Family & domestic violence leave

All employees (including part-time and casual employees) are entitled to 5 days unpaid family and domestic violence leave each year.


Read more about:
- what is family and domestic violence
- award entitlement to unpaid leave
- workplace policies dealing with family and domestic violence leave
- support services for people impacted by family and domestic violence.


What is family and domestic violence?

Family and domestic violence means violent, threatening or other abusive behaviour by an employee’s close relative that:
- seeks to coerce or control the employee
- causes them harm or fear.

A close relative is:
- an employee’s:
  - spouse or former spouse
  - parent
  - grandparent
  - grandchild
  - sibling
- an employee’s current or former spouse or de facto partner’s child, parent, grandparent, grandchild or sibling, or
- a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.


Award entitlement to unpaid leave

All industry and occupation awards include unpaid family and domestic violence leave.

The award entitlement is for the same amount of leave as the entitlement in the NES.

Employees covered by registered agreements, enterprise awards or state reference public sector awards may be entitled to other paid or unpaid entitlements in their award or agreement that they can access in these circumstances. If the award or agreement provides less than the minimum entitlement in the NES, the NES entitlement still applies.

Workplace policies about family and domestic violence leave

Some businesses may provide paid or unpaid family and domestic violence leave entitlements in their employment contracts or workplace policies. The amount of leave and pay entitlements will depend on the contract or policy.
If an employment contract or workplace policy provides less than the minimum entitlement in the National Employment Standards (NES), the NES entitlement still applies.

### Example: Workplace policies about family and domestic violence leave

An employee is entitled to 5 days of unpaid leave each year under the NES.

Their employer also has a family and domestic violence leave policy that gives employees an entitlement to 2 days of unpaid leave each year.

The employee's entitlement under the NES is more than their employer's policy. That means they are entitled to the 5 days each year.

### Support services for people impacted by family & domestic violence

Confidential information, counselling and support for people impacted by domestic and family violence is available at the 1800 RE-SPECT website (https://www.1800respect.org.au/), the national sexual assault, domestic and family violence counselling service.

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