



## POLICY 040

# DOMESTIC AND FAMILY VIOLENCE WORKPLACE POLICY

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### DOCUMENT DETAILS

**Category:** Corporate Services

**Version:** 02      **Approval Date:** 11 / 03 /2020      **Review Date:** 11 / 03 /2023

**Directorate/Unit:** People and Business Services      **Document Sponsor:** Executive Director, People and Business Services

**Application:** All of DCS      **Classification:** Public Document

**Authority:** [Public Sector Act 2009](#)  
[Work Health and Safety Act and Regulations 2012](#)  
[Guideline of the Commissioner for Public Sector Employment: Domestic and Family Violence](#)  
[Code of Ethics for the South Australian Public Sector](#)  
[Intervention Orders \(Prevention of Abuse\) Act 2009](#)

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### Policy Statement

The Department for Correctional Services (DCS) recognises the devastating impact of domestic and family violence which incurs significant social, emotional and economic costs to victims, their families and to the broader community. DCS is committed to supporting employees experiencing domestic and family violence by offering flexible working arrangements and/or access to leave entitlements. DCS promotes a safe workplace environment that provides the flexibility to support staff to maintain their work and to take action to break free from domestic and family violence.

### Relationship to DCS Strategic Plan

This policy aims to promote safety, health and wellbeing in the workplace and the requirement for all staff to be treated with respect in the workplace

This Policy is aligned with Government policy on domestic and family violence and the Workplace Equality and Respect (WER) Project. The WER project is a key part of the Government's efforts to prevent violence against women. It aims to prevent violence against women by addressing the social conditions that cause it. National policy, informed by international research, is clear that to reduce violence against women we must improve gender equality.

### Rationale

This policy provides employees and managers with information on support services for employees in the workplace who are experiencing domestic or family violence.

### Scope

This policy applies to all South Australian DCS employees.

DCS recognises that domestic and family violence exists at every societal level and that anyone can be a victim of such violence. It involves a pattern of abusive behaviours by one person against another in an intimate relationship such as marriage, domestic partnerships,

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cohabitation, dating or within a family including across generations. It can include physical and sexual violence, verbal threats and intimidation, emotional and social abuse, economic deprivation and property damage. The abusive pattern of behaviour is aimed at power and control through fear.

Aboriginal family violence can extend to violence perpetrated against or amongst Aboriginal people, families and communities.

For the purpose of this policy, an individual is not considered to be experiencing domestic and family violence if the individual is a victim of a crime by someone who is not intimately known to them.

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## Strategies

### Support in the workplace

DCS acknowledges the collective and individual responsibilities within the workplace to be accountable for providing a supportive environment to domestic and family violence victims. DCS encourages an employee experiencing or escaping domestic and family violence to advise their manager, Human Resources (HR) Consultant or Employee Assistance Program (EAP) Coordinator to ensure that proper safety measures can be implemented and support provided.

This policy also recognises the need for managers to consider the impact domestic and family violence can have on an individual's performance, and the need to be sensitive to their circumstances when it impacts on their attendance or ability to perform their duties.

### Confidentiality

An employee who discloses they are experiencing domestic or family violence to their manager, HR Consultant or EAP Coordinator is to be assured that their information will be kept strictly confidential and will not be recorded on their employee personal file. Any information that must be retained on file, must be kept on a separate secure file.

In instances when there is an inherent safety risk to either the affected employee or other employees, disclosure of the situation will be kept to a minimum for the purpose of maintaining safety in the workplace, consistent with the "Commissioner for Public Sector Employment Guidelines: Domestic and Family Violence." [Guideline of the Commissioner for Public Sector Employment: Domestic and Family Violence.](#)

[Guideline 024 – Information Sharing Guideline \(ISG\)](#) provides the Department's procedure for information sharing and should be referred to, along with the [Information Sharing Guidelines Decision Making Steps](#) and [ISG Practice Guide](#).

A request for special leave for domestic and family violence should be listed as "urgent pressing necessity" on the special leave application and no other details need be recorded.

Employees wishing to make confidential inquiries without identifying themselves, are welcome to contact the EAP Coordinators who can provide information or source information on a confidential basis.

Aboriginal employees may also contact the Manager Aboriginal Project and Staff Support, Aboriginal Services Unit for confidential advice and support.

