

### What is the entitlement?

- 5 days of unpaid family and domestic violence leave each year.

### When can it be taken?

- Employees can take the leave if they need to deal with the impact of family and domestic violence and it's impractical to do so outside their ordinary hours of work.
- examples include (but not limited to):
  - making arrangements for their safety, or safety of a family member (including relocation)
  - attending court hearings
  - accessing police services.

### Who is entitled to it?

- all employees, including part-time and casual
- first introduced 1<sup>st</sup> August 2018, when it was applicable only to employees covered by industry and occupation awards

### How does it work?

- can take the full 5 days from the day employee starts work – don't have to accrue in advance.
- 5 days renews each 12 months but doesn't accumulate from year to year if it isn't used.
- can be taken as single or multiple days over the course of a 12 month period.
- can also mutually agree to take less than 1 day at a time, or to take more than 5 days.
- doesn't break an employee's period of continuous service
- doesn't count as service when calculating accumulated entitlements such as paid leave

### How do employees apply?

- let their employer know as soon as possible, which may be after the leave has started.
- tell their employer how long they expect the leave to last.
- provide evidence of need for leave if requested to do so by employer
  - evidence has to convince a reasonable person that the employee took the leave to deal with the impact of family and domestic violence.
    - documents issued by the police service
    - documents issued by a court
    - family violence support service documents, or
    - a statutory declaration.

### What does the employer have to do?

- approve the leave entitlement if the employee provides reasonable evidence of need to access it
- take reasonably practicable steps to keep any information about an employee's situation confidential, including:
  - information about the employee giving notice that they're taking the leave
  - 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.

## DEFINITIONS

**Family and domestic violence** means violent, threatening or other abusive behaviour by an employee's family member that seeks to coerce or control the employee, or causes them harm or fear.

A **family member** includes:

- spouse or former spouse
  - de facto partner or former de facto partner
  - child
  - parent
  - grandparent
  - grandchild
  - sibling
  - a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules
- The employee's or the employee's current or former spouse or defacto partner's

## EMPLOYEE ASSISTANCE AND SUPPORT

Confidential information, counselling and support for people impacted by domestic and family violence is available at:

**1800 RESPECT** 1800 737 732 <https://www.1800respect.org.au/>  
Australian national sexual assault, domestic and family violence counselling service.

**LIFELINE** 13 11 14 <https://www.lifeline.org.au/>  
National charity providing all Australians experiencing a personal crisis with access to 24 hour crisis support and suicide prevention services.

**RELATIONSHIPS AUSTRALIA** 1300 364 277 <http://www.relationships.org.au/>  
Community-based, not-for-profit Australian organisation with no religious affiliations, providing relationship support services for individuals, families and communities.

**MENSLINE** 1300 789 978 <https://mensline.org.au/>  
National telephone and online support, information and referral service for men with family and relationship concerns.

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*NOTE: The information in this guide is intended to be general advice only. Employers should review the clause requirements documented in the Award(s) that apply to their employees, as they may contain alternative obligations. Please contact Tracey Stewart at Management 101 for further assistance specific to the context of your organisation.*

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