



# LIVE Communications trading as UPTI Family and Domestic Violence Policy

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## UPIT Family and Domestic Violence Policy

### Purpose

1. UPIT is committed to supporting employees affected by family and domestic violence. A sensitive and holistic approach to supporting employees allows them to continue to participate in the workplace during a difficult time.
2. This policy applies to all UPTI employees. Where contractors or secondees may not be covered by the provisions of this policy, appropriate supports may be considered and agreed under the terms of the relevant employment instrument.
3. This policy provides a framework to support employees who experience family and domestic violence. Employees who are experiencing, or who are at risk of experiencing, family and domestic violence are encouraged to seek support from the workplace and wider support services.
4. This policy also acts as a guide for managers and colleagues to support employees whose work life is affected by family and domestic violence. Support is available within and outside the workplace for individuals, their managers, and their colleagues.

## Introduction

5. The *Fair Work Act 2009* defines family and domestic violence as 'violent, threatening or other abusive behaviour by a close relative of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful'.
6. Anyone can be affected by family and domestic violence, but care should be taken to understand how family and domestic violence can affect people from different backgrounds including CALD, Indigenous, and LGBTIQ+ communities, or people living with a disability.
7. All employees reporting or disclosing family and domestic violence will be treated with respect and offered support. Employee needs will be considered on an individual basis.
8. Employees may sometimes experience situations of violence or abuse in their personal life which may affect their attendance or performance at work.
9. UPTI recognises the impact that family and domestic violence can have on the lives of those who experience it, including their capacity to work and their financial security.
10. UPTI is committed to supporting employees who experience family and domestic violence and providing a workplace environment that promotes flexibility in times of need.

## Confidentiality

11. Information about a family and domestic violence situation should be handled similarly to other sensitive information such as personal and health information.
12. Employees and managers must maintain appropriate confidentiality in regard to personal information. Discussions with managers in the line of reporting or with Human Resources (HR) will be on a strictly need-to-know basis.
13. Any sharing of employee circumstances will only occur with employee consent, unless in very rare circumstances for duty of care or where required by law. Discussion and communications in the workplace should not include personal information without obtaining prior consent from the employee. However, the Australian Privacy Principles permit the use and disclosure of personal information in certain circumstances including lessening or preventing a serious threat to life, health or safety, or taking appropriate action in relation to suspected unlawful activity or serious misconduct.

## Roles and responsibilities

### Employees

14. Employees who need to access the support available within the workplace can contact any of the following people:
  - a. their immediate manager;
  - b. a more senior manager; or
  - c. Human Resources
15. Employees can also seek assistance from an external service. A list of services, including 24 hour support services, and their contact details can be found at the end of this document.

## Colleagues

### **Important!**

It is important to remember that even in a situation where a colleague is confiding in you –you are not a trained professional and can seek help elsewhere. It is OK if you don't feel like you can provide assistance.

Employees experiencing family and domestic violence may choose to disclose their situation to a trusted colleague. Where such information is disclosed, the colleague should provide support to the employee by:

- a. listening without judgement and respecting their decisions
  - b. maintaining appropriate confidentiality
  - c. encouraging them to seek help from a domestic and family violence support organisation
  - d. referring them to this policy, 1800RESPECT, the Employee Assistance Program, or any of the external support services listed at the end of this document.
16. Where the colleague is concerned about the employee's health and safety, they should speak to HR – Shantel Mosterd.
17. Employees who have had information disclosed to them are encouraged to seek support for themselves within or outside the workplace.

### **Advice on referral to support services**

While in some instances referral to EAP services for employees affected by family and domestic violence may be appropriate, it is recommended that employees are referred to dedicated family and domestic violence services, such as 1800RESPECT, in the first instance. This is recommended due to some differences in training for EAP counsellors.

Managers are still encouraged to contact EAP for manager support – equipped for this,

Agencies are encouraged to engage with their EAP providers to confirm what services they are able to offer employees affected by family and domestic violence, and what level of training

18.

## Managers

19. Managers are responsible for ensuring employees are aware of this policy, and providing support, consistent with this policy, to employees affected by family and domestic violence. They may also be required to coordinate support with Human Resources for an employee experiencing domestic and family violence.
20. Managers are able to access relevant training upon request to ensure they feel confident dealing with disclosures and handling confidential information related to family and domestic violence. Managers interested in undergoing training should contact HR or their manager.
21. Where a manager is concerned about the wellbeing of an employee, they should discuss their concerns with the employee, encouraging them to use the assistance available if needed, and/or consult with Human Resources.
22. Managers should consider their obligations under WHS legislation. Where appropriate, managers should discuss their obligations with Shantel Mosterd having regard to balance confidentiality with the safety of affected employees.

