

This policy forms part of the Brendan McKenna Earthmoving Integrated Management System (IMS) and supports the organisation's commitment to providing a safe, respectful and healthy workplace environment through continual improvement and compliance with applicable legislative requirements.

Support for employees affected by domestic and family violence

1. Policy statement

Brendan McKenna Earthmoving Pty Ltd is strongly committed to providing a healthy and safe working environment for all employees. It is recognised that employees sometimes face difficult situations in their work and personal life, such as domestic and family violence (DFV), that may affect their attendance, performance at work or safety.

DFV occurs when one person in a relationship uses violence or abuse to maintain power and control over the other person. This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, coercive or aimed at controlling or dominating the other person through fear.

DFV can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.

Brendan McKenna Earthmoving manager, supervisors and all employees are committed to making Brendan McKenna Earthmoving a great place to work. Brendan McKenna Earthmoving can make a significant difference to employees affected by DFV by providing appropriate safety and support measures.

DFV is unacceptable in any setting, including the workplace. Any Brendan McKenna Earthmoving employee who perpetrates violence and abuse from the workplace, including by telephone, mail, email, internet or social media may be subject to disciplinary action.

All employees have a responsibility to model the Brendan McKenna Earthmoving values, which includes behaving in a way that promotes a work environment free from any form of violence and supporting those who are affected by DFV.

Fostering a respectful, inclusive, gender equitable workplace culture, where employees affected by DFV are supported in the workplace, contributes to a healthy and safe working environment for all.

2. Policy Objectives

Brendan McKenna Earthmoving Pty Ltd aims to:

- provide a workplace free from violence, harassment and abuse
- support employees affected by domestic and family violence
- maintain confidentiality and privacy where legally appropriate
- minimise risks to workers arising from psychosocial hazards
- comply with legislative and workplace obligations
- promote a respectful and inclusive workplace culture.

3. Application

This policy applies to:

- any Brendan McKenna Earthmoving employee.

- any volunteer, student, contractor, consultant or anyone who works in any other capacity for Brendan McKenna Earthmoving.

4. Effective date

16 August 2024

5. Policy

1.1 Confidentiality and disclosure

Brendan McKenna Earthmoving employees have the right to choose whether, when and to whom they disclose information about being affected by DFV. This policy does not override any legal obligations to disclose information.

Information disclosed by an employee in relation to DFV will be kept confidential, except to the extent that disclosure:

- is required or permitted by law, or
- is necessary to support the employee in the workplace.

1.2 Awareness raising and capability development

Managing Director and Site Managers of Brendan McKenna Earthmoving are responsible for ensuring:

- a) promote employee awareness of the DFV policy, support options and advice available
- b) create a safe working environment that promotes gender equity and models non-violent and respectful relationships
- c) guide responses to employees who are affected by domestic and family violence
- d) create a supportive environment that will encourage people experiencing domestic and family violence to seek support.

1.3 Support options available to employees

There are a number of support options available to assist employees affected by DFV. These arrangements should be reviewed at regular intervals to ensure they are appropriate.

1.3.1 Documentation

When considering the support options outlined below:

- a) Brendan McKenna Earthmoving acknowledges that employees affected by DFV may not be in a position to provide supporting documentation. An employee's access to leave and other support options should not be denied in the absence of supporting documentation, except where clause 1.3.3 applies.
- b) any related communications must be conducted in a sensitive and non-judgmental manner. Any documentation sighted must be returned to the employee unless the employee requests otherwise.

1.3.2 Leave entitlement

Subject to clause 1.3.3, a Brendan McKenna Earthmoving employee who is affected by DFV will have access to a minimum of 5 days per year of unpaid leave as defined within the National Employment Standards:

- a) for the purposes of, but not limited to, attending medical, legal, police or counselling appointments; attending court and other legal proceedings; and organising alternative accommodation and care or education arrangements for the purposes of attending to matters arising from DFV or supporting the person affected by DFV.
- b) where the Managing Director is satisfied that the employee requires leave because the employee is affected by DFV. Leave should not be denied in the absence of supporting documents, except where clause 1.3.3 applies.
- c) This leave can be taken as consecutive days, single days or a part of a day.

- d) The employee may also access further unpaid leave, to attend to matters arising from DFV.
- e) noting the leave does not accrue annually and is not payable on separation.

1.3.3 An employee applying for leave related to their use, alleged or potential use, of DFV is not entitled to leave under clause 1.3.2 unless the following are satisfied:

- a) the leave is required to attend a behavioural change program approved under Section 75 of the Domestic and Family Violence Protection Act 2012 by the chief executive of the department administering the Act, delivered by a provider approved under that section;
- b) the employee provides written evidence of their enrolment and attendance in the program referred to in clause 1.3.4 a)

NOTE:

Clause 1.3.3 applies only to leave related to an employee's use, potential or alleged use of DFV.

If an employee is affected by DFV (for example is both the aggrieved and a respondent in the same court hearing for a DFV order application) then entitlements in clauses 1.3.2 and 1.3.3 continue to apply in relation to their experience of DFV, rather than the use, alleged or potential use of DFV.

