



## The Domestic Violence-Victims Protection Act

### Introduction

As of the 1st April 2019, people affected by domestic violence are entitled to legal protection in a school setting. The Domestic Violence - Victims Protection Act gives new rights to employees affected by domestic violence.

The Act gives victims the rights to

- Get paid domestic violence leave
- Ask for short-term flexible working
- Not be treated adversely at school because they have experienced domestic violence.

**Definition of Domestic Violence - taken from "Employment New Zealand Rights for employees affected by domestic violence"**

If you are being abused by a partner, ex-partner, someone in your family or whānau, or by a flatmate, then you are experiencing domestic violence. This is also called family violence. This can happen to people of any gender and within same- or different-gender couples. Someone who carries out family violence might not live with you.

'Violence' can be physical, sexual or psychological abuse. It's also when someone is bullying or threatening, or tries to control what you do or think. Some examples are:

1. intimidation – scaring you into doing something or making you or your family feel unsafe by, for example, following or watching you.
2. harassment – again and again acting in a way that upsets you or your family, or getting in touch with you when you don't want them to
3. damaging your things
4. threatening to abuse you

5. financial or economic abuse – taking your money, stopping you from working or going to school or college
6. emotional or psychological abuse – putting you down, always criticising you or calling you names, playing mind games, making you think you're going crazy.

If someone who is close to you – or who was close to you – is abusing you, it can make you feel like that person is controlling your life. It can make you lose your confidence and feel afraid. You can feel the effects of family violence for a long time, even after the violence has stopped.

### **Guidelines:**

An employee who makes a disclosure regarding domestic violence is entitled to

1. Take up to ten days of domestic violence leave each year - this is separate from annual leave, sick leave and bereavement leave
2. Ask for short - term flexible working arrangements - lasting up to 2 months

When an employee who has suffered from domestic violence asks for changes to their normal working arrangements, they must put their request in writing and include.

- their name and the date they make the request
  - that they're asking for short-term flexible working arrangements, as set out in Part 6AB of the Employment Relations Act 2000
  - details of what they want to change about their normal working arrangements
  - how long they want the changes for – up to two months and when they want the changes to start and finish
  - how these changes will help them
  - what changes the employer might need to make to their arrangements if they agree to your request.
3. Not be treated adversely in the workplace because they have experienced domestic violence

Employees may also take this kind of leave to support a child who has experienced domestic violence, as long as they have lived with the child for some of the time.

According to the law, an employee can request domestic violence leave if they have worked for their employer for six months continuously or pass the 'hours worked' test. As a good employer, the BOT may use their discretion and grant the leave to an employee who has worked in the school for under 6 months. An employee can ask for domestic violence leave in the same way that they take both bereavement leave and sick leave.

### **Proof of Domestic Violence:**

When an employee requests domestic violence leave the Principal (on behalf of the BOT) can ask for proof. While the school acknowledges that it may be difficult to get proof of the domestic violence they are happy to accept the following as proof

- A letter or email about the situation and how it affects the employee from
  - A support organisation - such as Domestic Violence
  - Support service or Oranga Tamariki
  - Support person
- Report from a doctor or nurse
- Report from a school
- A declaration – a letter of evidence witnessed by an authorised person like a justice of the peace under the Oaths and Declarations Act 1957.
- Any court or police documents about the domestic violence.

The Principal on behalf of the BOT, has the right to request proof for the 'ten-day request for leave and the 'short term flexible working arrangement'.

### **Proof for domestic violence leave**

If the BOT was to ask for proof of the domestic violence but doesn't get it, the school doesn't have to pay for domestic violence leave until they get proof, unless the employee has a 'reasonable excuse'.

An example of a 'reasonable excuse' could be that the employee has had to move quickly and hasn't had time to get proof.

### **Proof for short-term flexible working**

If the BOT requires proof of domestic violence they must ask for it within three working days of getting the request for short-term flexible working arrangements.

As a good employer, the BOT must reply in writing to the request within 10 working days or sooner. If proof is requested by the BOT, the employee will need to provide the proof otherwise the BOT has the right to refuse the request until proof is provided.

Every endeavor will be made by the BOT to honour the domestic violence leave request and act confidentiality in any incident of domestic violence leave.

Appendix 1:  
Organisations that support people who have suffered domestic violence

**Women's Refuge**

**0800 733 843**

*open every day, 24 hours a day*

[www.womensrefuge.org.nz](http://www.womensrefuge.org.nz)

A bicultural organisation working with women and children to provide support through advocacy, safety plans, emergency accommodation, and ongoing support for victims and their family members. Women's Refuge also gives training to organisations wanting to learn more about and improve their policies on family violence.

**SHINE**

**0508 744 633**

*open every day, 9am to 11pm*

[www.2shine.org.nz](http://www.2shine.org.nz)

The helpline provides support, information, help with risk assessment and safety planning and referrals to local services. Shine supports adult and child victims – all genders – to become safe. Shine also works with men who have perpetrated family violence to motivate and support behaviour change. Shine provides a range of domestic violence training programmes. Shine's DVFREE programme offers policy consultation and workplace domestic violence training.

**Safe-to-talk**

**0800 044 344**

*open every day, 24 hours a day*

Safe-to-talk is a free, confidential and anonymous helpline for people affected by sexual violence. You can contact a trained specialist by phone or web chat. They can answer your questions, give you information about sexual harm, and refer you to specialists in your area. They can also provide information about how to help a friend or family member.

**Family Violence Information Line**

**0800 456 450**

*open every day, from 9am to 11pm*

[www.areyouok.org.nz](http://www.areyouok.org.nz)

This helpline is part of the 'It's not OK' campaign to reduce family violence in New Zealand, and is run by the Ministry of Social Development. The line gives self-help information and connects people to services where it's needed. The website gives information about family violence and where to go for help.