23. Managers should facilitate support for an employee to the fullest extent practicable.
24. If a manager needs support as a result of an employee disclosing family and domestic violence to them, they can also contact the Employee Assistance Program or one of the external support services listed at the end of this document.

### Human Resources

25. HR is responsible for providing advice to employees and managers about this policy. They can also provide information on the enterprise agreement and any other relevant policies and procedures.
26. Employees affected by family and domestic violence can seek assistance from HR for coordinating workplace support. This may include:
  - a. developing a safety plan with the employee
  - b. coordinating personal security through the Agency Security Advisor or ICT assistance
  - c. advising and liaising with the employee's line manager, if consent has been provided.
27. The family and domestic violence contact officer in HR is Shantel Mosterd, 07 3240 9920, [Shantelmosterd@upti.com.au](mailto:Shantelmosterd@upti.com.au)
28. Employees are also welcome to seek this assistance from a colleague they trust.

### Support

29. Employees experiencing family and domestic violence may require a range of support. Managers, or HR if more appropriate, will discuss available supports with employees, which may include:
  - a. flexible working arrangements—under the National Employment Standards in the *Fair Work Act 2009*, an employee experiencing violence from a member of the employee's family has a right to request flexible working arrangements. These requests can only be refused on reasonable business grounds. Such requests could include:
    - i. a change of hours to allow the employee to meet family, health and wellbeing, medical or legal commitments;
    - ii. changes to work location; or
    - iii. relocation or reassignment to suitable alternative employment where this is able to be identified;
  - b. secure parking and other security measures where possible and as required;
  - c. change of phone number and email address to limit unwanted contact, or screening or blocking calls and emails;
  - d. contact with police or other support services on the employee's behalf where appropriate;
  - e. flexibility in performance management— family and domestic violence should be acknowledged as a potential mitigating factor if performance has been affected. Managers should:
    - i. continue to have regular, sensitive conversations with the employee about the job requirements, performance expectations, and development opportunities of that performance cycle; and/or
    - ii. with assistance from HR, offer to develop strategies for work to be managed and performance assessed having regard to the employee's circumstances;
  - f. referral to external support services;
  - g. access to leave entitlements in accordance with the UPTI enterprise agreement; and/or
  - h. any other measures or changes to normal arrangements that are considered appropriate by the agency.

Other supports that could be adopted include:

- a) a mobile phone loan scheme to provide employees with a secure means of communication;
- b) emergency financial assistance by means of a salary advance that is repaid over an agreed period, e.g. to assist with relocation costs;
- c) family rooms for employees who are required to attend work with their children.

## Leave

30. Leave is provided in accordance with the UPTI enterprise agreement.
31. UPIT agreement contains leave entitlements designed to assist employees and allow them flexibility to deal with personal crises, such as being affected by family and domestic violence.
32. UPTI is committed to supporting employees experiencing family and domestic violence. A flexible and supportive approach will be taken to management of leave for employees affected by family and domestic violence.
33. Employees affected by family and domestic violence may be granted access to personal/carer's leave
34. Employees who are affected by family or domestic violence may be granted leave for reasons including:
  - a. attending health and wellbeing, medical or counselling appointments;
  - b. moving into emergency accommodation and seeking more permanent safe housing;
  - c. attending court hearings;
  - d. attending police appointments;
  - e. accessing legal advice;
  - f. organising alternative care or educational arrangements for their children;
  - g. reasonable recovery periods.
35. Personal/carer's leave entitlements can be used:
  - a. for illness or injury affecting the employee resulting from family and domestic violence;
  - b. to provide care or support to a family or household member who is ill or injured as a result of family and domestic; or
  - c. to provide care or support to a family or household member who is affected by an unexpected emergency as a result of domestic or family violence.
36. Under the National Employment Standards in the *Fair Work Act 2009*, employees affected by family and domestic violence are also eligible for 5 days' unpaid family and domestic violence leave per year. This is also available to casual employees.
37. Employees may be given flexibility in work hours, and may be allowed to make up time where leave cannot be used.
38. UPTI is aware of privacy issues and sensitivities around evidence requirements for matters related to family and domestic violence. Where evidence is required, the delegate will discuss this with the employee and <agency> will ensure this information is stored securely.

## Recording Absences

39. Agencies will prioritise the safety of employees when recording absences related to family and domestic violence.
40. All records are to be kept securely and confidentially according to the UPTI Privacy Policy and Records Management Policy.

## Perpetrators of Family and Domestic Violence

41. UPTI understands that the workplace may include not only employees who are victims of, or affected by, family and domestic violence, but also perpetrators—and that this must also be handled appropriately and sensitively.
42. Employee perpetrators of family and domestic violence seeking support or assistance from UPTI will be managed on a case by case basis.
43. An employee suspected of perpetrating violence may also be referred to the relevant support services.
44. Family and domestic violence is a criminal offence and is subject to the relevant state or territory laws. The police should be notified of any incidents of family and domestic violence that occur in the workplace.
45. The APS Code of Conduct applies to all APS employees. Agencies will need to consider if the conduct of alleged perpetrators (who are APS employees) may also be a breach of the Code of Conduct.
46. Where a court order is in place, such as an apprehended violence order, UPTI will ensure the conditions of the order are followed.

