



## **Domestic Violence Leave Policy Version 1**

Purpose:	<p>The purpose of this policy is to:</p> <ul style="list-style-type: none"><li>• Support employees through a range of policy provisions, including paid leave.</li><li>• Provide for a period of paid leave from work for staff, who have experienced, are experiencing or are at risk of experiencing domestic violence or abuse. This leave will assist the staff member to take time they need to seek support.</li><li>• Promote a workplace culture that facilitates disclosures of domestic abuse.</li><li>• Promote a safe work environment for all staff.</li></ul>
Circulation:	<p>This document is available for all to review and will be published on the Institute's website.</p>
Policy author:	<p>Human Resource Department &amp; EDI Office</p>
Policy Owner:	<p>Vice President for Finance, Resources &amp; Diversity</p>
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## 1. Introduction

Domestic violence and abuse is a highly prevalent experience in Ireland and internationally. It has a significant impact on those experiencing it, which may include staff attendance, performance and productivity at work. Domestic violence and abuse can occur within any relationship. This policy is applicable in all cases regardless of sex, gender or sexuality.

This policy covers the internal and external support available to employees who have been or are being subjected to domestic violence and abuse, or where the employee is supporting a relevant person.

The policy incorporates relevant provisions of the Work Life Balance and Miscellaneous Provisions Act 2023. The Work Life Balance and Miscellaneous Provisions Act 2023 (“the Act”) was enacted on 4 April 2023. Section 7 of the Act introduces domestic violence leave. The entitlement to domestic violence leave of 5 paid days in a consecutive 12-month period came into operation on 27 November 2023.

The purpose of this leave is to provide for a period of paid time away from work for staff members who have suffered, are suffering or are at risk from domestic violence or abuse. This leave will enable the staff member to take the time they need to seek assistance in a structured and supported environment, where decisions are victim led.

## 2. Objective

Domestic violence leave will be granted to a staff member who has been the victim of an act or acts of domestic violence or abuse.

Domestic violence is defined under the Act as violence or threat of violence, including sexual violence and acts of coercive control committed against an employee or a relevant person in relation to an employee.

For the purposes of eligibility for domestic violence leave the ‘other person’ must:

- be the spouse or civil partner of the employee or relevant person;
- be the cohabitant of the employee or relevant person;
- be or have been in an intimate relationship with the employee or relevant person; or
- Be a child of the employee or relevant person who is of full age and is not, in relation to the employee or relevant person, a dependent person.

The categories of “relevant person” in relation to an employee, who an employee may take domestic violence leave to support are:

- An employee’s child (including an adopted child) or dependent;
- An employee’s spouse or civil partner;
- A cohabitant of the employee; or
- A person with whom the employee is in an intimate relationship.
- A person who, in relation to the employee, is a dependent person

Domestic leave will be granted in addition to other available leave to seek support e.g.: Sick Leave, Annual Leave, Force Majeure.

The purpose of the leave is to enable an employee who is subjected to domestic violence, or an employee supporting a 'relevant person' to do any of the following:

- Seek medical attention;
- Obtain services from a victim services organisation;
- Obtain psychological or other professional counselling;
- Relocate temporarily or permanently;
- Obtain an order under the Domestic Violence Act 2018;
- Seek advice or assistance from a legal practitioner;
- Seek assistance from the Garda Síochána;
- Seek or obtain any other relevant services.

While advance notice of the leave is preferable, in certain circumstances, this may not be possible. However, an employee should notify the HR Manager of their intention to take or remain on domestic violence or other leave for this purpose as soon as reasonably practicable.

### **3. Eligibility**

All staff members of the DkIT are eligible for domestic violence leave. There is no minimum service period required in order to qualify for this leave. Such leave may be availed of by an employee directly experiencing domestic violence and abuse, or where an employee is supporting a 'relevant person'. The domestic violence to which the supports relate includes experiences that are ongoing, as well as past experiences.

### **4. Disclosures**

The person responding to a disclosure will:

- Listen and respond in a non-judgmental and compassionate manner.
- Support the employee in making their own decisions.
- Provide practical support as appropriate

In line with good management practice, it is a manager's responsibility to be mindful of the well-being of their team members, and issues impacting on well-being. Where a manager has concerns regarding well-being, the manager may, if appropriate:

- Consider asking open questions in a private setting to allow the employee to disclose their experience if they wish to do so.
- Seek support from or refer the employee to the HR manager , while being mindful of confidentiality

If an employee discloses to a colleague, the colleague will treat the disclosure in a supportive, non-judgmental, and confidential manner and bring this policy to the attention of the disclosing employee. It is not appropriate for the employee receiving the disclosure to pass on any information to others, including to managers or another designated person, where there is one in the company, without the consent of the disclosing person except in very limited cases.

