


The Paraplegic and Quadriplegic Association of SA Inc



Leave – Family and Domestic Violence Policy

STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) is committed to supporting workers who experience domestic violence and providing a workplace that promotes their safety and wellbeing.

Approved by: 	Date: September 2019
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The Paraplegic and Quadriplegic Association of SA Inc. (PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Lifestyle Support and HomeCare+.

Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

Close relative is a worker's:

- spouse or former spouse
- de facto partner or former de facto partner
- child
- parent
- grandparent
- grandchild
- sibling

or

- the child of a worker's current or former spouse or de facto partner
- the parent, grandparent, grandchild or sibling of a worker's current or former spouse or de facto partner

or

- a person related to the worker according to Aboriginal or Torres Strait Islander kinship rules. (Fair Work Act, 2009)

Duty of Care – a moral or legal obligation to ensure the safety or well-being of others.

Family and Domestic Violence - means violent, threatening or other abusive behaviour by a worker's close relative that:

- seeks to coerce or control the worker
- causes them harm or fear.

Health – refers to the physical and psychological wellbeing of a worker.

HRIS – Human Resource Information System.

Incident - An event that occurred, or could have occurred (near miss), and which resulted or could have resulted in injury, ill health or fatality of a client or worker.

Manager – a person who is charged with the management or direction of PQSA and its divisions.

Must – indicates a mandatory action required by law, industrial instrument, PQSA policy or procedure.

Reasonable – the appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision.

Should – indicates a recommended action that a person is obliged to be follow.

Worker – is a person who carries out work in any capacity for a person conducting a business or undertaking including work as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker, apprentice or trainee, or a student gaining work experience, or a volunteer.

Workplace – is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

RESPONSIBILITIES

It is the responsibility of PQSA to communicate the contents of this Policy to all workers on a regular basis.

Managers/Supervisors must ensure

- Workers are familiar with their entitlements in accordance with this Policy.

Workers should

- Understand and adhere to this policy.

POLICY

All workers including part-time and casual workers, are entitled to five (5) days of unpaid family and domestic leave each year of their employment.

Workers are entitled to the full five (5) days from the date of commencement of work. This leave is renewed each year and does not accumulate from year to year if it is not used.

Family or domestic violence leave will be available if a worker requires leave to take actions to deal with the impact of the family and domestic violence. This is when it is impractical for them to do it outside their ordinary hours of work.

This could include, for example, making arrangements for their safety or the safety of a family member (including relocation), attending urgent court hearings, or accessing police services.

A worker who requires unpaid family and domestic violence leave, must provide notice to PQSA as soon as is practicable and must advise of the period or expected period of the leave.

A worker who has provided notice of the taking of leave must provide reasonable evidence that the leave is taken for the purposes of unpaid family and domestic violence leave. Evidence may include a document issued by the police, a court, a family violence support service or via a statutory declaration. Such leave must be approved by the relevant Manager/Supervisor within the worker's division.

PQSA may disclose information provided by a worker if the disclosure is required by Australian Law or is deemed necessary to protect the life, health or safety of the worker and/or another person.

The information provided during an application for unpaid family and domestic violence leave is sensitive. PQSA will, so far as is reasonably practicable, take steps to ensure information concerning any notice or evidence a worker has provided in relation to family and domestic violence leave, is treated with confidentiality.

PROCEDURES

Workers who are absent from work and require unpaid family and domestic violence leave, must ensure the following procedures are adhered to:

1. Worker must notify their Manager/Supervisor of unpaid family and domestic violence leave requirements as soon as practicable. Applications should be made as soon as the worker is aware that they intend to take leave.
2. The leave request should be made through the normal leave application process.
3. It is the responsibility of a worker to keep PQSA fully informed about the time off required for unpaid family and domestic violence leave.
4. Approval must be sought from their Manager/Supervisor for unpaid family and domestic violence leave.
5. All documentation received regarding unpaid family and domestic violence leave will be placed on the worker's personnel file.
6. If the worker wishes to resume work prior to the completion of unpaid leave, they must confirm this with their Manager/Supervisor as soon as is practicable.
7. Further unpaid leave can be requested through the normal leave application process – PQSA will assess each application on its merits giving appropriate consideration to the worker's health and wellbeing; all workers have access to alternative paid leave entitlements as they are accrued.

RELATED LEGISLATION

- Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018
- National Employment Standards

SUPPORTING PQSA DOCUMENTATION

- Leave – Unpaid Policy and Procedure
- Leave – Annual Policy and Procedures
- Leave – Personal Policy and Procedures

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.