



Paid Family and Domestic Violence Leave

Employees of small businesses can now access up to ten days of paid family and domestic violence leave in a 12-month period. It is their minimum entitlement under the National Employment Standards (NES).

**Visit our Resource Hub for more information
on Paid Family and Domestic Violence
Leave changes.**

 smallbusinesspeak.org.au

 peak@cosboa.org.au

Paid Family and Domestic Violence Leave



What is paid family and domestic violence leave?

The introduction of **up to 10 days of paid domestic violence leave** is aimed at supporting employees experiencing domestic violence.

Paid Leave

- Employees are **entitled up to 10 days of paid leave per year** specifically for **dealing with the impact of family and domestic violence** and it is **not practical for them** to do so **outside of their work hours**.
- This leave is **separate from other paid leave entitlements** like annual leave or sick leave.
- All 10 days of leave are **available upfront and the leave renews every year** but does not accumulate if it is unused.
- The leave is **paid at the full rate of pay for hours** the employee would have worked.

Purpose of Leave

The leave can be **used for various activities** related to **dealing with domestic violence**, such as seeking medical or legal assistance, attending court hearings, relocating for safety, or accessing support services.

Eligibility

This entitlement **applies to all employees**, including full-time, part-time, and casual workers. The leave is not pro-rated for part-time and casual employees.



Visit our **Resource Hub** for **more information** on specific **Paid Family and Domestic Violence Leave changes**

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Evidence for the leave

- **Employers can ask an employee for evidence to prove** that the **employee took the leave to deal with the impact of family and domestic violence** and it is not practical to do so outside of their work hours.
- The **evidence must satisfy a reasonable person** that the employee took the leave for this purpose.
- An **employer does not have to keep the evidence** but can see and cite it.
- If an **employee does not provide** the requested evidence, the **employer can refuse** the employee's request for leave.
- **Evidence** can include: a **statutory declaration, documents** issued **by the police, court** or family violence **support service**.

Why this is important?

The introduction of this leave is designed to **provide victims of domestic violence the necessary time and resources to address their situation** without the added pressure of financial loss or job insecurity.



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Confidentiality

Employers are required to take reasonable steps to maintain the confidentiality of any information provided by employees regarding the use of domestic violence leave.

Employers **must not include certain information on the employee's pay slip about taking paid family and domestic violence leave**, respecting their privacy and safety. P

An amount paid to an employee for taking paid family and domestic violence leave must be recorded on a pay slip as:

- Ordinary hours of work, or
- Another type of payment for performing work such as an allowance or overtime payment.

If an employee requests it, an **employer can record the time as another type of leave** on their pay slip such as annual leave.

Employers can disclose this information in certain situations such as if it is required by law, it is necessary to protect the life, health or safety of their employees or another person, or with the consent of the employee.

In short, employers should make the pay slip look as close as possible to how it would have looked if the employee had not taken the leave.



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Key dates

from 1 February 2023

- Employees of non-small business employers can access up to 10 days of paid family and domestic violence leave in a 12-month period.

From 1 August 2023

- Employees of small business employers can access up to 10 days of paid family and domestic violence leave in a 12-month period.



Support service

1800RESPECT is the national domestic, family and sexual violence counselling, information and support service.

If you or someone you know is experiencing, or at risk of experiencing, domestic, family or sexual violence, call 1800RESPECT (or 1800 737 732) or visit [1800RESPECT.org.au](https://www.1800respect.org.au).



Not sure where to start?

If you're struggling to navigate these changes, you don't have to tackle them alone, find more information at Small Business Peak, or visit [fairwork.gov.au](https://www.fairwork.gov.au)



SMALL BUSINESS PEAK

A large white arrow graphic pointing upwards and to the right, with the text 'SMALL BUSINESS PEAK' written in white, bold, sans-serif capital letters across its shaft.

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