

New unpaid family & domestic violence leave entitlement

All employees can now take unpaid leave to deal with family and domestic violence, following a recent change to the Fair Work Act 2009.

On 12 December 2018 the Fair Work Amendment (Family and Domestic Violence Leave) Act 2018 took effect. The Fair Work Act 2009 now includes an entitlement to unpaid family and domestic violence leave as part of the [National Employment Standards](http://www.fairwork.gov.au/employee-entitlements/national-employment-standards/default) (NES).

The new entitlement applies to all employees (including part-time and casual employees). It applies from 12 December 2018.

What is the new entitlement and who does it apply to?

The new entitlement is to 5 days of unpaid family and domestic violence leave each year.

It applies to all employees (including part-time and casual employees).

Family and domestic violence is violent, threatening or other abusive behaviour by a close relative of an employee that:

- seeks to coerce or control the employee
- causes the employee harm or to be fearful.

A close relative of the employee is a person who:

- is a member of the employee's immediate family, or
- is related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Employees can take the leave if they need to do something to deal with the impact of family and domestic violence and it's impractical to do so outside their ordinary hours of work.

How does the new NES entitlement affect the existing award entitlement to unpaid leave?

On 1 August 2018, all industry and occupation awards were updated to include unpaid family and domestic violence leave.

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

This means that for all employees covered by industry and occupation awards, the amount of the entitlement hasn't changed. However, the recent changes to the Fair Work Act 2009 mean that all employees now have access to this leave entitlement, regardless of whether they're covered by an award or not.

Where can I find more information?

Go to our [Family and domestic violence leave section](http://www.fairwork.gov.au/leave/family-and-domestic-violence-leave) for information about the new clause, including details about:

- who it does and doesn't apply to
- when and how the leave can be taken
- notice and evidence requirements.

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 RESPECT website](https://www.1800respect.org.au/) (<https://www.1800respect.org.au/>), the national sexual assault, domestic and family violence counselling service.

Staying up to date

We're working on updating our resources to reflect the changes. [Subscribe to email updates](http://www.fairwork.gov.au/website-information/staying-up-to-date/subscribe-to-email-updates) about 'new products and resources' to be notified of key updates. If you're registered with My account you can subscribe to information updates and manage your subscriptions when you [log into My account](http://www.fairwork.gov.au/my-account/fwosignin.aspx).

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.