

# ACT PUBLIC SERVICE DOMESTIC AND FAMILY VIOLENCE POLICY



## PURPOSE

1. This policy sets out principles and expected behaviours regarding responding to domestic and family violence victim/survivors and perpetrators in ACT Public Service (ACTPS) and associated agency workplaces.

## APPLICATION

2. This policy contains a set of whole of government instructions issued by the Head of Service under the *Public Sector Management Act 1994* which binds all employees and officers engaged under that Act.

## BACKGROUND

3. The ACT Government recognises that domestic and family violence is one of the most serious issues we face as a community.
4. Leave for domestic violence purposes was included as a new additional entitlement in ACTPS enterprise agreements, effective from 2013.
5. In 2017-18, the Office of the Coordinator-General for Family Safety led the co-design of the Family Safety Hub. Through that process, we learnt that people experiencing domestic and family violence disclose to people they trust, who are often outside the specialist service system, and that many people are afraid of the consequences of seeking help and need anonymous ways to get information to help them find safety.
6. This Policy should be read in conjunction with other elements of the *ACTPS Domestic and Family Violence Toolkit*. Responses to domestic and family violence should be undertaken with reference to the *Guide to Responding to Disclosures of Domestic and Family Violence* and once appropriate training has been undertaken.

## DEFINITION

7. Domestic and family violence is an ongoing pattern of behaviour aimed at controlling a victim through fear. The term “domestic violence” usually refers to violence

against an intimate partner or ex-partner, while “family violence” may include violence perpetrated against children, older people, parents and other kin or family members. Women are most at risk of harm from their intimate partners and women and children experience the most profound effects of domestic and family violence.

8. The *ACT Family Violence Act 2016* defines family violence as any of the following behaviours by a person against a family member:
  - i. physical violence or abuse
  - ii. sexual violence or abuse
  - iii. emotional or psychological abuse
  - iv. economic abuse
  - v. threatening behaviour
  - vi. coercion orany other behaviour that:
  - > controls or dominates the family member and causes them to feel fear for their safety or the safety of another family member; or
  - > causes a child to hear, witness or otherwise be exposed to the above behaviours.

## PRINCIPLES

9. The three principles that underpin the approach to incidents and disclosures of domestic and family violence in the ACTPS are – Support, Confidentiality and Safety.
10. The ACT Government recognises the right to live free from the fear and experiences of violence, and the right to liberty and security of a person outlined in the *Human Rights Act 2004*. Domestic and family violence is a crime and can be subject to criminal and civil legal intervention.
11. The ACT Government understands that domestic and family violence can affect people of all cultures, religions, ages, genders, sexual orientation, educational backgrounds and income levels.
12. The ACT Government believes that workplaces have an important role in supporting people who have been affected by domestic and family violence and assisting them to take steps to secure their safety.

13. The ACTPS will support all employees to take appropriate action, should they suspect domestic and family violence is affecting a colleague.
14. The ACTPS recognises that domestic and family violence may have a range of impacts on employees in the workplace. For example:
  - > arriving late to work or needing to leave work at short notice to protect themselves and/or children
  - > requesting time off work to attend appointments
  - > experiencing difficulty managing workloads
  - > being distracted, anxious or distressed; or alternatively
  - > receiving threatening or abusive calls, texts or emails at work
  - > witnessing threats and /or violence and abuse towards an employee in the workplace.

## APPROPRIATE BEHAVIOURS

It is important that as a workplace we have a strong and robust response to domestic and family violence as attitudes and cultures that prevail in workplaces can influence the level to which violence in our society is supported or condoned.

15. The ACTPS will support its employees experiencing domestic and family violence. ACTPS employees experiencing domestic and family violence are encouraged to inform a manager with whom they feel comfortable speaking, who will inform them of the available supports. This may include access to paid leave for domestic violence purposes and a range of flexible workplace arrangements provided in ACTPS enterprise agreements.
16. The ACTPS understands how difficult it can be for an employee to disclose that they have experienced or are experiencing domestic and family violence and strives to create an environment where people feel safe to disclose. Any disclosure by an employee experiencing domestic and family violence will be treated on a need to know basis for the purpose of workplace safety and with the highest possible level of confidentiality in line with the *Information Privacy Act 2014*. It should be noted that the mandatory reporting requirements under the *Children and Young People Act 2008* will apply in these situations.
17. The ACTPS is committed to promoting, achieving and maintaining the highest levels of health and safety for all employees. Additionally, under the *Work Health and Safety Act 2011* the ACTPS has a duty of care to its employees within the workplace. If there is a possibility that an abusive partner/family member/stalker or other threat to safety may affect an employee at work, appropriate steps will be taken to ensure the safety of the employee and their colleagues. Apart from

immediate security arrangements, this may include implementing appropriate reasonable adjustments such as moving the affected employee to another work location, changing telephone numbers and email contact details.

18. The ACTPS will not tolerate domestic and family violence being perpetrated in or from the workplace. Such behaviour is a direct violation of the ACTPS Code of Conduct and Section 9 of the *Public Sector Management Act 1994*. Allegations of sexual or physical assault within the bounds of the workplace will be immediately referred to the police without internal investigation.
19. ACTPS employees who perpetrate domestic and family violence outside the workplace may be referred to relevant counselling and support services if appropriate.

## LEGISLATIVE REFERENCE

20. The key principles of this policy are aligned with the following authorised sources:
  - > *Family Violence Act 2016*
  - > *Public Sector Management Act 1994*
  - > *Information Privacy Act 2014*
  - > *Children and Young People Act 2008*
  - > *Work Health and Safety Act 2011*
  - > *Human Rights Act 2004*



**Meredith Whitten**

Deputy Director-General Workforce Capability and Governance  
Chief Minister, Treasury and Economic Development Directorate

10 December 2018



**Jo Wood**

Coordinator General, Family Safety  
Community Services Directorate

10 December 2018

Document Name: Domestic and Family Violence Policy  
Prepared by: Workforce Capability and Governance Division, CMTEDD  
and Office for the Coordinator General, Family Safety, CSD  
Feedback to: [saferfamilies@act.gov.au](mailto:saferfamilies@act.gov.au)