



Australian High Commission, Port Moresby

Family and Sexual Violence (FSV) Policy

March 2015

1. Introduction

Effective support for victims of Family and Sexual Violence (FSV) requires a multi-stakeholder approach which includes government, employers, service providers, advocates and businesses.

This Policy on FSV provides a comprehensive set of workplace strategies that can be used by the Australian Government in Papua New Guinea **to address the impact of FSV on the workplace.**

The Australian Government can act to provide a safe environment for staff affected by family and sexual violence through leveraging safety measures and resources. It is not possible to resolve long standing issues of violence but it is possible to ensure all staff feel safe at work and can fulfil their work requirements to the best of their ability without interference from violence from family members.

This policy will assist the Australian Government to:

- a) reduce the cost of FSV to business
- b) fulfil the employer's duty of care
- c) improve staff health and safety
- d) position Australia as an employer of choice

This policy applies to employees of the Australian High Commission in Papua New Guinea and should complement and be implemented in conjunction with existing workplace policies such as occupational health and safety, anti-sexual harassment and anti-bullying, and anti-discrimination policies.

2. Purpose

The purpose of this policy is to ensure the Australian Government has a consistent, supportive and equitable approach to employees experiencing domestic violence. The Policy will:

- a) develop a supportive and non-judgemental workplace in which victims of FSV feel safe to come forward and seek support
- b) guide employer responses to employees whose work life is affected by FSV
- c) facilitate a safe and productive workplace for all employees.

3. Definitions

For the purpose of this policy:

3.1. Family members are defined, consistent with the Family Protection Act 2013 (FPA 2013), as including:

- a) the spouse of the person
- b) a child of the person or a child of the person's spouse

- c) a parent of the person or a parent of the person's spouse
- d) a grandparent of the person or a grandparent of the person's spouse
- e) a brother or sister of the person or a brother or sister of the person's spouse
- f) any other person who is treated by the spouse as a family member

For avoidance of doubt, the definition of family members includes extended family members, and extends to polygamous relationships.

- 3.2. Family violence is defined as any violence between family members including current or former partners in an intimate relationship. Family violence may include physical, sexual, emotional and financial abuse, stalking, damage to property, and control through socially isolating the victim, or threats to do any of the aforementioned acts.
- 3.3. Sexual violence is defined as any sexual act:
 - a) against a person's sexuality using coercion including an attempt to obtain a sexual act and unwanted sexual comments or advances
 - b) by any person regardless of their relationship to the victim
 - c) in any setting, including but not limited to home and work
- 3.4. FSV (family and sexual violence) is defined as family violence and sexual violence, and encompasses family violence and sexual violence as described above. It should be noted that while family violence may be perpetrated by family members, sexual violence may be perpetrated by any person regardless of their relationship to the victim.
- 3.5. Victim is defined as the person or persons adversely affected by family and sexual violence. Women, men and children can be victims of FSV.
- 3.6. Perpetrator is defined as the person or persons who commit or threatens to commit an act or acts of FSV.

4. Essentials

4.1. Information provision and education of employees

The employer will provide and explain information to employees about:

- a) FSV and its impacts on the workplace acknowledging that FSV can adversely affect women, men and children
- b) services available in the community for victims and perpetrators of FSV including:
 - medical and psychosocial support
 - counselling
 - emergency accommodation
 - police and legal protection
 - welfare services
- c) the employer's FSV policy and practices, including the name and contact details for the Program Manager, Family and Sexual Violence, who is also the FSV workplace welfare officer

- d) any mandatory reporting requirements

4.2 FSV workplace welfare officer

The FSV workplace welfare officer will ideally be the first point of contact for employees experiencing FSV, though victims may choose to disclose to any staff member. An employee who discloses FSV to another member of the workplace and wants to use the policy provisions, shall be referred to the welfare officer who will manage the case.

The FSV workplace welfare officer will encourage and accept notification from employees about perpetrators in the workplace and will refer these to the Consul-General for investigation and/or appropriate follow-up action.

The FSV workplace welfare officer will be responsible for identifying, through monitoring and evaluation, any barriers that employees may face in accessing this policy; and for bringing these barriers to the attention of the Counsellor Gender and Consul-General to address.