## Further assistance

47. For any queries regarding the operation of this policy please contact HR via (Shantel Mosterd, 07 3240 9920, [Shantelmosterd@upti.com.au](mailto:Shantelmosterd@upti.com.au)).
48. The support provided should consider the identity dimensions of employees including gender, Aboriginal and Torres Strait Islander heritage, age, cultural and linguistic background, disability and sexuality. This is important to recognise as FDV situations may be compounded by these factors. An example of specific support would include interpreters and culturally sensitive services.
49. If you or someone you know is experiencing family and domestic violence, or you simply want to find out more, the following external services and resources are available to provide information and assistance. [Note: this is not an exhaustive list].

## Support Services

Support service	Description
<p><b>1800RESPECT, the National Sexual Assault, Family and Domestic Violence Counselling Service</b></p> <p>24/7 Phone: 1800 737 732</p> <p>Website: <a href="http://www.1800RESPECT.org.au">www.1800RESPECT.org.au</a></p>	<p>1800RESPECT is a confidential and interactive online and telephone counselling service, available 24 hours a day, 7 days a week. The service provides support to people who are experiencing or at risk of sexual assault and/or FDIPV, as well as those who have experienced this in the past. It also provides support to the family and friends of people subjected to violence.</p>
<p><b>Domestic Violence Crisis Centre</b></p> <p>24/7 Phone: 02 6280 0900</p> <p>Website: <a href="http://www.dvcs.org.au">www.dvcs.org.au</a></p> <p>(ACT only)</p>	<p>Domestic Violence Crisis Service (DVCS) began providing services in the Canberra Community in 1988. DVCS is a not-for-profit specialist domestic and family violence service providing crisis and long term support services to help break the cycle of violence.</p>



Support service	Description
<p><b>Safesteps</b> 24/7 Phone: 1300 015 188 Website: <a href="https://www.safesteps.org.au/">https://www.safesteps.org.au/</a> (Victoria only)</p>	<p>Providing specialist support services for anyone in Victoria who is experiencing or afraid of family violence.</p>
<p>BDVS – Brisbane Domestic Violence Service</p>	<p>The Brisbane Domestic Violence Service (BDVS) is a dedicated 24 Hour, 7 days a week domestic and family violence support service.</p>
<p><b>Beyond Blue</b> 24/7 Phone: 1300 224 636 Website: <a href="http://www.beyondblue.org.au">www.beyondblue.org.au</a></p>	<p>Beyond Blue is focused on supporting people affected by anxiety, depression and suicide.</p>
<p><b>Family Violence Law Help</b> Website: <a href="http://www.familyviolencelaw.gov.au">www.familyviolencelaw.gov.au</a></p>	<p>An Australian Government website providing information about domestic and family violence and the law in Australia.</p>
<p><b>Kids Help Line</b> 24/7 Phone: 1800 551 800 Website: <a href="http://www.kidshelp.com.au">www.kidshelp.com.au</a></p>	<p>Counsellors are available to talk to children confidentially about any issue that is affecting or worrying them. Email or web counselling is also available from the Kids Help Line website.</p>
<p><b>Lifeline</b> 24/7 Phone: 131 114 Website: <a href="http://www.lifeline.org.au">www.lifeline.org.au</a></p>	<p>Information on domestic abuse and family violence and 24 hour crisis support and suicide prevention services.</p>
<p><b>MensLine</b> 24/7 Phone: 1300 789 978 Website: <a href="http://www.mensline.org.au">www.mensline.org.au</a></p>	<p>MensLine offers support to men with family and relationship concerns, including those who experience FDIPV. The service can also assist men who have used violence not to reoffend.</p>
<p><b>Every Man</b> Phone: 02 6230 6999 Monday - Friday Website: <a href="https://www.everyman.org.au/">https://www.everyman.org.au/</a> (ACT only)</p>	<p>Supporting men who are at risk of homelessness, living with mental health issues like depression or anxiety, living with disabilities, men who are perpetrators or survivors of violence, men who are ex-prisoners, socially isolated, or having relationship or parenting difficulties.</p>
<p><b>QLIFE</b> Phone: 1800 184 527 Website: <a href="http://www.qlife.org.au">www.qlife.org.au</a></p>	<p>QLife Is Australia's first nationally-oriented counselling and referral service for LGBTIQ+ people.</p>
<p><b>LGBTIQ Domestic Violence Interagency (Another Closet)</b> 24/7 Phone: 1800 65 64 63 Website: <a href="http://ssdv.acon.org.au/">http://ssdv.acon.org.au/</a></p>	<p>LGBTIQ Domestic Violence Interagency (formally the Same Sex Domestic Violence Interagency) was formed in April 2001 in Sydney, Australia, as the result of a number of non-Government and Government agencies coming together with the aim of creating a collaborative response to the issues surrounding same sex domestic violence.</p>
<p><b>Relationships Australia</b> Phone: 1300 364 277</p>	<p>Relationships Australia is a leading provider of relationship support services for individuals,</p>

