

Policy Title: Domestic Violence Policy

Classification: Human Resources

Monitored by: HR Manager

Approved by: GM Operations

Effective Date: January 2022

Review Date: January 2024

Objective: To set out the legislative entitlements of employees affected by domestic violence and to make clear the Association's commitment to supporting affected employees.

Commitment: HCK is committed to providing a safe and supportive workplace for everyone, and to supporting employees affected by domestic violence. We will meet our legislative obligations and act in good faith in all cases.

Related Documents

- Domestic Violence Victims' Protection Act 2018
- Privacy Policy

Scope of this Policy:

The Domestic Violence Victims' Protection Act 2018 adds legal protections in the workplace for people affected by domestic violence. The Act gives employees affected by domestic violence the rights to:

- get paid domestic violence leave
- ask for short-term flexible working
- not be treated badly at work because they might be affected by domestic violence.

These rights do not apply to people who carry out domestic violence. In other words, people who are violent or abusive to someone they're in a family or domestic relationship with.

Employers must not treat employees or job applicants badly if they think they might have been affected by domestic violence. It does not matter when the domestic violence took place. The employee still has these rights if they experienced domestic violence before they began working for their current employer or before these changes to the law.

Definitions:

In New Zealand the terms 'family violence' and 'domestic violence' are used for the same thing. They mean all forms of violence in family and intimate relationships.

Someone experiences domestic violence if they are being abused by an intimate partner, ex-partner, someone in their family or whānau, or by a flatmate. This can happen to women or men, and within heterosexual or same-sex couples. Someone who carries out domestic violence might not live with the person they are abusing.

Domestic violence can be physical, sexual or psychological abuse. When someone is bullying or threatening or tries to control what someone else does or thinks, it's domestic abuse. Some examples of abuse are:

- intimidation – scaring someone into doing something or making them or their family feel unsafe, by, for example, following or watching them
- harassment – again and again acting in a way that upsets someone or their family or contacting them when they don't want it
- damaging their things

- threatening to abuse them
- financial or economic abuse – taking their money, stopping them from working or going to school or college
- emotional or psychological abuse – putting them down, always criticising them or calling them names, playing mind games, making them think they're going crazy.

Someone is affected by domestic violence if either:

- they have experienced domestic violence themselves
- a child who has experienced domestic violence lives with them, even if it's not all the time.

Domestic violence can affect someone for a long time, even after it ends. The Domestic Violence Victims' Protection Act is for employees who experience domestic violence that either:

- is taking place now
- took place in the past.

Policy Details:

Section 1: Domestic Violence Leave

1. Employees who meet the 'hours worked test' can get at least 10 days of paid domestic violence leave each year if they need it. This is to help them deal with the effects of domestic violence.
2. Domestic violence leave is separate from annual, sick and bereavement leave rights.
3. Employees must tell the Association as soon as they can, if they need to take domestic violence leave.
4. If the employee does not have enough domestic violence leave, they and HCK can agree to take annual or unpaid leave instead.

Section 2: Short-term flexible working

1. Employees affected by domestic violence have the right to ask for short-term flexible working arrangements (2 months or shorter) to help them deal with the effects of domestic violence.
2. Requests must be made in writing to the HR Manager and include details of the short-term flexible working arrangements they are seeking, as well as the start and end date for the variation.
3. HCK will tell the employee whether the request has been approved denied as soon as possible, and at the latest within 10 working days of receiving the request.

Section 3: Proof of domestic violence

1. If an employee requests domestic violence leave or asks for short-term flexible working arrangements, HCK can ask for proof that the employee is affected by domestic violence.
2. HCK understands that getting proof may not be simple and the law does not state what kind of proof the employer can accept.
3. HCK and the employee must both act in good faith, which means being open, honest and quick to respond.

Section 4: Other ways HCK can support employees

1. HCK will discuss other ways to support an employee affected by domestic violence on a case-by-case basis. Examples of support are connecting employees with specialist agencies, re-routing salary payments to different bank accounts and support with accessing EAP Services.
2. The HR Manager has resources and information available that can support understanding and awareness of domestic violence.
3. Any disclosure or request for information from an employee will be treated in confidence and their privacy will be protected as much as possible.

Review:

This policy will be reviewed biennially.