



Glamorgan Spring Bay Council

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# **Family and Domestic Violence Policy and Procedure**

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Version 1.0

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## Document Control

Family and Domestic Violence Policy and Procedure	
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Related policies	<ul style="list-style-type: none"><li>• Contract of Employment</li><li>• Code of Conduct</li><li>• Communications and Social Media</li><li>• Personal and Private Information</li><li>• Disciplinary</li><li>• Fitness for Work</li><li>• Issue Resolution</li><li>• Performance Management</li><li>• Workplace Behaviour</li><li>• Work Health &amp; Safety Policy</li><li>• Safeguarding Children &amp; Young People</li></ul>
Related legislation	<ul style="list-style-type: none"><li>• <i>Family Violence Act 2004</i></li><li>• <i>Relationship Act 2003</i></li><li>• <i>Work Health and Safety Act 2012; and</i></li><li>• <i>Work Health and Safety Regulations 2022</i></li><li>• <i>Fair Work Act 2009</i></li></ul>
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***If you or someone you know is experiencing family violence, speak up and seek professional help.***

***For emergency situations that require immediate and urgent assistance call 000.***

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# 1 Introduction

Glamorgan Spring Bay Council (GSBC), has zero tolerance toward disrespectful attitudes, behaviours and violence, including family violence in the workplace.

We will take an active role to support employees and their families by providing a workplace environment that promotes their safety and provides the flexibility to support employees to live free from violence.

We recognise that family violence is a workplace issue and that the support an employer provides can also be the difference between an employee staying in an abusive relationship or feeling empowered to address it. Council supports and promotes a Recognise, Respond and Refer approach to managing family violence.

## 1.1 Purpose

Council is committed to supporting an employee experiencing family violence through a broad range of supports to continue to participate in the workplace and maintain their employment.

Whether there is a threat to the safety of an employee or an allegation is of a criminal nature council will contact the police immediately by an available manager or human resources officer.

## 1.2 Scope

This Policy applies to all Council workers and representatives including:

- Mayor and Councillors
- All employees, including staff on secondment from another council, trainees, apprentices, interns and work experience students; and
- contractors, consultant, labour hire, volunteers and anyone engaged in work for Council.

## 1.3 Principles

Council is committed to:

- providing a safe working environment for employees free from violence and abuse and adopting a risk-based approach;
- having a zero tolerance towards disrespectful attitudes and behaviours;
- sustaining a strong values-based culture combined with an organisational commitment to gender equality and preventing family violence;
- recognising that every employee has a role to play in addressing the underlying contributing factors such as gender inequality, sexism, harassment and discrimination in the workplace;
- actively supporting employees experiencing family violence and those affected by family violence; and
- providing support to managers and colleagues of those affected by family violence.

## 1.4 Definitions<sup>1</sup>

In line with the *Tasmanian family violence act 2004*, family violence occurs where violent conduct is committed directly or indirectly against a person's spouse, partner or ex-partner. Family violence includes a range of violent behaviours (referred to as 'conduct' in legislation) including:

- assault, including but not limited to sexual assault, indecent assault and aggravated assault;
- threats, coercion, intimidation or verbal abuse;
- abduction;
- stalking and bullying (within the meaning of s.192 of the Criminal Code);
- wounding or bodily harm, including grievous bodily harm; and
- an attempt to do any of those things.

Family violence is recognised as more than physical violence and also includes:

- emotional abuse;
- economic abuse;
- intimidation;
- contravening any existing orders relating to family violence; and
- property damage

## 1.5 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as legislation, including:

- *Family Violence Act 2004*
- *Relationship Act 2003*
- *Work Health and Safety Act 2012*; and
- *Work Health and Safety Regulations 2022*

## 1.6 Policy Review and Update Cycle

This policy is to be reviewed every four years.

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<sup>1</sup> For the purposes of this policy the full list of definitions has not been included. A full list can be found within Part 2 – Family Violence Offences, s.7 Family violence, of the *Family Violence Act 2004*.

## 2 Policy and Procedure

### 2.1 Employees who are experiencing family violence

Employees who are experiencing family violence are encouraged to reach out to their Manager or HR Business Partner for support. Employees experiencing family violence can request family violence leave which provides up to 10 days paid leave each year (subject to EA conditions).

The leave will not appear within an employee's leave record similarly an employee may access a variety of flexible working arrangements.

This leave is available for the purposes of:

- attending medical/counselling/legal/financial appointments;
- organising safe housing, childcare, or education services;
- maintaining support networks with children, family, and significant others; and
- undertaking other related activities.

Personal information given in relation to family violence will be managed on a need-to-know basis with the employees informed consent. Personal information will only be shared where there are safety and risk concerns for the employee or other staff.

### 2.2 Employees who are providing support to someone that is experiencing family violence

An employee who is providing support to an immediate family member or household member who is or has been experiencing family violence may also be able to access personal leave.

### 2.3 Workplace safety plan

Creating a workplace safety plan is a top priority in cases of family violence. A workplace safety plan is a co-created document by an employee and a manager and involves identifying ways to increase the employee's safety.

This may include such actions as:

- offering to have a coworker or supervisor screen calls;
- make sure all records and directories that the public access, do not include their contact information;
- allocating a new phone number;
- blocking the abusers emails from the system;
- providing a well-lit priority parking spot near the building; and
- a security escort to and from vehicles or public transportation.

## 3 Responding to employees that are perpetrating family violence

As a manager if you recognise an employee is perpetrating family violence it is important to respond in a professional manner, that will allow you to address their behaviour to let them know that is not accepted by the council. Maintaining open and non-judgmental dialogue with the employee will allow you to refer the employee to external services that can assist the employee to change their behaviour.

Employees that are perpetrators of family violence should be encouraged to use leave or altered working arrangements to support them accessing these services.

If the perpetrator of family violence is using resources such as phone, email or computer to perpetrate the violence then their behaviour will be considered a breach of the code of conduct and will result in disciplinary action or termination of employment.

If a perpetrator has committed or is threatening to commit a criminal act the police should be notified, ensure that you contact council's General Manager or HR Business Partner for assistance.

### 3.1 Perpetrators and victims of family violence working in the same area

If a perpetrator and victim of family violence are working in the same area then the situation will be assessed and managed by senior executive and HR on a case-by-case basis.

## 4 What are everyone's responsibilities for this policy?

### 4.1 Employees are responsible for:

- modelling the councils' values and behaviours to sustain a workplace that is free from any form of violence;
- sensitively communicating with any colleague that may disclose a family violence situation; and
- completing any training as determined by the Council.

An employee who is experiencing family violence or who is providing care or support to someone who is experiencing family violence, is encouraged to speak with a supervisor or HR Business Partner to discuss the support options available to them.

### 4.2 Managers are responsible for:

- the effective implementation of the policy in the workplace including raising awareness, leading by example, participating in training, encouraging employees to participate in training and respecting confidentiality;
- taking prompt and appropriate action to provide support or address any workplace behaviours that are not aligned with this policy; and
- maintain knowledge of the issue of family violence in order to **Recognise Respond and Refer**.

### 4.3 Senior leadership team are responsible for:

- providing overall direction and for modelling the values and behaviours to sustain a workplace that is free from any form of violence; and
- sensitively communicating with any colleague that may disclose a family violence situation.

### 4.4 Human Resources

Are responsible for providing advice and support to employees and managers about the policy and ensuring regular learning opportunities are available, both at induction and as a refresher for employees and managers in relation to family violence.

## 5 Implementation

Implementation of this Policy rests with the General Manager.