The FSV workplace welfare officer will coordinate a response to victims of violence through designing a safety plan, based on the options outlined in this policy.

This safety plan will then be agreed in writing with Counsellor Gender, and through him/her, Consul-General, before commencement of the support.

The FSV workplace welfare officer will be responsible for providing:

- a) Information about the policy, on commencement of employment or during induction, and at least annually
- b) Education on FSV to both female and male employees
- c) A respectful, 'victim centred' service, that is confidential
- d) Support and coordination of the victim's access to available workplace and community support
- e) Managing perpetrators, in conjunction with security officers and as agreed with Consul-General
- f) Appropriate written recording of the case management
- g) Monitoring and reporting on uptake of FSV workplace strategies
- h) Notification/investigation of perpetrators in the workplace, bearing in mind that notes could be subpoenaed

4.3 Reporting of FSV and use of the policy

The FSV workplace welfare officer will inform employees of the ways of reporting FSV, including specifying:

- a) Who to contact in an emergency
- b) Use of the safety plan template (Attachment 1)
- c) How to request education about FSV and the workplace
- d) How line managers can support staff dealing with the impacts of FSV on the workplace
- e) Process for reporting acts of violence or threats of violence

4.4 Accountability measures

To ensure that employees feel confident to disclose their experience of FSV to the employer and to access workplace support, the employer will:

- a) maintain confidentiality by:
 - informing all employees that confidentiality of victims' personal information in regard to FSV is of utmost importance to the employer
 - taking disciplinary action against those who breach victim's confidentiality (unless a breach of confidentiality is necessary to protect the victim or another person from serious harm, or where required by law)
- b) use existing transparent and effective complaint/grievance/dispute processes to escalate employees' concerns to the level required for resolution
- c) prohibit discrimination or adverse action against an employee on the basis of victim's disclosure, experience or perceived experience of FSV

5. Key support measures

5.1 Leave

An employee experiencing FSV can request paid leave (as set out in LES conditions of service) to attend medical or counselling appointments, legal proceedings, relocation to safe accommodation and other activities related to FSV.

An employee who supports a person experiencing FSV may request carer's leave, including but not limited to accompanying them to court or hospital, or to mind children.

Employees who are employed in a casual capacity may request unpaid special leave or unpaid carer's leave to undertake the activities described above.

The amount of leave provided will be determined by the individual's situation through consultation with the employee and management where appropriate. Any special leave recommended will be specified within the safety plan and agreed with the Consul-General.

5.2 Safety planning

In order to ensure the safety of the victim and the workplace in general, the staff welfare officer in consultation with the victim will assess the risk of the FSV to the victim and to the workplace, and recommend reasonable adjustments to the work schedule and work environment, specified within a written safety plan (attachment 1).

The safety plan will be agreed in the first instance by the Counsellor Gender who will seek written sign off from the Consul-General. However, if the situation is an emergency and neither is available, the Deputy Consul-General or Counsellor Corporate can agree to/sign off the safety plan.

In consultation with the employee, the employer may facilitate safety measures, including but not limited to:

- a) Respond to an immediate emergency
 - access to a place to make confidential calls and/or access to a mobile phone
 - access to showers to wash
 - referral to emergency support services
 - through specialist providers, access to safe transport to collect children who are at risk; a safe house; a medical facility; and/or the police or magistrate
 - support to get an Interim Protection Order

- b) Reduce the impact or risk of stalking for the employee:
 - changing the employee's span of hours or pattern of hours
 - redesigning or changing the employee's duties
 - changing the employee's telephone number or email address to avoid harassing contact
 - relocating the employee to another work site/alternative premise
 - promote enforcement of Protection Orders through calling police to breach the perpetrator if relevant

- c) Manage work while the crises poses immediate threat:
 - providing safe transportation to and from work for a specified period
 - payment of salary to split bank accounts to enable long term financial security
 - referral to a banking institution to fast track small loans
 - taking any other appropriate measure including those available under existing provisions for family friendly and flexible work arrangements

5.3 Referral to support services

The staff welfare officer will assist the employee to access available and appropriate support and protective services in the community – including medical and psychosocial support, counselling, emergency accommodation, police protection and welfare services and longer term accommodation – by facilitating contact and coordination with these support and protective services.

