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Authority to amend: Board

Purpose

This family and domestic violence policy aims to provide a framework to support employees of Shorelyne Pty Ltd ATF Shorelyne Trust who experience family and domestic violence.

- We are committed to providing a healthy and safe working environment for employees.
- We recognise that employees affected by family and domestic violence may suffer significant physical and / or emotional trauma, difficulty in working, financial insecurity, and disruption to their lives.
- We aim to take a sensitive / holistic approach to supporting employees who experience family and domestic violence allowing them to continue to participate in the workplace.

What is family and domestic violence (FDV)?

Family and domestic violence is violent, threatening, or other abusive behaviour by a close relative of a person, a member of a person's household, or a current or former intimate partner of a person, that:

- seeks to coerce or control the person; and
- causes the person harm or to be fearful.

As defined by the Fair Work Act, a close relative is:

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

A 'de facto partner' of a person means another person who, although not legally married to the first person, lives with the first person in a relationship as a couple on a genuine domestic basis (whether the first person and the other person are of the same sex or different sexes).

FDV 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; or
- economic or financial abuse.

FDV 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.

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

FDV is unacceptable in any setting, including the workplace. Any 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.

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

Paid Family and Domestic Violence Leave

Paid FDV leave is one of a number supports employers can provide to employees experiencing family and domestic violence. In addition, an employee may request flexible working arrangements or also seek to discuss their safety at work, depending on the extent to which they feel comfortable discussing these things with their employer.

How much leave is available?

All employees (including full-time, part-time, and casual employees) are entitled to 10 days of paid family and domestic violence leave (FDV leave) in a 12-month period under the National Employment Standards. This entitlement resets on the employee's annual work anniversary.

When and how can leave be taken?

Paid FDV leave is available if:

- the employee is experiencing family and domestic violence; and
- the employee needs to do something to deal with the impact of the family and domestic violence; and
- it is impractical for the employee to do that thing outside the employee's work hours.

This may include, for example, time off for:

- establishing a workplace safety plan;
- attending medical, financial or counselling appointments;
- accessing legal advice;
- establishing or finding safe housing;
- attending court hearings;
- attending police appointments; and
- organising alternative care or educational arrangements for their children.

Paid FDV leave is available in full at the start of each 12-month period of the employee's employment. It does not accumulate from year to year if it's not used. It is available in full to all employees, including part-time and casual employees. It is not pro-rata.

An employee can take paid FDV leave as a single continuous 10-day period. Alternatively, the leave can be taken as single or multiple days, or part days (if employer and employee agree).

How is leave paid?

Leave is paid at the employee's full rate of pay.

An employee's full pay rate is their base rate plus any:

- incentive-based payments and bonuses;
- loadings;
- monetary allowances;
- overtime or penalty rates; or
- any other separately identifiable amounts.

Full-time and part-time employees are paid their full pay rate for the hours they would have worked if they weren't on leave. Casual employees are paid their full pay rate for the hours they were rostered to work when the leave is taken.

What evidence will be required?

Shorelyne Pty Ltd ATF Shorelyne Trust may require that an employee provides evidence supporting the need for FDV leave taken, however discretion will be exercised as to when this is required. In doing so, we will discuss with the employee the available options (which may include court documents, medical certificate, or statutory declaration). Shorelyne Pty Ltd ATF Shorelyne Trust recognises that in some circumstances it may be difficult for the employee to provide evidence.

Confidentiality

Shorelyne Pty Ltd ATF Shorelyne Trust will not, other than with the employee's consent, use information about a FDV situation for a purpose other than for the purposes of confirming an employee's entitlement to leave under this Policy. The exceptions to this are if we are required to disclose this information by an Australian law or if disclosure is necessary to protect the life, health or safety of the employee or another person (as per section 106C of the Fair Work Act).

Employees and managers must maintain appropriate privacy and confidentiality for personal information. Discussions with managers will be on a strictly need-to-know basis.

Pay slips will not mention FDV leave, including leave taken or leave balances. Leave taken will be reflected on payslips as time worked or another kind of payment for performing work, unless the employee requests it be shown as another type of leave (e.g. annual, or personal leave). A confidential record of an employee's leave balances will be maintained.

Flexible Working Arrangements

Shorelyne Pty Ltd ATF Shorelyne Trust acknowledges and supports flexible working arrangements as a tool to help employees impacted by FDV.

The Fair Work Act entitles employees with at least 12 months of continuous service to request flexible working arrangements if they are:

- experiencing family and domestic violence;
- providing care or support to an immediate family member or household member who requires care or support because they are experiencing family and domestic violence.

Shorelyne Pty Ltd ATF Shorelyne Trust will respond in writing to a request for a flexible working arrangement within 21 days, in accordance with the requirements in the Fair Work Act.

Requests may only be refused on reasonable business grounds. More information on Fair Work Requirements can be accessed at <https://www.fairwork.gov.au/employment-conditions/flexibility-in-the-workplace/flexible-working-arrangements>

Flexible working arrangements could include adjustments to an employee's usual working arrangement, such as hours of work, patterns of work or location of work, which will assist employees to manage their personal circumstances and work commitments.

Perpetrators of Family and Domestic Violence

Shorelyne Pty Ltd ATF Shorelyne Trust 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.

Perpetrators are not entitled to paid FDV leave. They can request annual leave.

Shorelyne Pty Ltd ATF Shorelyne Trust does not tolerate FDV and prohibits this violence being perpetrated in, or from, the workplace.

Shorelyne Pty Ltd ATF Shorelyne Trust will not tolerate the misuse of organisation resources to engage in behaviour that threatens, harasses, victimises, or abuses another person.

The No to Violence Men's Referral Service (ntv.org.au or 1300 766 491) works with men who use family violence to change their abusive and violent behaviour.

Further Assistance

For any queries regarding the operation of this Policy please contact Shorelyne Pty Ltd ATF Shorelyne Trust's CEO.

If you or someone you know is experiencing family and domestic violence, or you simply want to find out more, the following external services are available to provide information and assistance.

National Referral and Support Pathways

- 1800RESPECT (national domestic, family and sexual violence counselling, information and support service. Available 24/7) 1800 737 732
- Call 000 in an emergency
- Lifeline (general support) 13 11 44
- Beyond Blue (general support) 1300 224 636
- Relationships Australia (relationship issues) 1300 364 277

- Full Stop Australia (domestic, family and sexual violence support) 1800 385 578
- Men’s Referral Service (advice for men about family violence) ntv.org.au/mrs/ 1300 766 491
- MensLine Australia (general men’s issues) 1300 789 978
- Community Legal Centres Australia (legal help) (02) 9160 9500
- Rainbow Sexual, Domestic and Family Violence helpline (support for LGBTIQ+ community) 1800 497 212
- National Aboriginal and Torres Strait Islander Legal Services (legal support for Aboriginal and Torres Strait Islander people) 0490 534 572
- 13Yarn (support for Aboriginal and Torres Strait Islander people) 13 92 76
- Blue Knot Foundation Helpline (support for adult survivors of childhood trauma) 1300 657 380
- National Counselling and Referral Service – Disability (support for people living with a disability) 1800 421 468
- Kids Help Line (all areas of support for kids/teens) 1800 551 800
- WellMob - wellmob.org.au
- No to Violence - ntv.org.au
- Say It Out loud - sayitoutloud.org.au
- Daisy app: 1800respect.org.au/daisy

Date	Section	Reason	Author	Ratified
2023	All	Inception	CEO	