

Taking family & domestic violence leave

All employees are entitled to 5 days of unpaid family and domestic violence leave each year of their employment. This includes part-time and casual employees.

Employees are entitled to the full 5 days from the day they start work. They don't have to build it up over time.

The 5 days renews each 12 months but doesn't accumulate from year to year if it isn't used.

Example: Taking family and domestic violence leave

An employee started work on 14 December 2018. This employee is entitled to 5 days unpaid family and domestic violence leave from the day they start work.

In January, the employee takes 1 day of unpaid family and domestic violence leave. The next week, they take another day.

On 14 December 2019, this employee is entitled to 5 days again. The 3 days they didn't use during their first year of employment aren't carried over into the next year.

When can employees take family and domestic violence leave?

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.

For example, this could include:

- making arrangements for their safety, or safety of a close relative (including relocation)
- attending court hearings, or
- accessing police services.

The leave doesn't need to be taken all at once and can be taken as single or multiple days.

An employer and employee can also agree for an employee to take less than 1 day at a time, or for the employee to take more than 5 days.

Continuous service

Unpaid family and domestic violence leave doesn't break an employee's period of continuous service but doesn't count as service when calculating accumulated entitlements such as paid leave.

Read more about [Unpaid leave and continuous service \(www.fairwork.gov.au/library/k600426_unpaid-leave-continuous-service\)](http://www.fairwork.gov.au/library/k600426_unpaid-leave-continuous-service) in our Library.

Other types of leave

Employees experiencing family and domestic violence may want to take other types of leave, such as annual leave. Depending on the circumstances, there may also be times when they're entitled to paid sick leave.

For more information on these types of leave, go to:

- [Sick and carer's leave \(www.fairwork.gov.au/leave/sick-and-carers-leave\)](http://www.fairwork.gov.au/leave/sick-and-carers-leave)
- [Annual leave \(www.fairwork.gov.au/leave/annual-leave\)](http://www.fairwork.gov.au/leave/annual-leave)

Employees might also want to access flexible working arrangements. Flexibility in the workplace allows employers and employees to make arrangements about working conditions that suit them. For more information go to [Flexibility in the workplace \(www.fairwork.gov.au/employee-entitlements/flexibility-in-the-workplace\)](http://www.fairwork.gov.au/employee-entitlements/flexibility-in-the-workplace).

Source reference: Fair Work Act 2009 s.106B (<https://www.legislation.gov.au/Series/C2009A00028>) ²⁷

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.

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](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) (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)
- Our [The right to request flexible working arrangements best practice guide](https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/the-right-to-request-flexible-working-arrangements) (https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/the-right-to-request-flexible-working-arrangements)

Page reference No: 8576

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.