

# FAMILY VIOLENCE SUPPORT PROCEDURE

## SCOPE

This procedure applies to all fixed-term, continuing and casual and sessional staff of Monash University's Australian campuses, herein collectively referred to as 'you' for the purpose of this procedure.

## PROCEDURE STATEMENT

The University ('us', 'our' or 'we') recognises that staff sometimes experience situations of violence or abuse in their personal life constituting family violence that may affect their attendance or performance at work, or their safety.

We condemn all forms of violence including family violence. This procedure articulates our commitment to supporting you if you experience family violence. It also sets out the process for you to access leave for absences due to family violence, and/or flexible working arrangements required in response to family violence.

### 1. Support

1.1 We recognise that, if you are experiencing family violence, you may require support. We are committed to providing a broad range of support which includes:

- a dedicated Support Liaison; and
- leave; and/or
- flexible working arrangements; and/or
- additional safety/security arrangements and safe accommodation; and/or
- counselling.

#### Support Liaison

1.2 To maintain confidentiality and minimise the need for you to discuss your experience of family violence with multiple people, you will have a dedicated "Support Liaison", who will be your key contact in relation to any support you have requested. You can choose your Support Liaison to be one of the University's designated Family Violence Contact Officers, your HR Business Partner, or your supervisor.

#### Family Violence Contact Officers

Family Violence Contact Officers have expertise in family violence and privacy issues. Their role is to:

- liaise between you and your supervisor where necessary;
- provide advice to your supervisor on how to best support you;
- advise on the support available, including leave and flexible working arrangements (subject to approval);
- provide referrals to other University support services and/or external support services;
- advise you about external processes (eg. court proceedings) and external safety measures (eg. reporting family violence to police, obtaining an intervention order) that may be available; and
- assist you to make informed choices about your safety.

You may seek advice from a Family Violence Contact Officer and still opt for your supervisor or HR Business Partner to be your Support Liaison.

1.3 If you wish to speak with a Family Violence Contact Officer, you can do so by contacting them directly (9905 1599 or [saferrcommunity@monash.edu](mailto:saferrcommunity@monash.edu)), or you may choose to do so through your supervisor. Refer to the Safer Community Unit's [family and interpersonal violence](#) intranet support page for a list of Family Violence Contact Officers.

## Leave

- 1.4 If you are experiencing family violence you may have access to certain types of leave for purposes related to the family violence and dealing with its consequences (for example, attending medical or counselling appointments, legal proceedings, police appointments, accessing legal advice, undertaking relocation activities, and making care or education arrangements). The following types of leave may be accessible:
  - paid family violence leave; and/or
  - accrued sick leave (if applicable under your conditions of employment); and/or
  - accrued annual and long service leave (if applicable under your conditions of employment).
- 1.5 You may apply for paid family violence leave without first exhausting any accrued sick leave, annual leave or long service leave. However, the approval of paid family violence leave is subject to Section 2 below.
- 1.6 If you are covered by the Monash University Enterprise Agreement (Academic and Professional Staff) 2019 and have previously taken annual leave, sick leave or long service leave for absences due to family violence and/or dealing with its consequences, you may apply to have paid family violence leave substituted for such leave, subject to Section 2 below.

## Flexible working arrangements

- 1.7 Flexible working arrangements include changes to start/finish times and hours worked.

## Safety/security arrangements

- 1.8 A Family Violence Contact Officer can advise about measures that may be available in your circumstances.

## Counselling

- 1.9 We provide access to confidential, professional counselling and support for you (and your immediate family) through the [Employee Assistance Program \(EAP\)](#) and the [University Counselling Service](#).

## 2. Requesting support

- 2.1 You can request support through your chosen Support Liaison (ie: a Family Violence Contact Officer, your [HR Business Partner](#) or your supervisor). You will need to inform your Support Liaison of whether your supervisor is aware of the request (if your supervisor is not the Support Liaison).
- 2.2 Formal written applications are required for special paid leave, as well as for changes to start/finish times or hours and other flexible working arrangements, but are not generally required for other types of support.

## Evidence in support

- 2.3 Requests for leave or flexible working arrangements are subject to the endorsement of the Director, Workplace Relations, Monash HR as nominated delegate for the Chief Human Resource Officer. The Director must be satisfied, on the information provided, that the support being requested is reasonable in all the circumstances.
- 2.4 In some cases, the request may be endorsed with nothing further required. In other cases, you may be required to provide additional documentary evidence to support the request. This evidence may include a document issued by police, a court, a medical practitioner, a district or maternal and child health care nurse, a family violence support service, a lawyer, a counsellor, or a Family Violence Contact Officer or a statutory declaration by you.

## Considering the request

- 2.5 All requests for support are considered as a matter of priority, and on an individual basis, considering all the circumstances. It is acknowledged that confidentiality is paramount in this process.
- 2.6 The Support Liaison will generally liaise directly with the decision maker (ie. the Director, Workplace Relations, Monash HR) or through a designated contact officer within Monash HR, Workplace Relations.
- 2.7 The Workplace Relations contact officer and/or Support Liaison will be responsible for liaising with your supervisor, where necessary.

## Outcome of the support request

- 2.8 You will be notified of the outcome of your request for support by the Support Liaison. Where your request is for a flexible working arrangement, the outcome of your request will be notified in writing within 21 days.

- 2.9 Where leave or a flexible working arrangement is approved, your leave/other relevant item will be recorded in the payroll system (e.g. paid family violence leave, sick leave, change to working hours, location etc.). Paid family violence leave will be recorded as special paid leave for the protection of your privacy.

