

SUPPORT FOR VICTIMS OF DOMESTIC VIOLENCE

Support for victims of domestic violence was raised as an issue during the course of negotiations for the *Local Government (State) Award 2014* (the "Award") and was the subject of conciliation proceedings before the Industrial Relations Commission of New South Wales. Arising from these proceedings, the parties to the Award agreed to prepare a Joint Statement.

The parties to the Award acknowledge that employees may be victims of violence or abuse in domestic relationships ("domestic violence") which may impact on their attendance at work and/or their ability to perform normal duties at work.

Factors related to domestic violence which may impact upon employees can include, for example, the need to attend counselling, court appearances, medical and legal appointments and liaising with law enforcement officials.

The purpose of this Joint Statement is to encourage councils to adopt practices which support employees who may be victims of domestic violence. Councils may wish to encapsulate such practices in policies or industrial instruments at the local level.

Support

Councils may adopt practices which include, for example:

- (a) designating staff to whom employees who are victims of domestic violence can make confidential disclosure.
- (b) approving leave (paid or unpaid), in accordance with the Award.
- (c) where appropriate, approving special leave (paid or unpaid), including leave for part of a single day.
- (d) ensuring that the council has an employee assistance program (EAP) that is accessible and well publicised throughout the workplace.
- (e) not unreasonably refusing to approve requests for flexible work arrangements, subject to council's operational requirements being met.

Note: Section 65 of the *Fair Work Act 2009* (Cth) provides that an employee can request a change in working arrangements if the employee provides care or support to a member of the employee's immediate family or household, who requires care or support because the member is experiencing violence from the member's family.

Confidentiality

Personal information concerning domestic violence should be kept confidential in accordance with the *Privacy and Personal Information Protection Act 1998*.

In circumstances where an employee experiencing domestic violence requests that personal information or their work location not be publicised, councils should take reasonable steps to comply with that request.

Local Government NSW



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