

### 3.3.4 Condition for Leave Clarification

An employee applying for sick leaves related to their use, alleged or potential use, of DFV is not entitled to leave under clause 3.3.2 unless the following are satisfied:

- a) the leave is required to attend a behavioural change program approved under Section 75 of the Domestic and Family Violence Protection Act 2012 by the chief executive of the department administering the Act and delivered by a provider approved under that

section, or if in the UK, the leave is required to attend a behavioural change program approved by a Court;

- b) the employee provides written evidence of their enrolment and attendance in the program referred to in clause 3.3.4 a); and
- c) the employee has exhausted all other paid recreation or long service leave entitlements and accrued time.

**NOTE:**

Clause 3.3.4 applies only to leave related to an employee's use, potential or alleged use of DFV.

If an employee is affected by DFV (for example is both the aggrieved and a respondent in the same court hearing for a DFV order application) then entitlements in clauses 3.3.2 and 3.3.3 continue to apply in relation to their experience of DFV, rather than the use, alleged or potential use of DFV.

An employee should not have their entitlements reduced because they are a respondent in a counter claim.

### **3.3.5 Flexible working arrangements**

HKRP will provide employees affected by DFV (other than those who use or may use DFV) with access to flexible working arrangements. Employees who use or may use DFV may request flexible working arrangements under the Industrial Relations Act 2016, in the same way as other employees. Employees are encouraged to discuss their request for flexible working arrangements with their managers in the first instance.

### **3.3.6 Support for work performance and attendance**

- a) 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 DFV is a contributing factor to work performance and attendance.
- b) 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 a performance improvement process may still be required.

### **3.3.7 Other workplace support and role adjustments**

HKRP will also, where appropriate:

- a) conduct risk assessments and implement workplace safety needs and arrangements such as increased security measures to protect affected employees and colleagues
- b) support employees to have the workplace included in a Domestic Violence Order issued by the courts
- c) consider providing other temporary or permanent support and reasonable adjustments in the workplace, such as:

- job redesign or changes to duties
- changes to working hours or patterns of work
- alternative suitable employment if available
- changes to email address and telephone numbers

### 3.4 Safety in the workplace

Of paramount consideration is the safety and wellbeing of all HKRP employees in the workplace. Fostering a workplace culture where employees affected by DFV are supported contributes to a healthy and safe working environment for all.

In situations where an employee affected by DFV is concerned for their safety or that of their colleagues, it is recommended the employee and their manager and/or supervisor and/or human resources manager jointly develop a workplace safety plan agreement.

A DFV risk assessment checklist should be completed by the supervisor/manager and/or human resources manager in consultation with the employee affected by DFV, prior to completing a workplace safety plan agreement. The agreement should include details of any necessary support and reasonable adjustments.

The workplace safety plan agreement should outline the specific workplace safety needs and arrangements to support the employee, such as:

- any changes in relation to any work patterns, practices or work location
- any precautionary plans to be undertaken pre or post-work or during remote working arrangements (e.g. travel arrangements, secure carpark etc.) to support the safety of the employee
- any workplace changes and/or security measures (including for remote working arrangements) to protect the employee and their colleagues where necessary
- updated emergency contacts and/or next of kin details and agreed communication methods to notify of heightened risk (e.g. during remote working arrangements).

Arrangements should be reviewed at pre-determined intervals to ensure currency and to ascertain ongoing appropriateness.

## 4 Responsibilities

### 4.1 Responsibilities of all workers

In regard to this policy, all employees will:

- a) model the HKRP values including behaving in a way that promotes a work environment free from any form of violence and abuse

- b) actively participate in DFV related learning and development activities such as online DFV awareness raising programs (except where it may negatively impact their wellbeing)
- c) sensitively communicate with colleagues affected by DFV, maintain confidentiality and encourage them to seek assistance
- d) familiarise themselves with available workplace support options and specialist referral services.

## 4.2 Additional responsibilities of Managers and Supervisors

In regard to this policy, all managers and supervisors will:

- a) model the HKRP values, including behaviour in a way that promotes a work environment free from any form of violence
- b) actively participate in DFV workplace learning and development activities to effectively communicate with and to provide support to employees affected by DFV
- c) ensure employees actively participate in required DFV workplace learning and development activities
- d) sensitively communicate with employees affected by DFV and maintain confidentiality subject to legal disclosure obligations
- e) take prompt and appropriate action to support employees affected by DFV, including risk management and safety planning
- f) ensure appropriate levels of support are provided to employees affected by DFV
- g) ensure employees are aware of available support options, including nominated officers to seek support from as appropriate
- h) ensure appropriate management of work performance and monitoring of attendance issues, while being mindful of the potential impacts of DFV.



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