**Domestic violence policy checklist**

Domestic violence policy will need to comply with the following Acts:

* + Employment Relations Act 2000
	+ Human Rights Act 1993
	+ Health and Safety in Employment Act 1992
	+ Privacy Act 1993
	+ Domestic Violence – Victims’ Protection Act 2018

Domestic violence policy needs to cover the following:

**When and why employee may make request – Section 69ABB**

(1) An employee who is a person affected by domestic violence may make a

request—

(a) at any time; and

(b) for the purpose of assisting the employee to deal with the effects on the

employee of being a person affected by domestic violence.

(2) Subsection (1) applies regardless of how long ago the domestic violence occurred,

and even if the domestic violence occurred before the person became an

employee.

NOTE: An employee experiencing family violence or seeking help to deal with their violence will be referred to the EAP

**How to make a request – Section 69 AAA and ABC**

A request must be in writing and state:

* the employee’s name; and
* the date on which the request is made; and
* Which part of the Act the request is made under; and
* specify the variation of the working arrangements requested and the

period of time for which the variation is requested; and

* specify the date on which the employee proposes that the variation take

effect and the date on which it is proposed that the variation end; and

* specify how, in the employee’s view, the variation will assist the

employee to deal with the effects of being a person affected by domestic

violence; and

* explain, in the employee’s view, what changes, if any, the employer may

need to make to the employer’s arrangements if the employee’s request

is approved.

NOTE: Privacy principals must prevail in respect of the storing of personal information concerning domestic violence and will be treated as confidential. Such information will not be kept on personal files without the employee being notified.

The employee to have the option of direct access to the decision maker rather than having to deal with their line manager/s and a chain of command.

**Time lines and obligations relating to the employer obligations in dealing with a request.**

* An employer must deal with a request as soon as possible, but not later than

10 working days after receiving it, and must notify the employee in writing of

* whether his or her request has been approved or refused.
* the employer must provide the employee with information about appropriate specialist domestic violence support services.

If the employer refuses an employee’s request, they must; -

* state the grounds for refusal; and
* explain the reasons for that ground or those grounds.

**If the employer requires proof of domestic violence, what proof it requires.**

**The employees rights and options in the event of a refusal which includes:-**

* Request a review of the decision.
* Refer the matter to a Labour inspector.
* Refer the matter to mediation.
* Refer the matter to the Authority.
* Raise a personal Grievance under section 103 (1)(da) of the Employment Relations Act.

**Protection from adverse treatment in employment of people affected by domestic violence;-**

* In general, no adverse action will be taken against an employee if their attendance or performance at work suffers as a result of being a victim of family violence.

In order to provide support to employees experiencing domestic violence and to provide a safe work environment to all employees, the employer will consider reasonable and practical request from an employee experiencing family violence as follows:

* **Changes to working hours or pattern of working hours as informed by Section 69AA(a) and 6AB of the Employment Relations Act**:

(a) provide employees with a statutory right to make, or to have made on

their behalf, a request for a variation of their working arrangements (including any additional terms that need variation), for the purpose of

assisting the employees to deal with the effects on the employees of

being people affected by domestic violence; and

(b) require an employer to deal with a request as soon as possible but not

later than 10 working days after receiving it; and

(c) provide that an employer may refuse a request only if proof of domestic

violence is required and not produced, or the request cannot be accommodated

reasonably on certain non-accommodation grounds; and

(d) if an employer does not deal with a request in accordance with this Part,

provide for reference of the matter to a Labour Inspector, mediation, or

the Authority.

**Additional terms that need variation**, in relation to an employee, means 1 or

more of the following:

(a) the location of the employee’s workplace:

(b) the employee’s duties at work:

(c) the extent of the contact details that the employee must provide to the

employer:

(d) any other term of the employee’s employment that, in the employee’s view, needs variation to enable the

employee to deal with the effects of being a person affected by

domestic violence

These could include:

* A change to their work telephone number or work email to avoid harassing contact
* Changes that improve the safety of the employee and/or their co-workers
* Any other reasonable measures to assist the employee

**Domestic Violence Leave entitlement.**

* Entitlement e.g. minimum 10 days leave per year.
* Entitlement to take Domestic violence leave during periods of Annual leave, sick leave etc.
* Managers may approve additional special leave when other leave has been exhausted.
* How to apply.
* Payment of domestic violence leave.
* When entitlement arises/becomes due – Suggest all employees from day one rather than legal minimum requirement.

NOTE: Employees who support a close personal relative experiencing domestic violence may take domestic leave to accompany them to court, hospital or to mind the victim’s children provided that proof of the violence is provided.