Support service	Description
Website: <a href="http://www.relationships.org.au">www.relationships.org.au</a>	families and communities to achieve positive and respectful relationships.
<b>No to Violence</b> Phone: 1300 766 491 Website: <a href="https://ntv.org.au/">https://ntv.org.au/</a>	No To Violence are a support service who work with men who use family and domestic violence, and the sector that supports them to change abusive behaviour.

## Information resources

Resource	Description
<b>Our Watch</b> Website: <a href="http://www.ourwatch.org.au">www.ourwatch.org.au</a>	Our Watch is a national leader in the primary prevention of violence against women and their children in Australia. Working to embed gender equality and prevent violence where Australians live, learn, work and socialise.
<b>Services Australia Family and Domestic Violence services</b> Website: <a href="#">Family and domestic violence</a>	Supporting people affected by family and domestic violence by providing information, resources and referrals. They also hold the <a href="#">Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022</a> .
<b>Department of Social Services Family Safety Pack</b> Website: <a href="#">Family Safety Pack</a>	Supporting people coming to Australia. It includes information on Australia's laws regarding domestic and family violence, sexual assault and forced marriage, and a woman's right to be safe. The pack also includes a low literacy storyboard.
<b>ReachOut</b> Website: <a href="https://au.reachout.com/articles/domestic-violence-support">https://au.reachout.com/articles/domestic-violence-support</a>	Online mental health service for young people and their parents in Australia
<b>Australian Public Service Commission</b> Website: <a href="http://www.apsc.gov.au">www.apsc.gov.au</a>	Responsible for <a href="#">Realising the benefits for all: Australian Public Service Gender Equality Strategy 2021-26</a> and the <a href="#">APS Domestic and Family Violence Policy Framework</a> . APSC also houses the <a href="#">Public Sector Workplace Relations Policy 2020</a> .
<b>Australian Indigenous HealthInfoNet</b> Website: <a href="https://healthinonet.ecu.edu.au/">https://healthinonet.ecu.edu.au/</a>	Australian Indigenous HealthInfoNet has provided support to those working in the Aboriginal and Torres Strait Islander health sector by making research and other knowledge readily accessible. In this way, we contribute to closing the gap in health between

Resource	Description
	Aboriginal and Torres Strait Islander people and other Australians.
<b>Australian Human Rights Commission</b> Phone: 1300 656 419 or 02 9284 9888 Website: <a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a>	The Australian Human Rights Commission is an independent statutory organisation, established by an act of Federal Parliament. They investigate complaints about discrimination and human rights breaches.
<b>Fair Work Ombudsman</b> Website: <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a>	The Fair Work Ombudsman provides education, assistance, and advice on compliance with the <a href="#">Fair Work Act 2009</a> , related legislation, awards and registered agreements.
<b>Office for Women</b> Website: <a href="http://www.pmc.gov.au/office-women">www.pmc.gov.au/office-women</a>	The Office for Women works across Government to deliver policies and programmes to advance gender equality and improve the lives of Australian women.
<b>Workplace Gender Equality Agency</b> Website: <a href="http://www.wgea.gov.au">www.wgea.gov.au</a>	The Workplace Gender Equality Agency is an Australian Government statutory agency created by the Workplace Gender Equality Act 2012. The Agency is charged with promoting and improving gender equality in Australian workplaces.
<b>National Disability Insurance Scheme (NDIS)</b> Website: <a href="https://www.ndis.gov.au/">https://www.ndis.gov.au/</a>	Supporting a better life for hundreds of thousands of Australians with a significant and permanent disability and their families and carers.

## Appendix – Definitions

**Family and domestic violence** is violent, threatening or other abusive behaviour by a close relative of an employee that:

- (a) seeks to coerce or control the employee; and
- (b) causes the employee harm or to be fearful.

This can include, but is not limited to:

- physical violence
- sexual assault or other sexually abusive behaviour
- emotional or psychological abuse
- verbal abuse
- spiritual or cultural abuse
- economic or financial abuse

**A close relative** of the employee is a person who:

- (a) is a member of the employee's immediate family; or
- (b) is related to the employee according to Aboriginal or Torres Strait Islander Kinship rules.