

# Domestic Violence Policy – New Zealand

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## Application of the Policy

This policy applies to all BOC and Elgas New Zealand ('the Business').

## Policy

Domestic violence is widespread in the broader community and may directly impact employees. Domestic violence can have severe health and economic impacts on persons to whom the violence is directed, including an employee's family.

## Purpose

The Business wish to assist employees experiencing domestic violence to seek professional assistance and to provide support to the employee to maintain their ongoing employment. The *Support* section of this policy details the support available to an employee. For employees who may be perpetrators of domestic violence, such conduct may become a workplace matter and subject to this and/or other relevant workplace policies when:

- their conduct becomes subject to a court order impacting the workplace (including but not limited to business reputation) or working relationships; and/or
- conduct defined as domestic violence is perpetrated either in the workplace, during work time, uses work resources, impacts workplace health and safety, or detrimentally impacts productivity or team functioning.

## Definitions

For the purposes of this policy **Domestic violence** is defined as per section 3 of the Domestic Violence Act 1995:

- violence against a person, by any other person with whom that person is, or has been, in a domestic relationship

And violence means:

- physical abuse
- sexual abuse
- psychological abuse, including but not limited to: intimidation, harassment, damage to property, threats, financial or economic abuse (for example, denying or limiting access to financial resources)
- psychological abuse of a child (as per section 3 (3) of the Domestic Violence Act 1995)

A person affected by domestic violence means a person against who any other person is inflicting, or has inflicted, domestic violence; and/or, a person with whom there ordinarily or periodically resides a child against whom any other person is inflicting, or has inflicted, domestic violence.

## Support

### HR/Management Support

The Business acknowledges the very personal and sensitive nature of domestic violence and its impact on an employee. We encourage employees who are experiencing domestic violence to speak in confidence to their line manager or HR Business Partner. The line manager and/or HR Business Partner will assist and encourage the employee to explore options for support under this policy and ensure prompt action in relation to any requests for support or identified actions in relation to workplace safety and security.

## Workplace health and security

The business will provide any practicable safety measure to ensure the safety of the employee within the workplace. 'Domestic Violence and Workplace Health and Security – A guideline for managers' found in the Employee Knowledge base is available for managers to assist employees affected by family and domestic violence.

## Counselling

Employees who are affected by domestic violence are encouraged to seek support via EAP. Visit <https://www.eapservices.co.nz/request-an-appointment/> or phone NZ: 0800 327 669

## Domestic Violence leave

Permanent employees who are affected by domestic violence may access domestic violence leave for up to 10 days per 12 months of service. BOC will pay the employee their full salary for any period of domestic violence leave.

Domestic violence leave is available in full, from the commencement of each 12-month period of service (the 10 days do not accrue over the course of a year). To be entitled to this leave an employee must have completed 6 months of current continuous employment. Any unused balance of domestic violence leave not taken in a 12-month period does not carry over to the following 12-month period.

Domestic violence leave is for allowing an employee to do something to manage the impact of the domestic violence where it is impractical for the employee to perform that activity outside their ordinary hours of work. Examples of circumstances in which domestic violence leave might be used include:

- Seeking medical, counselling, police, or legal assistance relating to the domestic violence
- Attending WINZ to obtain a benefit
- Attending a financial institution to arrange financial autonomy from a perpetrator of domestic violence
- Attending court in relation to domestic violence perpetrated on the employee or family member
- Finding or moving into safe accommodation
- To make other related safety arrangements (e.g. changing locks, repairing doors/windows, installing alarms/video cameras)
- Relocating a family pet subject to domestic violence to safe location and/or seeking urgent veterinary attention for the pet

An employee wishing to access domestic violence leave must **notify their manager and/or their HR Business Partner** of the leave as soon as practicable and advise of the expected duration of the leave. Unless exceptional circumstances apply, the employee is expected to provide notice prior to the leave commencing.

The granting of domestic violence leave may be subject to an employee producing evidence satisfactory to the employer that the leave requested relates to the purposes above. Evidence may include:

- documents issued by the police
- documents issued by a court
- documents issued by a government department such as Oranga Tamariki
- a statutory declaration

A permanent employee who has used all their domestic violence leave may also apply for annual leave to attend to the matters listed above, and the employer will not unreasonably refuse such a request.

## Request for a short-term flexible work arrangement

An employee who is affected by domestic violence may request a short-term (2-month or shorter) change to their work arrangements. Such a request could involve a change to:

- Hours of work (e.g. changes to start and finish times)
- Patterns of work (e.g. change shifts or become part-time or job share)
- Locations of work (e.g. site or working from home)

A request for flexible working arrangements must be in writing and will be considered by the Business.

## Confidentiality and Privacy

The Business will treat information related to a request for support or actions related to securing workplace security and safety as confidential and private to the full extent possible in the circumstances. The matter is personal and sensitive, and we understand many employees would not wish other employees to know of their circumstances unless they choose to divulge it.

The existence of domestic violence perpetrated against an employee will only be revealed on a ‘needs to know’ basis. For example, IT or security (staff or contractors) may need sufficient detail to assess yours and other employee’s security and safety needs and take appropriate actions.

Any disclosure under this policy will be restricted to “needs to know” and only to the level of detail necessary for the employee or contractor to fulfil their role related to providing Support and Workplace Safety and Security under this policy. They would not need to know any details regarding the domestic violence – just the nature of any support and safety/security actions required.

An employee will be consulted about any disclosure that seems necessary in the circumstances and in the development of any workplace safety and security measures.

All employees and managers are responsible to ensure the confidentiality of any disclosure made to them and that the information obtained is used only for the purpose it was provided.

## Disciplinary Action Associated with Domestic Violence

At times, the perpetrator of domestic violence may be an employee of BOC or Elgas. This may become an organisational issue in certain circumstances. Examples include, but are not limited to:

- Actions or behaviours constituting domestic violence being committed within the workplace or related to work will constitute misconduct in the workplace. These actions may be subject to appropriate disciplinary action.
- The Business has an obligation to comply with a court order that impacts the employee’s contact, actions, or behaviour in the workplace and may report breaches of the order to the police.
- In the event an employee’s actions regarding FDV has the potential to impact on the Business’ reputation in the community.

## About this Document

Version	Date	Author	Quality Reviewer	Approver
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