An employee should not have their entitlements reduced because they are a respondent in a counter claim.

1.3.4 Flexible working arrangements

- a) Brendan McKenna Earthmoving will provide employees affected by DFV (other than those who use or may use DFV) with access to flexible working arrangements. Employees who use or may use DFV may request flexible working arrangements under the *Industrial Relations Act 2016*, in the same way as other employees. Employees are encouraged to discuss their request for flexible working arrangements with their managers in the first instance.

1.3.5 Support for work performance and attendance

- a) 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 DFV is a contributing factor to work performance and attendance.
- b) 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 a performance improvement process may still be required.

1.3.6 Other workplace support and role adjustments

Brendan McKenna Earthmoving will also, where appropriate:

- a) conduct risk assessments and implement workplace safety needs and arrangements such as increased security measures to protect affected employees and colleagues
- b) support employees to have the workplace included in a Domestic Violence Order issued by the courts
- c) consider providing other temporary or permanent support and reasonable adjustments in the workplace, such as:
 - job redesign or changes to duties
 - changes to working hours or patterns of work
 - alternative suitable employment in other teams, offices and locations
 - changes to email address and telephone numbers

1.4 Safety in the workplace

Of paramount consideration is the safety and wellbeing of all Brendan McKenna Earthmoving employees in the workplace. Fostering a workplace culture where employees affected by DFV are supported contributes to a healthy and safe working environment for all.

Domestic and family violence may create workplace psychosocial and physical safety risks. Brendan McKenna Earthmoving will identify and manage these risks in accordance with the organisation's risk management processes and applicable Work Health and Safety obligations.

In situations where an employee affected by DFV is concerned for their safety or that of their colleagues, it is recommended that the employee and their manager and/or supervisor jointly develop a workplace safety plan agreement.

A DFV risk assessment checklist should be completed by the supervisor/manager in consultation with the employee affected by DFV, prior to completing a workplace safety plan agreement. The agreement should include details of any necessary support and reasonable adjustments.

The workplace safety plan agreement should outline the specific workplace safety needs and arrangements to support the employee, such as:

- any changes in relation to any work patterns, practices or work location
- any precautionary plans to be undertaken pre- or post-work or during remote working arrangements (e.g. travel arrangements.) to support the safety of the employee
- any workplace changes and/or security measures (including for remote working arrangements) to protect the employee and their colleagues where necessary
- updated emergency contacts and/or next of kin details and agreed communication methods to notify of heightened risk (e.g. during remote working arrangements).

Arrangements should be reviewed at pre-determined intervals to ensure currency and to ascertain ongoing appropriateness.

6. Responsibilities

Managers/supervisors will:

- a) Brendan McKenna Earthmoving values and behaviours that promote a work environment free from violence, bullying, harassment and abuse.
- b) actively participate in DFV workplace learning and development activities to effectively communicate with and to provide support to employees affected by DFV
- c) ensure employees actively participate in required DFV workplace learning and development activities
- d) sensitively communicate with employees affected by DFV and maintain confidentiality subject to legal disclosure obligations
- e) take prompt and appropriate action to support employees affected by DFV, including risk management and safety planning
- f) ensure appropriate levels of support are provided to employees affected by DFV
- g) ensure employees are aware of available support options, including nominated officers to seek support from as appropriate
- h) ensure appropriate management of work performance and monitoring of attendance issues, while being mindful of the potential impacts of DFV.

Employees will:

- a) model the values of Brendan McKenna Earthmoving including behaving in a way that promotes a work environment free from any form of violence and abuse
- b) actively participate in DFV related learning and development activities (except where it may negatively impact their wellbeing)

- c) sensitively communicate with colleagues affected by DFV, maintain confidentiality and encourage them to seek assistance
- d) familiarise themselves with available workplace support options and specialist referral services.

7. Definitions

DFV has the same meaning as domestic violence as defined in the *Domestic and Family Violence Protection Act 2012*. The most current version of the Act can be located at:

<https://www.legislation.qld.gov.au/browse/inforce#/act/title/d>

An employee who uses or may use DFV is an employee:

- a) who has voluntarily identified as a person who uses or may be at risk of using DFV; or
- b) who has been named as a respondent to an existing application for a DFV order or police protection notice; or
- c) to whom a current DFV order or police protection notice applies; or;
- d) who has been charged with a DFV offence by a law enforcement agency and charges remain pending; or
- e) who has been found to be using DFV by a court.

8. Legislation/reference

- Work Health and Safety Act 2011 (Qld)
- Work Health and Safety Regulation 2011 (Qld)
- Domestic and Family Violence Protection Act 2012
- Fair Work Act 2009
- Human Rights Act 2019
- Managing Psychosocial Hazards at Work – Code of Practice
- Brendan McKenna Earthmoving Integrated Management System (IMS)
- Brendan McKenna Earthmoving Risk Management Procedure
- Brendan McKenna Earthmoving Code of Conduct Policy

Approved by:



Brendan McKenna
Managing Director
Brendan McKenna Earthmoving Pty Ltd