

ACTU MODEL CLAUSE

FAMILY AND DOMESTIC VIOLENCE

X.1 General Principles

- X.1.1 [Insert employer] recognises that employees sometimes face situations of violence or abuse in their personal life that may affect their attendance or performance at work. [Insert employer] is committed to providing support to staff that experience family and domestic violence.
- X.1.2 Understanding the traumatic nature of family and domestic violence [insert employer] will support their employee if they have difficulties performing tasks at work. No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family and domestic violence. An employee will not be discriminated against or have adverse action taken against them because of their disclosure of, experience of, or perceived experience of, family violence.

X.2 Definition of Family and Domestic Violence

- X.2.1 For the purpose of this clause, family and domestic violence is defined as any violent, threatening or other abusive behaviour by a person against a member of the person's family or household (current or former). To avoid doubt, this definition includes behaviour that:
- (a) is physically or sexually abusive; or
 - (b) is emotionally or psychologically abusive; or
 - (c) is economically abusive; or
 - (d) is threatening; or
 - (e) is coercive; or
 - (f) in any other way controls or dominates the family or household member and causes that person to feel fear for their safety or wellbeing or that of another person; or
 - (g) causes a child to hear or witness, or otherwise be exposed to the effects of, such behaviour.

X.3 Family and Domestic Violence Leave

- X.3.1 An employee, including a casual employee, experiencing family and domestic violence is entitled to [20] days per year of paid family and domestic violence leave for the purpose of:
- (a) attending legal proceedings, counselling, appointments with a medical or legal practitioner;
 - (b) relocation or making other safety arrangements; or
 - (c) other activities associated with the experience of family and domestic violence.
- X.3.2 In addition, an employee, including a casual employee, who provides support to a person experiencing family and domestic violence is entitled to access family and domestic leave for the purpose of:
- (a) accompanying that person to legal proceedings, counselling, appointments with a medical or legal practitioner;
 - (b) assisting with relocation or other safety arrangements; or
 - (c) other activities associated with the family and domestic violence including caring for children.

X.3.3 This leave will be in addition to existing leave entitlements, may be taken as consecutive or single days or as a fraction of a day, and can be taken without prior approval.

X.3.4 Upon exhaustion of the leave entitlement in clause [X.3.1], employees will be entitled to up to [2] days unpaid family and domestic violence leave on each occasion.

X.4 Notice and Evidentiary Requirements

X.4.1 The employee shall give his or her employer notice as soon as reasonably practicable of their request to take leave under this clause.

X.4.2 If required by the employer, the employee must provide evidence that would satisfy a reasonable person that the leave is for the purpose as set out in clause [X.3]. Such evidence may include a document issued by the police service, a court, a health professional, a family violence support service, a lawyer, a financial institution, an accountant or a statutory declaration.

X.4.3 The employer must ensure that any personal information provided by the employee to the employer concerning an employee's experience of family and domestic violence is kept confidential. Information will not be kept on an employee's personnel file.

X.5 Contact person

X.5.1 The [insert employer] will nominate a contact person to provide support for employees experiencing family and domestic violence and notify employees of the name of the nominated contact person. The nominated contact person must be trained in relation to family and domestic violence and privacy issues relevant to the workplace and receive paid time off work to attend such training.

X.5.2 An employee experiencing family and domestic violence may raise the issue with the nominated contact person, their immediate supervisor, Health and Safety Representatives or their union delegate/shop steward.

X.5.3 Where requested by an employee, the contact person will liaise with the employee's supervisor on the employee's behalf, and will make a recommendation on the most appropriate form of support.

X.5.4 Health and Safety Representatives and union delegates will be provided paid time off work for appropriate training in supporting employees at the workplace who are experiencing family violence.

X.6 Individual Support

X.6.1 In order to provide support to an employee experiencing family and domestic violence and to provide a safe work environment to all employees, [insert employer] will approve any reasonable request from an employee experiencing family and domestic violence for:

- (a) changes to their span of hours or pattern or hours and/or shift patterns;
- (b) job redesign or changes to duties;
- (c) relocation to suitable employment within [insert employer];
- (d) a change to their telephone number or email address to avoid harassing contact;
or
- (e) any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements.

X.6.2 An employee that discloses to the nominated contact person or their supervisor that they are experiencing family and domestic violence will be offered:

- (a) access to professionals trained specifically in family and domestic violence through the Employee Assistance Program (EAP); and
- (b) a resource pack containing information in relation to external support agencies, referral services and other local employee support resources.

X.6.3 [Insert employer] will develop guidelines to supplement this clause which detail the appropriate action to be taken in the event that an employee reports family and domestic violence.

X.7 Workplace Safety

7.1 [Insert employer] will implement a workplace safety plan with specific measures to minimise the risk that employees will be subject to violent or abusive behaviour at work and protocols for dealing with a crisis situation.