

Family and domestic violence leave

Employees of non-small businesses (including part-time and casual employees) in the Fair Work system are entitled to **10 days of paid** family and domestic violence leave each year.

For small business employees in the Fair Work system, paid family and domestic violence leave starts from 1 August 2023. Until then, **employees of a small business can access up to 5 days of unpaid** family and domestic violence leave. A small business for these purposes is one that had less than 15 employees on 1 February 2023.

Employees who are experiencing family and domestic violence can take this leave to deal with the impacts of family and domestic violence where it is not practical to do so outside their work hours. This might include:

- making arrangements for their own or a family member's safety (including relocation)
- attending court or accessing police services
- attending counselling, or appointments with medical, financial, or legal professionals.

Employees can access the full amount of leave from the day they start work. The leave can be taken as single or multiple days, or as part days by agreement. An employee's leave balance renews each year on their work anniversary but doesn't accumulate from year to year if it isn't used.

What is family and domestic violence?

Family and domestic violence, for the purposes of the Fair Work Act, means violent, threatening or other abusive behaviour that seeks to coerce or control the employee and causes them harm or fear.

It can include behaviour by an employee's close relative. For the paid leave entitlement, it also includes behaviour by a current or former intimate partner, or a member of the employee's household.

Family and domestic violence can present in many forms, and **not all forms are visible**. Violence can be physical, sexual, emotional, psychological, social, cultural, spiritual or financial. It can also be facilitated through technology. For more information, visit [1800RESPECT](http://1800RESPECT.org.au) at 1800RESPECT.org.au

How is the leave paid?

For full-time or part-time employees with a paid entitlement, family and domestic violence leave must be paid at the employee's full rate of pay for the hours they would have worked had they not taken leave.

Casual employees with a paid entitlement must be paid at their full rate of pay for the hours they were rostered to work in the period they took leave.

The employee's full pay rate is their base rate plus any loadings, allowances, overtime and penalty rates, bonuses, incentive payments or other separately identifiable amounts.

What are the notice and evidence requirements?

Employees must let their employer know as soon as possible if they need to take family and domestic violence leave. Sometimes this will be after the leave has started.

An employer can ask for evidence to show that the employee needs to do something to deal with family and domestic violence and it's not practical to do it outside their work hours. Types of evidence an employee can provide includes:

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

Example: Leave and evidence

Toby manages a café with 20 employees. Toby is approached by a full-time employee, Estelle, who discloses that she has experienced family and domestic violence. Estelle requests one day of paid family and domestic violence leave so that she can get financial counselling to deal with the impact of her experience while her partner is at work.

Toby sees on the www.fairwork.gov.au website that employees are entitled to take up to 10 days of paid family and domestic violence leave each year, including to attend appointments with financial professionals.

Estelle provides a statutory declaration that she needs to attend the financial counselling

appointment to deal with the impacts of family and domestic violence, and that she can only do so during work hours.

Estelle is entitled to be paid at her full rate of pay for all the hours she would have worked on that day if she wasn't on leave. Toby must keep the information provided by Estelle confidential.

What are the privacy requirements?

Employers must take reasonable steps to keep information about notice or evidence for family and domestic violence leave **confidential**.

Employers can **only** use this information to satisfy themselves that the employee is entitled to family and domestic violence leave, unless the employer is using or dealing with the information where:

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

Pay slips

Pay slips must not mention paid family and domestic violence leave, however employers must keep a record of this leave balance and any leave taken by employees.

This leave must be shown on a pay slip as ordinary hours of work, or another kind of payment for performing work such as an allowance, bonus or overtime payment. It is best practice to show this time on the pay slip in a way that makes it appear that the employee has not taken leave.

However, the pay slip may record the time as another type of leave (for example, annual leave) at the employee's request. Find out more about [pay slips](https://www.fairwork.gov.au/payslips) at [fairwork.gov.au/payslips](https://www.fairwork.gov.au/payslips)

Other entitlements

Flexible working arrangements

Employees who are experiencing family and domestic violence or who are providing care and support for a member of their household or immediate family who is experiencing violence may also be entitled to request flexible working arrangements.

Flexible working arrangements can include changes to hours of work (for example, start and finish times), patterns of work (for example, split shifts or job sharing) or locations of work (for example, working from home). Find more information about [Flexible working arrangements](https://www.fairwork.gov.au/flexibility) at [fairwork.gov.au/flexibility](https://www.fairwork.gov.au/flexibility)

Other leave

Employees can access sick and carer's leave (also known as personal leave) if they have a personal illness or injury, or need to provide care or support to a member of their immediate family or household who is affected by an unexpected emergency, illness or injury, including where this is caused by family and domestic violence. Employees may also agree with their employer to use their accrued annual leave or take unpaid leave.

Support services

If someone is in immediate danger, call 000.

- [1800RESPECT](https://www.1800respect.org.au) at [1800RESPECT.org.au](https://www.1800respect.org.au) (or 1800 737 732) is the national domestic, family and sexual violence counselling, information and support service.
- [No to Violence – Men's Referral Service](https://www.ntv.org.au) at [ntv.org.au](https://www.ntv.org.au) (or 1300 766 491) works with men who use family violence to change their abusive and violent behaviour.
- Visit our [Family and domestic violence leave page](https://www.fairwork.gov.au/fdvleave) at [fairwork.gov.au/fdvleave](https://www.fairwork.gov.au/fdvleave)

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 you with advice that you can rely on. The information contained in this fact sheet 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 a workplace relations professional.

Last updated: March 2023

© Copyright Fair Work Ombudsman