

DOMESTIC AND FAMILY VIOLENCE LEAVE POLICY

1. PURPOSE

- 1.1 Dark Knight Engineering Group (“DKE Group”) is committed to supporting employees experiencing domestic and family violence. DKE Group recognises that employees sometimes face difficult situations in their work and personal life, such as domestic and family violence and that impact of domestic and family violence may extend to the work environment.
- 1.2 This Policy is intended to encourage employees who experience domestic or family violence to seek support and to allow an employee to continue to participate in the workforce and maintain their employment through a broad range of support.

2. COMMENCEMENT OF POLICY

- 2.1 This Policy will commence from 16/01/2023. It replaces all other domestic and family violence policies (whether written or not).

3. APPLICATION OF THIS POLICY

- 3.1 This Policy applies to all employees of DKE Group including casual employees. It does not form part of any employee’s contract of employment.

4. DEFINITIONS

- 4.1 **Family and domestic violence** means violent, threatening, or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.
- 4.2 **Family member** means:
- (a) a spouse, de facto partner, child, parent, grandparent, grandchild, or sibling of the employee; or
 - (b) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or
 - (c) a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.
- 4.3 A reference to a spouse or de facto partner in the definition of family member in clause 4.2(a) includes a former spouse or de facto partner.

5. RESPONSIBILITIES

- 5.1 Managers will:
- (a) model DKE Group values, including behaving in a way that promotes a work environment free from any form of violence.
 - (b) actively participate in domestic and family violence related learning and development activities to effectively communicate and manage any domestic violence arising in the workplace.
 - (c) encourage employees to actively participate in domestic and family violence related learning and development activities.
 - (d) sensitively communicate with employees affected by domestic and family violence.
 - (e) take prompt and appropriate action to address any reports of employees affected by domestic and family violence.

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- (f) ensure appropriate levels of support are provided to employees affected by domestic and family violence.
- (g) ensure appropriate management of work performance and monitoring of attendance issues.

5.2 Employees will:

- (a) model DKE Group values, including behaving in a way that promotes a work environment free from any form of violence.
- (b) actively participate in domestic and family violence related learning and development activities.
- (c) sensitively communicate with colleagues affected by domestic and family related violence.
- (d) ensure colleagues are aware of available support services and encourage colleagues to seek assistance.

6. SUPPORT FOR VICTIMS AND CARERS

- 6.1 Support will be provided to any employee who discloses that they are a victim of domestic and family violence, or that they are caring for a person who is a victim of domestic and family violence.

Documentation

- 6.2 DKE Group acknowledges that employees affected by domestic and family violence may not be in a position to provide supporting documentation. An employee's access to leave and other support options should not be unreasonably denied in the absence of supporting documentation.
- 6.3 Any related communications should be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.

7. LEAVE ENTITLEMENTS

*Access to domestic and family violence **paid** leave*

- 7.1 An employee of DKE Group will be entitled to **ten (10)** days per year of paid leave to deal with family and domestic violence.
- 7.2 The leave will be available in full at the start of each 12-month period of the employee's employment and the leave does not accumulate from year to year.
- 7.3 An employee may take paid leave to deal with family and domestic violence if the employee:
- (a) is experiencing family and domestic violence; and
 - (b) needs to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside their ordinary hours of work.
- 7.4 An employee must give DKE Group notice of the taking of leave. The notice:
- (a) must be given to DKE Group as soon as practicable (which may be a time after the leave has started); and
 - (b) must advise DKE Group of the period, or expected period, of the leave.

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- 7.5 An employee who has given DKE Group notice of the taking of leave may be required to give evidence that would satisfy a reasonable person that the leave is taken for the purpose specified in clause 7.3.
- 7.6 The employee does not have to use other leave entitlements before accessing this leave. This leave can be taken as consecutive days, single days or part-days by agreement with DKE Group.
- 7.7 DKE Group will take steps to ensure information concerning any notice an employee has given, or evidence an employee has provided under clause 7.5 is treated confidentially, as far as it is reasonably practicable to do so.
- 7.8 However, DKE Group may be required to disclose information provided by an employee if the disclosure is required by an Australian law or is necessary to protect the life, health or safety of the employee or another person.

8. HOW THE LEAVE WILL BE PAID

- 8.1 For full-time or part-time employees with a paid entitlement, family and domestic violence leave will be paid at the employee's full rate of pay for the hours they would have worked had they not taken leave. The employee's full pay rate is their base rate plus any loadings, allowances, overtime and penalty rates, bonuses, incentive payments or other separately identifiable amounts.
- 8.2 Casual employees with a paid entitlement must be paid at their full rate of pay for the hours they were rostered to work in the period they took leave.

9. PAYSLEIPS

- 9.1 Pay slips will not mention paid family and domestic violence leave, however, payroll and/or Human Resources will keep a record of this leave balance and any leave taken by employees.
- 9.2 Family and domestic violence leave will be shown on a pay slip as ordinary hours of work, or another kind of payment for performing work such as an allowance, bonus or overtime payment. It is best practice to show this time on the pay slip in a way that makes it appear that the employee has not taken leave.
- 9.3 The pay slip may record the time as another type of leave (for example, annual leave) at the employee's request.

10. WORK PERFORMANCE AND ATTENDANCE

- 10.1 Work performance or attendance may be influenced by factors not connected with work. Employees will be supported and encouraged to raise concerns about their personal circumstances, including whether domestic and family violence is a contributing factor to work performance and attendance.
- 10.2 It may also be necessary to include additional support and provide reasonable workplace and role adjustments for a period of time. Regular reviews, a return-to-work plan and performance improvement process may still be required.

11. FLEXIBLE WORK ARRANGEMENTS

- 11.1 DKE Group will provide employees affected by domestic and family violence with access to flexible work arrangements. Employees are encouraged to discuss their request for flexible work arrangements with their managers in the first instance.

12. OTHER WORKPLACE SUPPORT

- 12.1 DKE Group may also consider the following:

- (a) workplace safety needs and arrangements to protect the employee and colleagues following a risk assessment, including increased security measures.
- (b) supporting employees to have the workplace included in a Domestic Violence Order issued by the courts, where appropriate.
- (c) providing other support and reasonable adjustments in the workplace, such as:
 - (i) job redesign or changes to duties.
 - (ii) changes to working hours or patterns of work.
 - (iii) alternative suitable employment in other teams, offices and locations.
 - (iv) changes to email address and telephone numbers.
 - (v) secure parking.

13. PERPETRATORS OF DOMESTIC AND FAMILY VIOLENCE

- 13.1 Domestic and family violence is unacceptable in any setting, including the workplace.
- 13.2 Any employee of DKE Group who perpetrates violence and abuse from the workplace, including by telephone, fax, mail, email, internet, or social media may be subject to disciplinary action.

14. DISCLOSURES OF DOMESTIC AND FAMILY VIOLENCE

- 14.1 All employees of DKE Group have a right to choose whether, when and to whom they disclose information about being affected by domestic and family violence. This Policy does not override any legal obligations to disclose information.
- 14.2 Information disclosed by an employee in relation to domestic and family violence will be kept confidential, except to the extent that disclosure is required or permitted by law.

Variations

DKE Group reserves the right to vary, replace or terminate this Policy from time to time.

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