### 3. Consultation

- 3.1 The Support Liaison (if they are not your supervisor) will discuss with you, your wishes for your supervisor's involvement/knowledge of the request/circumstances.
- 3.2 Where your supervisor is not already aware of your request for support, and the Director, Workplace Relations, Monash HR determines that any approval of the requested support requires your supervisor to be informed of some or all of your circumstances on a "need-to-know" basis, the Support Liaison will notify you. Your circumstances will be disclosed to the minimum extent necessary and acknowledging that the privacy of your information is paramount in this process.
- 3.3 If you object to your supervisor being informed of the circumstances, you, the Support Liaison and the Director, Workplace Relations, Monash HR will consider whether any other leave or other support may be offered which does not require your supervisor to be informed of some or all of the circumstances.

### 4. Other support

- 4.1 If you are providing care or support to a family member or other person who is experiencing family violence, you may be eligible to access leave entitlements (e.g. carer's leave, annual leave, compassionate leave, court appearances leave, special unpaid leave) to accommodate that provision of care or support.

### 5. Non-victimisation and privacy of information

- 5.1 A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the support for an individual experiencing family violence.
- 5.2 Persons involved in a matter raised under these procedures are required to respect the privacy of personal information and the sensitivity of the matters raised. Disclosure of personal information should be limited so that only persons directly involved are informed, and then only on a "need-to-know" basis (unless otherwise required by law).
- 5.3 Information collected, used and retained under this procedure is to be collected, used, and stored in accordance with the Privacy and Data Protection Act 2014 and other applicable privacy laws and our Data Protection and Privacy Procedure. Such information is to be securely stored and used only for the purposes for which it was collected, except as otherwise required or permitted by law.
- 5.4 A breach of this privacy or non-victimisation requirement will be treated seriously by us. It may constitute misconduct and may result in disciplinary action.

### 6. Breach of procedure

- 6.1 We treat any breach of our policies or procedures seriously. We encourage reporting of concerns about non-compliance and manage compliance in accordance with the applicable Enterprise Agreement or contract terms.

## DEFINITIONS

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|----------------------|---|
| Enterprise Agreement | <p>The Enterprise Agreement means the <a href="#">Monash University Enterprise Agreement (Academic and Professional Staff) 2019</a>, the <a href="#">Monash University Enterprise Agreement (Trades and Services Staff – Building and Metal Trades Staff) 2009</a>, or the <a href="#">Monash University Enterprise Agreement (Trades and Services Staff – Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005</a>, as applicable to the staff member in accordance with their contract of employment.</p> <p>Clauses in the Monash University Enterprise Agreement (Academic and Professional Staff) 2019 relating to this procedure include:</p> <ul style="list-style-type: none"> <li>• <a href="#">Clause 3 – Definitions</a></li> <li>• <a href="#">Clause 37 – Requests for Flexible Working Arrangements</a></li> <li>• <a href="#">Clause 44.16 – Family Violence Leave</a></li> <li>• <a href="#">Clause 51 – Family Violence</a></li> </ul> |
|----------------------|---|

|                                 |   |
|---------------------------------|---|
| Family Member                   | Has the same meaning as in the <i>Family Violence Protection Act 2008 (Vic)</i> and includes, but is not limited to: <ul style="list-style-type: none"> <li>• your spouse or domestic partner; or</li> <li>• a person with whom you have had an intimate personal relationship; or</li> <li>• a person who is your relative; or</li> <li>• any person you regard as being like a family member, where it is reasonable to regard the other person as being like a family member having regard to the circumstances of the relationship</li> </ul> |
| Family Violence                 | Has the same meaning as in the <i>Family Violence Protection Act 2008 (Vic)</i> and includes, but is not limited to, behaviour by a family/household member towards you that involves: <ul style="list-style-type: none"> <li>• physical, sexual, psychological, financial/economic, verbal or emotional abuse; or</li> <li>• threats, coercion or other forms of controlling or dominating behaviour.</li> </ul>   |
| Family Violence Contact Officer | An individual who has been nominated by the University, and has expertise in family violence and privacy issues.  |
| Spouse/Domestic Partner         | Defined as including spouse, de facto spouse, former spouse and former de facto. “De facto spouse” means a person who lives with the staff member as husband, wife or partner of the staff member on a bona fide domestic basis although not legally married to that person, and domestic partner will have the same meaning.   |
| Supervisor                      | The person who is responsible for managing the performance of a staff member. This will be the immediate line manager, unless the University nominates an alternative supervisor. Where a staff member has two or more supervisors, one should be nominated as the performance supervisor.  |

## GOVERNANCE

|                                  |  |
|----------------------------------|--|
| Parent policy                    | <a href="#">Equal opportunity</a><br><a href="#">Leave and Wellbeing</a>   |
| Supporting Schedules             |  |
| Associated procedures            | <ul style="list-style-type: none"> <li>• <a href="#">Employee Assistance</a></li> <li>• <a href="#">Privacy</a></li> </ul>   |
| Legislation mandating compliance | <p><b>Federal Legislation</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Fair Work Act 2009</a></li> </ul> <p><b>State Legislation</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Family Violence Protection Act 2008 (Vic)</a></li> <li>• <a href="#">Privacy and Data Protection Act 2014</a></li> </ul> |
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| Content enquiries                | <a href="#">ask.monash</a> or phone Monash HR on (03) 990 20400  |