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## Counselling support services

An employee who is experiencing domestic and family violence is encouraged to seek assistance from;

- DCS Employee Assistance Program (EAP) Coordinators on 8226 9157. Confidential counselling and support is available for employees and/or their family members through the DCS EAP Providers.
- 1800 RESPECT a National counselling helpline, information and support line available 24/7 [1800RESPECT](http://1800RESPECT).
- Domestic and Aboriginal Family Violence Gateway is a 24/7 telephone service 1800 800 098.

Refer to Appendix AP40/01 for further details and other support services. [Appendices of services Appendix AP40/01](#)

## Workplace Safety Planning

If it has been identified that an employee's safety or that of their co-workers is at risk in the workplace, it is recommended that a Workplace Domestic/Family Violence Personal Safety Plan should be developed. This should be done in partnership between the employee and their manager. The plan should reflect the specific needs of the employee and take into account the nature of their role and the workplace environment, including any safety risks associated with the current working arrangements.

A priority action would include making sure the Emergency contact details are updated. The perpetrator may be listed as an emergency contact and the employee may wish to change this to another nominated contact person.

Refer to Appendix 1 of the [Guideline of the Commissioner for Public Sector Employment: Domestic and Family Violence](#) for Development of a Workplace Domestic/Family Violence Personal Safety Plan.

## Role of the Manager

The role of the manager includes:

- Ensuring the employee is aware of Policy 040, access to counselling supports through EAP, workplace support and leave options.
- Considering and discussing measures to provide a safe workplace in so far as is reasonably practical with the employee.
- Where required, developing a Workplace Domestic/Family Violence Personal Safety Plan to ensure the safety of the employee whilst they are at work.
- Ensuring confidentiality of information is maintained as far as reasonably practical by keeping all information concerning the leave application strictly confidential and only on the secure working file. This includes any copies of supporting documentation if necessary, and returning original documentation to the employee.

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- Offering the employee the opportunity to have a third party to be present in discussions such as a colleague, HR Consultant, professional counsellor or other support person.
  - Recognising that the employee may need some time to decide what to do and may need to try different options.
  - Promote the prevention of gendered violence in the workplace.
  - Complete the DCS online White Ribbon Training Modules for Managers and Supervisors and/or Senior Managers.  
[DCSLMS.sa.gov.au](https://DCSLMS.sa.gov.au)
  - Ensure employees have completed the online White Ribbon Training Modules for staff as required. [DCSLMS.sa.gov.au](https://DCSLMS.sa.gov.au)
  - Attend domestic and family violence training as required.
  - Promote and facilitate staff to attend domestic and family violence training as available.

### Flexible working arrangements

In accordance with the [South Australian Modern Public Sector Enterprise Agreement: Salaried 2017](#), DCS encourages and supports flexible work practices that promote the successful performance of work and provide benefits to its employees. An employee who is experiencing or escaping domestic and family violence may require time off work during normal working hours to deal with health, legal or financial matters. Flexible working arrangements are designed to facilitate this.

Types of flexible work can include:

- Flexi time
- Compressed weeks
- Part Time/Job Share; and
- Working from home (if practical and safe for the employee)

### Leave options

In accordance with the Commissioner for Public Employment Guideline: Domestic and Family Violence, [Guideline of the Commissioner for Public Sector Employment: Domestic and Family Violence](#), an employee experiencing domestic and family violence may need to take time off work for a number of reasons; and may also be eligible for various types of paid and unpaid leave, taken as consecutive or single days, part days or hours. This includes:

- Special leave with pay – an employee (other than a casual employee) may access up to 15 days special leave with pay in a 12 month period (or pro rata equivalent for part-time employees) in addition to existing leave entitlements.
- In addition to this, an employee experiencing or escaping domestic/family violence may also be entitled to further leave, (up to 15 days or pro rata equivalent for part-time employees) of special leave with pay per service year in accordance with the relevant leave provisions described in Commissioner for Public Sector Employment Determination 3.1: Employment Conditions – Hours of Work, Overtime and Leave [Commissioner's Determination 3.1 – Employment Conditions – Hours of Work, Overtime and Leave](#).

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An employee may be eligible for other types of leave including:

- Annual/recreation leave
- Long service leave
- Retention leave
- Leave without pay
- Purchased leave
- Further special leave with pay

### **Applications for Leave and Flexible Working Arrangements - Employee Obligations**

Flexible working arrangements require operational considerations by the employee's manager and appropriate delegate approval. Special leave applications require specific delegate approval. If an employee is uncomfortable discussing their situation with their manager to seek leave or flexible working arrangements, they may prefer to contact a HR Consultant in the human resources section of People and Business Services, or an EAP Coordinator.