6. Perpetrator policy

The employer will prohibit the use of violence or threats of violence in the workplace including acts of FSV, sexual harassment and discrimination, and bullying.

The employer will encourage employees to notify the staff welfare officer of any acts or threats of violence by an employee of the High Commission which they have witnessed or received, or have been told that another person has witnessed or received.

The employer will ensure the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts or threats

of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required to by law).

The employer, in handling any notifications of violence, will afford the accused procedural fairness.

If there is evidence that an employee has perpetrated violence, the employer will take action which could include one or more of the following:

- a) providing the perpetrator with counselling and support
- b) undertaking disciplinary action up to and including dismissal
- c) reporting the perpetrator to the Police

The employer should assess the risk of the proposed employer intervention on the victim, whether or not the victim is an employee, to minimise the potential for further violence against the victim.

If an employee is a perpetrator of FSV who voluntarily comes forward and seeks the employer's assistance, the staff welfare officer will, if feasible, provide or facilitate counselling for the perpetrator.

7. General measures

7.1 Evidentiary requirements

If the employer requires proof of FSV, this may be provided in the form of a document – as agreed by the employer and employee, and issued by the Police, a court, doctor, district nurse, maternal and child health care nurse, Family Support Centre, counsellor, member of the clergy, or lawyer – or a statutory declaration.

7.2 Monitoring and evaluation

This policy will be implemented and trialled for a period of one year through the Counsellor Gender's team. Once an impact assessment has been done and any adjustments made, the Consul-General may approve the transfer of responsibility for the policy and management of associated resourcing to the Counsellor responsible for Human Resources.

The High Commission, through the FSV workplace welfare officer, will undertake a baseline survey each year to track the impacts of FSV on the workplace.

The High Commission, through the FSV workplace welfare officer, will also undertake annual monitoring and evaluation of the outcomes of this policy to identify the uptake of provisions of this policy, any barriers to access, and assess positive and negative impacts on individuals and the work of the Australian High Commission.

The Consul-General will provide the outcomes of the baseline survey and monitoring and evaluation activities to senior management and ensure staff receive feedback.

The monitoring and evaluation data should be used as a learning tool that consolidates the strengths of the implementation of this policy, and that addresses any challenges.

8. Optional measures

The employer may consider:

- a) by-stander training to encourage colleagues to support victims of FSV
- b) Meri Sapot groups or male advocacy processes such as White Ribbon
- c) networking with other employers, FSV service providers and advocates to share good practices

Attachment 1: Template for safety plan

Is the person you are helping: (Please circle)

1. A woman? 2. A man? 3. An expat?

4. A Papua New Guinean?

Problem identified	Mode of support	How will this help?	Report on status
Stalking by husband in the foyer Deloitte	<ul style="list-style-type: none"> Accompanying staff member to get an Interim Protection Order (IPO) 	Will provide immediate relief to keep her safe	IPO confirmed in the court: 20/11/2014. IPO served on perpetrator: 22/11/2014, therefore, transport provided by DFAT stopped
Murder threats	<ul style="list-style-type: none"> Referral to safe house Safe transport from safe house to and from work until the protection order is in place 	Removes her from the threat. Ensures she can continue working in the interim safely	Established at safe house: 20/11/2014 Transport provided until protection order served.
Threats of abducting children	<ul style="list-style-type: none"> FSV Welfare officer support to work out options for children 	Children are safe.	Children are with her at safe house.
Financial abuse e.g. husband clears out staff member's bank account and leaves her with no money so can not escape	<ul style="list-style-type: none"> Establish new bank account for pay 	Can use her own money to escape situation.	New bank account established 24/11/2014.
Needs to find new accommodation	<ul style="list-style-type: none"> FSV Welfare officer to assist her to find something She wants an emergency loan from us against her salary to arrange new accommodation 	Long term option that will provide her with safe accommodation	FSV Welfare officer has helped her look for some options. She has secured a bond for a new house, based on her emergency loan from work.

FSV Welfare officer signature: _____ Date: __/__/__

Counsellor signature: _____ Date: __/__/__

Consul-General signature: _____ Date: __/__/__

Final case Notes: