

FemiliPNG

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Staff Family and Sexual Violence (FSV) Policy

DOCUMENT VERSION

Date	Comments
7 May 2016	Approved by Management Committee

POLICY AMENDMENTS

This is a working document and subject to amendment.

Any suggestions about this policy should be directed to the Femili PNG Operations Manager or Chief Executive Officer/Senior Social Worker (CEO/SSW) so changes to the manual can be considered. When suggestions (or grievances) are raised, the matter will then be raised at the next Executive Management Committee meeting for consideration. Any amendments or changes to the manual will be submitted to the Management Committee for endorsement.

The Operations Manager is responsible for maintaining this document including: monitoring its implementation; updating confirmed changes; informing staff of the changes; and disseminating the latest version of the manual across the organisation.

Any changes or amendments to this policy involve the following steps:

- Updating the document version table;
- Updating the relevant provision in this manual;
- Replacing the updated version of the manual eg. shared drives;
- Printing a hard copy of the updated manual for the office;
- Communicating the changes to all staff; and
- Archiving the old version of manual.

1. Introduction

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

This policy on FSV provides a comprehensive set of workplace strategies that can be used by Femili PNG in Papua New Guinea to **address the impact of FSV in its workplace**.

Femili PNG can act to provide a safe environment for staff affected by family and sexual violence using its knowledge and resources, including the considerable skills of its staff.

As an organization that assists survivors of FSV, it is particularly important that Femili PNG assist its own staff if they become survivors. Femili PNG is also, by virtue of its functions, particularly well-placed to do so.

Bringing an end to domestic violence situations is a fundamental Femili PNG goal. Employees who are subject to ongoing domestic violence themselves while also working with other survivors of similar violence may be at particular risk, and Femili PNG owes them a duty of care. For both reasons, when a Femili PNG employee is subject to domestic violence, Femili PNG will do whatever it can to work with that employee to respond to and if possible end that situation of domestic violence.

Femili PNG will work with the staff member concerned to put in place a plan to ensure that security and safety measures are put in place to enable the staff to fulfill their work requirements to the best of their ability without interference from violence.

This policy will assist Femili PNG to:

- a. protect staff health and safety
- b. facilitate an inclusive work environment
- c. assist the employer to respond consistently and appropriately
- d. fulfill the employer's duty of care
- e. position Femili PNG as an employer of choice.

This policy applies to all employees of Femili PNG and should complement and be implemented in conjunction with existing workplace policies reflected in the Femili PNG policies including the *Human Resources Manual* and also in staff employment contracts.

In the development of this Femili PNG *Staff Family and Sexual Violence Policy* the approaches of multiple PNG organisations' FSV approaches were studied. Femili PNG thanks these organisations for their assistance and inspiration.

2. Purpose

The purpose of this policy is to ensure Femili has a consistent, supportive, non-discriminatory and equitable approach to its employees experiencing family and sexual violence. The policy will:

- a) assist towards developing a supportive and non-judgmental workplace in which survivors of FSV always feel safe to come forward and seek support
- b) guide employer and senior management responses to employees whose work life is affected by FSV
- c) assist efforts to create the most safe and productive workplace possible for all Famili PNG 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 reasonably treated by the spouse as their 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, threats and other actions.

3.3 Sexual violence is defined as any unwanted sexual act:

- a) against a person 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, any person regardless of their relationship to the victim might perpetrate violence at the request of family.

3.5 Survivor is often used to describe the person affected by family and sexual violence. Women, men and children can be survivors of FSV.

4. Essentials

4.1 Information provision and education of employees and their families

The employer will provide and explain information to employees about:

- a) FSV and its impacts on the workplace acknowledging that FSV can adversely affect anyone
- b) Services available in the community for victims and perpetrators of FSV including:

- medical and psychosocial support
 - counseling
 - emergency accommodation
 - police and legal protection
 - welfare services
- c) The employer's FSV policy and practices, including the name and contact details for the individuals in the workplace responsible for this FSV policy: Femili PNG's CEO/Senior Social Worker (CEO/SSW) and also the Operations Manager.

Femili PNG will communicate this information not only to employees but also to their families, through regular "Family Days".

4.2 Femili PNG Staff responsible for this FSV policy

All staff are responsible for understanding and abiding by this policy. A staff member experiencing FSV could approach any colleague. This policy guides the response.

The formal Femili PNG points of contact to provide advice for employees experiencing FSV are Femili PNG's CEO/SSW and Femili PNG's Operations Manager.

If the employee is comfortable approaching either point of contact person, she or he will be supported in line with this policy.

An employee may disclose their FSV experiences to another colleague in the workplace and may want their colleague to raise this issue with the points of contact for them. They may want their colleague present as a support person while raising the issue with the CEO/SSW or Operations Manager. This is completely acceptable. The primary consideration is providing a supportive environment for the employee to discuss the FSV, and their needs.

The points of contact are also responsible for encouraging staff to speak up about any negative FSV experiences in the workplace (including FSV by perpetrator colleagues in the workplace, or within partner organisations Femili PNG works with).

All Femili PNG staff should always feel supported to raise any experience of FSV, and should not be deterred by concerns for Femili PNG's or other organisations' reputations or other such issues. The primary consideration is providing a supportive environment to raise and discuss FSV, and work towards strategies to deal with the issues. All staff have a right to feel safe in their workplace.

The notification from employees about perpetrators in the workplace or partner organisations should be referred to the points of contact for investigation and appropriate follow-up action.

The points of contact will coordinate a response to any reports of FSV through immediately designing an appropriate written plan (discussed at 5.2 below) for the staff member, guided by this policy and applicable Femili PNG security policies. The plan will be agreed between the staff member affected, Operations Manager and the SSW/CEO, enabling support to be promptly commenced.

The points of contact will be responsible for:

- a) providing information about this policy to all staff upon commencement of this policy, on commencement of employment by new staff, and to all staff at least annually

- b) providing ongoing education on FSV to both female and male employees
- c) ensuring consistently respectful responses to enquiries about this policy
- d) ensuring respectful, confidential and supportive management of the affected staff member's FSV matter in line with this policy, for as long as the FSV matter continues
- e) ensuring effective management of allegations of FSV perpetration in Femili PNG's workplace, including immediate elevation to EMC for careful and appropriate management in line with all Femili PNG policies and procedures, and the law
- f) provision of case management support to the affected employee
- g) monitoring and reporting on the effectiveness of this FSV policy and leading required amendments to make the policy more effective over time.

As points of contact for this FSV policy, the CEO/SSW and Operations Manager are 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 Femili PNG's EMC to address towards a safe workplace for all staff.

4.3 Reporting of FSV and use of the policy

The points of contact will inform employees of the ways of reporting FSV, and will provide guidance on:

- a) who to contact in an emergency (ie. the points of contact)
- b) appropriate case management for Femili PNG staff experiencing FSV
- c) appropriate education about FSV in the workplace
- d) how staff can effectively support colleagues dealing with the impacts of FSV
- e) processes for reporting FSV in the workplace including by colleagues, or staff in partner organizations
- f) analyzing security risks posed by the FSV, and managing the resulting risks.

4.4 Accountability measures

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

- a) always maintain confidentiality by:
 - reminding all employees that confidentiality of person's personal information in regard to FSV is of utmost importance
 - taking disciplinary action against those who breach a person's confidentiality (unless a breach of confidentiality is absolutely necessary or required by law). For further information see the section 'Limits to Confidentiality' discussed in Femili PNG's case management policies. Confidentiality issues can always be discussed with the CEO/SSW and Operations Manager, who will provide appropriate guidance on managing confidentiality.
- b) use existing transparent and approved grievance processes and, if necessary and appropriate, elevate any employee's concerns to the level required for resolution (these approved procedures are in Femili PNG's *Human Resources Manual*).
- c) prohibit discrimination or adverse action against any employee on the basis of that employee's confiding that they are experiencing FSV.

- d) take measures to encourage a trusting, friendly and close-knit environment at work, for example, by providing scope for regular team building and team relaxation activities
- e) convey to all employees that it is in their interest to disclose any experience of FSV as Femili PNG will be able to provide help.

5. Femili PNG's key support for staff experiencing FSV

As noted in Section 4.2, once a staff member provides a report of FSV, a written plan should be developed. This will have as its aims both the immediate safety of the staff member, and the resolution, to the greatest extent possible, of the underlying violent situation. Both Femili PNG and the staff member are under an obligation to implement the plan to achieve its goals.

5.1 Leave

An employee experiencing FSV can request paid leave to attend medical or counselling appointments, legal proceedings, relocation to safe accommodation and other necessities.

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

The amount of leave provided in cases of FSV will be determined on a case-by-case basis, by analysis of the individual employee's situation and consultation between the employee and CEO/SSW and Operations Manager. Generally, paid leave entitlements will be exhausted before alternative paid and unpaid leave arrangements are investigated by the CEO/SSW.

Employees who are on probation, employed in a casual capacity or under some other arrangement may request unpaid special leave or unpaid carer's leave to undertake the activities described above.

The EMC will be involved in assessing cases of complexity, lengthy duration or involving high risk to the employee or Femili PNG (for example in lengthy or difficult cases, or cases where the employee does not agree with the analysis of their safety or the leave arrangements proposed). Any leave granted for FSV purposes will be documented.

5.2 Safety planning

In order to support the safety of the employee and the workplace in general, the points of contact will, in consultation with the employee, assess the risk of the FSV to the employee and to the Femili PNG workplace, and may, in consultation with the EMC, recommend reasonable adjustments to the FSV affected-employee's work schedule and work environment, specified within the written plan for the affected employee. The consent of affected staff to inform other employees should be taken.

In consultation with the employee, the points of contact may facilitate safety and other help to assist the FSV-affected employee, including but not limited to the services Femili PNG would normally make available to its clients.

- a) If there is an immediate emergency, the response to assist may include the following:

- an assessment to identify support to make the employee immediately safe
 - 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 including medical facilities
 - access to services such as safe transport to collect children who are at risk; a safe house or other emergency accommodation; a medical facility; and/or the police or magistrate, etc
 - any other support the points of contact consider appropriate
- b) If there is stalking of the employee, the response can include, but is not limited to, the following:
- changing the employee's span of hours or pattern of hours for a period
 - redesign or change the employee's duties for a period
 - change the employee's telephone number, email address etc to avoid harassing contact
 - permit taking of leave for a period
 - manage with consent of employee and in line with case management policies and procedures.
- c) In all cases of FSV involving a Femili PNG employee
- listen to the employee's description of their situation and what they say they need to stay safe
 - do a proper risk assessment of the risk the violent perpetrator poses to the FSV-affected employee and other employees, and take actions to try and ensure safe working arrangements and safety for all in the workplace
 - offer payment of salary into bank account preferred by employee (instead of continuing payment into a joint account with a perpetrator, or which a perpetrator can access
 - if the employee cannot arrange a bank account, offer payment of salary in cash (making appropriate arrangements to formally record the cash payments)
 - assist discussions with a banking institution and provide necessary appropriate support
 - take any other appropriate measures to ensure safety, consulting with the FSV-affected employee at all times.

5.3 Referral to support services

The employee will be assisted to access available and appropriate support and protective services – including medical and psychosocial support, counselling, emergency accommodation, police protection and welfare services. Assistance will be offered to the employee even if the employee is experienced in such referral themselves, recognizing that all individuals affected by FSV need proper assistance, regardless of their professional backgrounds.

6. **Perpetrator employees**

Femili PNG prohibits any use of violence or threats of violence in the workplace including acts of FSV, sexual harassment and discrimination, and bullying.

Femili PNG encourages employees to notify the CEO/SSW and/or Operations Manager (the points of contact) of any acts or threats of violence by an employee of Femili PNG which they have witnessed or received, or have been told that another person has witnessed or received.

The CEO/SSW and/or Operations Manager will ensure the confidentiality of employees who notify any acts or threats of violence by another.

The CEO/SSW and Operations Manager will ensure the confidentiality, as much as possible given their duty to investigate, of the identity of any employees accused of engaging in any acts or threats of violence. They may be required by law to divulge the identity of an accused, and in such cases will abide by the law.

Femili PNG, in handling all notifications of violence, will afford the accused procedural fairness (fairness and transparency in decision making) and will abide by the law.

If there is evidence that an employee of Femili PNG has perpetrated violence or any kind in contradiction of Femili PNG's clear 'zero violence' policy, Femili PNG will take action, which could include one or more of the following depending on the circumstances and severity of the case:

- a) providing the perpetrator with counselling
- b) undertaking disciplinary action (this may include dismissal); and/or
- c) reporting the perpetrator to legal authorities.

In deciding its course of action, Femili PNG will assess a number of factors including but not limited to: the wishes of the employee who suffered; the attitude of the perpetrator; legal requirements upon Femili PNG; any risk(s) of the proposed employer intervention to the employee who suffered; what actions will minimise the potential for further violence against the employee who suffered FSV; and guidance provided in the Femili PNG HR manual.

7. Other general considerations

7.1 Evidentiary requirements

If in any situation Femili PNG needs proof of FSV, depending on the need being met (eg. insurance) Femili PNG understands this can most likely be provided in the form of statements made under oath, or documents issued by the police, court, doctor, Family Support Centre or lawyer and will work to assist to clarify and meet the requirements.

7.2 Review

The CEO/SSW and Operations Manager will, with the assistance of others as required, undertake annual reviews of the outcomes of this policy to identify the uptake of provisions of this policy, any barriers to access and will assess positive and negative impacts on the staff and work of Femili PNG. All staff will be invited to provide their opinion in this process.

The outcomes of the reviews will be provided to the MC.

The reviews should be used as a learning tool that consolidates the strengths of the implementation of this policy, and that addresses any challenges in implementing this policy.