An employee must provide with their special leave application clear evidence that would satisfy a reasonable person that the leave was for purposes associated with the experience of domestic or family violence. Evidence in support of leave for purposes associated with domestic or family violence may include (but is not limited to):

- A document issued by South Australian Police;
- A written referral, issued by a registered medical practitioner or registered nurse, to a counsellor trained in providing support in domestic or family violence situations;
- A document issued by a Court, or a counsellor trained in providing support to people experiencing the effects of domestic or family violence; or
- Written confirmation from an agency's Employee Assistance Program provider or from a domestic/family violence support service that confirms the employee is experiencing domestic/family violence issues.

Note: It should be taken into consideration that if the person experiencing violence is in the initial stages of disclosure, they may have difficulty supplying this supportive evidence.

### **Returning to work**

When returning to work after leave due to domestic violence related issues, an employee is encouraged to talk to their manager regarding any ongoing safety concerns they may have. An employee who has identified a risk to their safety or that of their colleagues in the workplace is encouraged to develop a workplace domestic violence personal safety plan (if they have not previously developed one) or to review a safety plan that was previously in place if circumstances have changed. Refer to Appendix 1 of the [Guideline of the Commissioner for Public Sector Employment: Domestic and Family Violence](#) for development of a Workplace Domestic/Family Violence Personal Safety Plan.

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## **Zero Tolerance of domestic or family violence perpetrated in or from the workplace.**

DCS will not tolerate domestic or family violence being perpetrated in or from the workplace, such behaviour is in direct violation of the [Code of Ethics for the South Australian Public Sector](#). Any employee who threatens, harasses or abuses a family or household member at, or from the workplace, may be subject to disciplinary action. This includes employees who use workplace resources, such as phones, computers, email, postal mail, the internet, social media or other means to threaten, harass or abuse a family member. If an employee is observed or suspected of perpetrating domestic violence in or from the workplace, managers have a responsibility to implement the appropriate action, which may result in disciplinary action. Refer Policy 00 – Employee Conduct and Guideline 23 – Employee Misconduct.

### **Counselling for perpetrators to change their behaviour**

DCS has a commitment to encourage perpetrators to take responsibility for changing their behaviours.

As part of reducing domestic and family violence, perpetrators of domestic or family violence who are proactively seeking counselling to change their behaviours are supported to do so through the DCS Employee Assistance Program. This applies to DCS employees and immediate family members of a DCS Employee.

[Relationship Australia](#) can be contacted on 13007899 to provide counselling services. Relationship Australia provide a Behaviour Change Program for men.

[MensLine Australia](#) also offers 24/7 professional support for any family violence concern. MensLine Australia offers telephone anger management and behavioural change programs alongside a call back service which can provide professional ongoing support. Mensline can be contacted on 1300 78 99 78.

Note: perpetrators are not eligible to access 15 days Domestic and Family Violence Leave.

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**Approved**

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**David Brown**  
**Chief Executive**  
11 / 03 /2020

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## References

[DCS Strategic Plan 2018-2022](#)

[Office of the Commissioner for Public Sector Employment website.](#)

[Determination 3.1: Employment Conditions – Leave](#)

[Guideline of the Commissioner for Public Sector Employment: Domestic and Family Violence  
Commissioner for Public Sector Employment Determination and Guideline - Flexible Workplaces](#)

[The Code of Ethics for the South Australian Public Sector](#)

[Equal Opportunity Commission](#)

[National Plan to Reduce Violence against Women and their Children 2010–2022 \(the National Plan\)](#)

[Our Watch](#)

[Office for Women \(SA\)](#)

[Women's Safety Service SA](#)

[Workplace Equality and Respect Project](#)

[Mensline](#)

[Relationship Australia](#)

## Legislation

[Public Sector Act 2009 and Public Sector Regulations 2010](#)

[Work, Health and Safety Act 2012](#)

[Work, Health and Safety Regulations 2012](#)

[Intervention Orders \(Prevention of Abuse Act 2009\)](#)

## DCS Related Policies and Procedures

[Policy 00 – Employee Conduct](#)

[Guideline 23 – Employee Misconduct](#)

