

## Notice & evidence for family & domestic violence leave

If an employee takes family and domestic violence leave, they have to let their employer know as soon as possible. This can happen after the leave has started. Employees also need to tell their employer how long they expect the leave to last.

### Evidence requirements

An employer can ask their employee for evidence that shows the employee took the leave to deal with family and domestic violence. If the employee doesn't provide the requested evidence, they may not get family and domestic violence leave.

The evidence has to convince a reasonable person that the employee took the leave to deal with the impact of family and domestic violence.

### Types of evidence

Types of evidence can include:

- documents issued by the police service
- documents issued by a court
- family violence support service documents, or
- a statutory declaration.

Employers can ask employees to provide evidence for as little as 1 day or less off work.

### Confidentiality

Employers have to take reasonably practicable steps to keep any information about an employee's situation confidential when they receive it as part of an application for leave. This includes information about the employee giving notice that they're taking the leave and any evidence they provide. Employers are not prevented from disclosing information if:

- it's required by law, or
- is necessary to protect the life, health or safety of the employee or another person.

Employers need to be aware that any information about an employee's experience of family and domestic violence is sensitive. If information is mishandled, it could have adverse consequences for their employee. Employers should work with their employee to discuss and agree on how this information will be handled.

For information about workplace privacy, including best practice guidance on privacy principles, obligations about providing information to third parties and privacy in relation to email and the internet, read our [Workplace privacy best practice guide \(www.fair-work.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/workplace-privacy\)](http://www.fair-work.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/workplace-privacy) .

Source reference: [Fair Work Act 2009 s.106C and 107 \(https://www.legislation.gov.au/Series/C2009A00028\)](https://www.legislation.gov.au/Series/C2009A00028) <sup>1</sup>

### 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/) <sup>1</sup> (<https://www.1800respect.org.au/>) , the national sexual assault, domestic and family violence counselling service.

### Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

## You might also be interested in

- Our [Work and family best practice guide \(https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/work-and-family\)](https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/work-and-family)

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### Contact us

Fair Work Online: [www.fairwork.gov.au](http://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

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