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FAMILY AND DOMESTIC VIOLENCE

Strategic Outcome:	Good government
Policy type	Administrative
Date of Adoption:	20 July 2022 Minute Number: 209
Date for Review:	15 July 2026
Responsible Officer:	Human Resource Coordinator
Document Control:	Replaces Family and Domestic Violence Policy adopted 20 May 2020
Delivery Program Link:	2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance

1. POLICY STATEMENT

Berrigan Shire Council acknowledges that employees may face situations of violence or abuse in their personal life that may affect their attendance or performance at work.

Council is committed to supporting staff members experiencing domestic and family violence to continue to participate in the workforce and maintain their employment

2. PURPOSE

The purpose of this policy is to outline Council's commitment to supporting the health and wellbeing of our staff.

3. SCOPE

This policy relates to all employees of the Berrigan Shire Council.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

2.1.3 Council operations and financial management support ethical, transparent and accountable corporate governance

5. DEFINITIONS



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The below definitions of Family Violence and Domestic Violence have been provided by [Mission Australia](#).

Domestic violence refers to violent behaviour between current or former intimate partners – typically where one partner tries to exert power and control over the other, usually through fear. It can include physical, sexual, emotional, social, verbal, spiritual and economic abuse.

Family violence is a broader term that refers to violence between family members, which can include violence between current or former intimate partners, as well as acts of violence between a parent and a child, between siblings, and more. Family violence is the preferred term for violence between Aboriginal and Torres Strait Islander people, as it covers the extended family and kinship relationships in which violence may occur.

Behaviour towards victims can include limiting their access to finances, preventing them from contacting family and friends, demeaning and humiliating them, threatening them or their children with injury or death, and acts of physical violence.

Both men and women experience violence, and most men are not perpetrators of violence. However, there are gendered patterns in violence perpetration and victimisation. Women are much more likely than men to experience violence from an intimate partner, and with more severe impacts including hospitalisation or death. Understanding gendered patterns is crucial for understanding domestic and family violence and developing effective responses including preventative measures.

Family member: a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or a person related to the employee according to Aboriginal or Torres Strait Island kinship rules.

6. POLICY IMPLEMENTATION

6.1 Council's commitment

Berrigan Shire Council as an employer makes the following commitment:

- know the facts about family and domestic violence and educate their workplace
- know our legal responsibilities and what our employees are entitled to at work if they're experiencing family or domestic violence



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- conduct regular training or information sessions to inform employees about the signs and impact of family and domestic violence. This can include:
 - displaying workplace safety information prominently at the workplace
 - holding safety classes and training sessions (both in-person or online courses)
 - regularly including safety information in meetings and employee newsletters
- provide ongoing support to affected employees through our Employee Assistance Program and referral to external support providers

6.2 Leave provisions

In accordance with the Award, employees (other than casual employees) experiencing family and domestic violence and who require flexibility to deal with the impact of family and domestic violence are entitled to up to ten days' paid family and domestic violence leave.

Casual employees, whilst not eligible for paid leave, may make themselves unavailable for work without consequences to deal with the impact of family and domestic violence.

Family and domestic violence leave is available at the start of each 12-month period of an employee's employment and does not accumulate from year to year.

6.2.1 Accessing leave

Council acknowledges that some employees may feel uncomfortable accessing this leave and speaking to others. Employees requiring family and domestic violence leave are encouraged to access Council's Employee Assistance Program and speak with the Human Resource Coordinator to arrange for this leave to be utilised.

Domestic and family violence leave is available. If you find that you need to take family violence or domestic violence leave. Please let your manager know and apply for leave as soon as

1. it is safe for you to do so or
2. if circumstances permit before leave is taken.

6.2.2 Supporting documentation

An employee will need to provide evidence to support the use of family and domestic violence leave. This may be in the form of a document issued by the police, a court order or statutory declaration.

6.3 Confidentiality



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All personal and information regarding family and domestic violence will be kept confidential in accordance with Council policy and relevant legislation.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Fair Work Act 2009 (Cth)*
- *Privacy and Personal Information Protection Act 1998*
- Local Government (State) Award 2020
- [Fair Work Ombudsman – Employer Guide to Family and Domestic Violence](#)

7.2 Council policies and guidelines

- Governance Policy
- Code of Conduct
- Berrigan Shire 2032: Workforce Management and Development Plan 2022 - 2026
- Equal Employment Opportunity Policy
- Work Health and Safety Policy
- Employee Assistance Program Policy
- Discrimination, Workplace Bullying and Harassment Policy
- Berrigan Shire Council Human Resource Manual

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:



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This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0		New Policy document	Enterprise Risk Manager
1.1	20.07.2022	Reviewed / inclusion of training and support	HR Coordinator

APPENDICES

Nil