[SOP 003 – Employee Assistance Program](#)

[Gender Equity and Respect Action Plan](#)

[Human Resource Delegations and Authorisations](#)

[Guideline 024 - Information Sharing Guidelines \(ISG\)](#)

## Forms/Templates

Appendices of Statewide Services [Appendices of services Appendix AP40/01](#)

## Glossary

### Family violence

Some communities, such as Aboriginal and Torres Strait Islander communities, prefer the term *family violence* to *domestic violence* as it is more encompassing of the spectrum of violence and abuse that can occur, as well as recognising the impact violent and abusive behaviour can have on a community as a whole. This expansive framework for thinking about violence and abuse can also incorporate systemic level policies and programs that have caused harm for Aboriginal and Torres Strait Islander people and that can continue have an impact today.

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## Domestic and Family Violence

*Domestic and Family Violence (DFV)* refers to behaviour that coerces, controls or causes a person to be afraid. It is an abuse of power perpetrated in intimate partner relationships. The most commonly acknowledged forms are physical and sexual violence, threats and intimidation, emotional, social and technological abuse and economic deprivation. Examples of each are provided below.

## Emotional and psychological abuse

*Emotional and psychological abuse* can include threats, intimidation, controlling and manipulative behaviour. For example it could involve threatening to harm children, property, pets, or regularly putting a person down, controlling what they wear, who they socialise with, and/or distorting the facts and reality over day to day events. Over time this can damage a person's sense of reality and self-esteem as well as isolate them from family and friends. Individuals subjected to this behaviour can develop a distorted perception of their own self-worth and of what is a healthy relationship, as well as having genuine fear of what the perpetrator may do to them if they try to leave the situation.

## Exposing a child to Domestic and Family Violence

Children that are exposed to DFV are direct victims of that violence. For example children's exposure to regular verbal or physical conflict within the family home can result in them experiencing trauma, insecurity and confusion. Children in these highly stressful environments may withdraw, or alternatively, mimic the behaviour, and may also take on the burden of hiding what is occurring. Additionally, they may be forced to live in poverty or become homeless because of the DFV, and ultimately may not get their needs fully met due to growing up in an environment of high stress or due to a distressed parent unable to dedicate care to them.

## Financial abuse

*Financial abuse* seeks to reduce a person's financial independence and autonomy. It may involve closely monitoring a person's spending or by giving them a small allowance and/or completely controlling their bank accounts. Demanding money from someone or taking their belongings or forcing a person to sign documents, take on debts or claim welfare payments are all forms of financial abuse. Another strategy may be to stop a person from working or studying.

## Harassment and stalking

*Harassment and stalking* is following, watching or monitoring a person; to know where a person is all the time. This may include going through an individual's personal information such as their emails, social media, phone messages or financial transactions as well as tracking their movements through technology. Harassing a person may include repeated phone calls, text messages or emails.

## Physical abuse

*Physical abuse* is when a person uses physical force against another person. Physical abuse can start slowly, for example with throwing an object or a slap, and escalate over time. It can include hitting, punching, kicking or bashing a person, shoving, pushing, biting, spitting on a person or pulling their hair, throwing things at a person, choking or suffocating a person, using weapons, for example, knives, guns or other objects. It can also include

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withholding food, medicine, not allowing a person to sleep or forcing a person to take drugs.

### **Property damage**

*Property damage* can include taking, damaging or destroying property and may include property that is individually owned, owned by the other person, shared or belonging to children or someone else. Property Damage may include damaging the car, toys, furniture or the house such as punching walls, breaking windows, kicking in doors, smashing crockery, breaking a person's phone or cutting the phone line when they try to call for help.

### **Sexual abuse**

*Sexual abuse* is any form of forced or unwanted sexual activity. The perpetrator of sexual abuse may use physical force, make threats or take advantage of a person unable to give consent. Sexual abuse mainly happens between people who know each other and can occur in the context of DFV.

### **Verbal abuse**

*Verbal abuse* is a key feature of emotionally abusive relationships. The perpetrator consistently makes statements that negatively label a person, including calling a person names or putting them down. They may attack the person's intelligence, sexuality, race, ethnicity and body image and /or attack their capacity as a parent or partner, swearing at or humiliating the person, and/or yelling or screaming at them. This has a serious impact on the self-esteem and confidence of the person experiencing the verbal abuse.

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