## 5. Application Procedure

The HR manager has a primary role in DkIT in responding to disclosures of domestic violence and abuse. The staff member should contact the HR Manager **directly** as soon as possible to request a period of domestic violence leave. There is never any obligation on a staff member to disclose that they are subjected to domestic violence. The staff member is not required to provide substantiate of their abuse or documentation of evidence for the leave needed.

## 6. Leave Entitlements

You have a right to 5 days of domestic violence leave in any consecutive 12 months. The Institute may give you more than the statutory entitlement and they may give you additional paid or unpaid special leave if needed.

If you work part-time, you are entitled to domestic violence leave on a pro-rata basis. This means, for example, if you work 50% of a normal working week, you are entitled to 2.5 days' leave.

The leave does not need to be taken all at once. It can be taken as single or multiple days. An absence for part of a day is counted as one day.

## 7. Workplace Safety

The impacts and risks of domestic violence and abuse necessitate a safety conscious response at all times. Following a disclosure, the HR manager will consult with the employee on their safety needs in and around the workplace.

Depending on individual circumstances, safety measures that may be proposed include:

- Temporary (subject to review) changes to work duties, location, contact details, hours, and/or working patterns.
- Risk assessment of the workplace for the affected employee, other employees as appropriate.
- Offering information on specialist support services to the affected employee (Employee Assistance Programme etc.)

## 8. Financial Assistance

Relevant financial support for employees will be considered, such as:

- Salary advance (in very exceptional cases)
- Speedy change of arrangements and/or method for payment of salary (e.g. banking details)

## 9. Employee Protections

Domestic violence and abuse can impact work attendance, performance, and productivity. In cases where an employee discloses domestic abuse, the employee will be if they have difficulties performing tasks at work. Subsequent reviews of the employee's workload will be completed in consideration of the impacts of abuse.

## **10. Conduct in the Workplace**

Employees will be held accountable for their conduct in the workplace, in work time, or through work equipment. Where domestic violence and abuse is committed in the workplace, disciplinary procedures may be invoked.

Domestic abuse may be reported to have occurred, or be occurring, where both parties are employees of the Institute. In such cases, particular arrangements need to be put in place. Safety and well-being are paramount, while recognising that all individuals have a right to fair process and procedure

## **11. Maintaining Records**

Records of any form of abuse, including stalking or harassment of the employee in the workplace, may be supportive to the employee should they decide to seek redress through the justice system. As such, the employee will be supported to retain any such records at their request, without prejudice to any party.

## **12. Confidentiality**

Any disclosure of domestic violence and subsequent request for leave will be treated with the strictest confidence by the HR Manager, unless there is an immediate risk to the safety of the affected staff member, their colleagues, or others.

Any records maintained by the employer will be stored securely and kept strictly confidential, only for as long as necessary

DkIT may retain in the employee's personnel file:

- Details of agreed workplace safety plan (if required)
- Administrative data such as approval of domestic violence/special leave
- Details of abuse occurring in/near the workplace or using workplace equipment

Colleagues to whom a disclosure is made (initial or as part of risk management) are required to keep confidentiality. Improper disclosure of information may be subject to disciplinary action.

There are limited occasions where confidentiality cannot be maintained.

These are:

- Where there is a requirement under law.
- When ordered by a court.
- Where it is necessary to share the information to protect the safety of employees and/or the public.

In these circumstances, the employee will be informed of the reasons why confidentiality cannot be maintained, the information will be shared on a need-to-know basis only, and care will be taken to ensure that the sharing of information does not put the employee at greater risk. In any of these instances where confidentiality cannot be maintained, the employee will be encouraged to contact a specialist domestic abuse service for support.

### 13. Referrals

A list of domestic abuse specialist organisations is available below. This information will be provided to employees disclosing domestic abuse. Where appropriate, the employee will be supported to access a safe physical space and/or method of communication from which to contact these services.

There are specialist domestic abuse services located across Ireland including Women's Aid Dundalk or Drogheda Women's & Children Refuge.

Details of all local services and Women's Aid National Helpline can be accessed through these websites:

- <https://www.safeireland.ie/get-help/>
- [www.stillhere.ie](http://www.stillhere.ie)

Men's Development Network can be contacted on 1800 816 588 or at [www.mensnetwork.ie](http://www.mensnetwork.ie). Men's Aid can be contacted on 01 554 3811 (Monday to Friday 09:00 – 17:00) or at [hello@mensaid.ie](mailto:hello@mensaid.ie).

Other services include:

- Rape Crisis North East ([rcne.ie](http://rcne.ie))
- Dublin Rape Crisis Centre National Sexual Violence 24-hour Helpline - 1800 77 8888 / [www.drcc.ie](http://www.drcc.ie),
- Local rape crisis centre at [www.rapecrisishelp.ie](http://www.rapecrisishelp.ie)
- LGBT Ireland National Helpline: 1800 929 539 / [www.lgbt.ie](http://www.lgbt.ie)
- An Garda Síochána 112 or 999