

YOUR FAMILY AND DOMESTIC VIOLENCE LEAVE ENTITLEMENTS ARE **CHANGING:** WHAT EMPLOYEES NEED TO KNOW



If you are impacted by family and domestic violence, you are entitled to paid family and domestic violence leave (FDV leave):

- You can access up to 10 days of FDV leave in a year.
- Your leave will be paid at your full rate of pay. This also applies to casuals, who will be paid for the hours they are rostered to work.
- The leave is available as soon as you start work.



All employees are entitled to this leave.

This means you are entitled to this leave if you are employed:

- Full-time
- Part-time
- Casually

Perpetrators of family and domestic violence are not entitled to access paid FDV leave for the purpose of dealing with matters arising from perpetration.

However, if the employee is experiencing family and domestic violence, they can access FDV leave to deal with the impacts of the family and domestic violence.



WHAT NEEDS TO BE HAPPENING FOR YOU TO BE ABLE TO TAKE THIS LEAVE?



You need to be **experiencing** family and domestic violence.

This means you are experiencing violent, threatening or other abusive behaviour by someone close to you.

This may be from a close relative, someone who lives with you, or your partner or ex-partner.

You can find a definition of “close relative” according to the Fair Work Act at [fairwork.gov.au/leave/family-and-domestic-violence-leave/paid-family-and-domestic-violence-leave#meaning](https://www.fairwork.gov.au/leave/family-and-domestic-violence-leave/paid-family-and-domestic-violence-leave#meaning)

The behaviour may include where the person is causing you **harm** or making you feel **afraid**, as well as **making you do things** you don't want to do or **trying to control** you.

This does **not** include arguments with workmates, neighbours and friends, unless they live with you.



You need to **do something to deal with the impact** of family and domestic violence, such as go to the doctor, get legal advice and/or get yourself to safety.

You **can't do the above outside** your working hours.



WHAT CAN YOU USE THE LEAVE FOR?

This leave is provided to make sure that if you are experiencing family and domestic violence you can deal with the impacts and be **safe**.

If you are experiencing family and domestic violence it can be hard to deal with the impacts or get yourself to safety outside of working hours.

This might be because the person you are afraid of is home, or the services and supports that you need to access aren't available. You can take this leave to do things like:

- Make a plan for your safety.
- Get financial advice.
- Speak to a counsellor.
- See a doctor or other medical specialist.
- Get legal advice.
- Find a safe place to live.
- Go to court.
- Go to the police.
- Look after your children.

WHAT YOU NEED TO KNOW ABOUT FDV LEAVE

- All employees are entitled, including part-time and casual employees.
- It's paid at your full rate of pay.
- You can take up to 10 days of paid leave.
- It's available in full immediately.
- It resets on your annual work anniversary.
- It doesn't accumulate from year to year.
- It can be taken all at once, as one or more days at a time, or as part-days if your employer agrees.

WHAT IS YOUR FULL RATE OF PAY?

You are entitled to your full rate of pay when taking FDV leave.

That means your **base rate** plus any:

- Incentive-based payments and bonuses
- Loadings
- Monetary allowances
- Overtime or penalty rates
- Any other separately identifiable amounts

If you're a **casual employee**, you are entitled to be paid your full rate for the hours you were rostered to work in the period you take leave.

If you are dealing with the impact of FDV, you can also inform your employer that you are taking FDV leave on days that you are not rostered to work, noting you won't be paid for these days – this is a workplace right.

You can't be treated adversely for needing to take time away for FDV leave (such as not being able to take on more voluntary shifts).

HOW DO YOU ACCESS THIS LEAVE?

If you need to take FDV leave, you should follow the usual process for applying for leave, where appropriate (ensuring that confidentiality is maintained).

Often your need for FDV leave will be unplanned. If you need to take unplanned leave, give notice as soon as you can. You can give notice and request FDV leave **after the leave has started**.

You need to:

- Let your employer know about the leave as soon as possible.
- Provide written notice of leave as soon as possible.
- Provide dates of leave or, if uncertain, the period of leave.



Telling someone that you're experiencing violence can be difficult.

If you need help, the Fair Work Ombudsman's free "[Difficult conversations in the workplace — employee course](#)" provides information and support for discussing family and domestic violence at work.

You can find guidance in the "[Tips for talking to a manager about family and domestic violence](#)" resource.

WHAT IF YOUR LEAVE IS REFUSED?

Talk to your employer first. They may not understand what is happening for you.

- Ask, on what grounds are they refusing to grant the leave?
- Contact the Fair Work Ombudsman for information about the next steps if you can't talk with your employer or you need to take things further: [fairwork.gov.au](https://www.fairwork.gov.au)

WHAT IF YOU ARE ON ANOTHER TYPE OF LEAVE ALREADY?

There may be times where you need to use FDV leave during periods of other types of leave, such as:

- Personal leave
- Annual leave
- Long service leave

In this case, you are **no longer taking the other form of paid leave and are taking paid FDV leave instead**.

Note: For information about minimum standards on employee payment and leave, access the Fair Work Ombudsman National Employment Standards: [fairwork.gov.au/employment-conditions/national-employment-standards](https://www.fairwork.gov.au/employment-conditions/national-employment-standards)

WHAT IF YOUR BUSINESS HAS MORE GENEROUS PROVISIONS?

If your business has more generous FDV leave, for example, through an enterprise agreement or policy, those standards will apply.

However, the eligibility, confidentiality and other requirements under the Fair Work Act are still required as a minimum.

WHAT EVIDENCE DO YOU NEED TO GIVE TO YOUR EMPLOYER?

Your employer **can** ask you for evidence and documentation to support that you are experiencing family and domestic violence and need to do something to deal with its impacts that's impractical to do outside work hours.

Evidence may include, but is not limited to:

- Documents issued by police or the court.
- Family violence support service documents.
- Statutory declarations.
- Documents issued by a doctor.

Your employer **cannot** use this information to take negative actions against you, such as cutting your shifts or dismissing you.

If you can't show your employer evidence to support taking FDV leave, you might not be paid for it.

WHAT OTHER SUPPORT CAN YOU ASK FOR?

FDV leave is not the only support that you can access if you are experiencing family and domestic violence.

You can also ask for **flexible** working arrangements:

- Such as changes to your:
 - Hours of work.
 - Patterns of work or location of work.
- To take **paid** personal/carer's leave or other leave.
- To take **unpaid** personal/carer's leave or other leave.

HOW YOUR PRIVACY WILL BE PROTECTED

You may be worried about telling your employer about your experience of family and domestic violence.

You might be worried your perpetrator will find out.

You might not want people in your team or organisation to know.

Your employer is **legally required to keep what you tell them confidential** where it is reasonable, except for in specific circumstances.

The only times they can share the information you give them is when:

- You agree (give your consent).
- It's required by law.
- It's necessary to protect the life, health or safety of you or another person.

Your privacy will be protected in the following ways:

- Your FDV leave will not appear on your pay slip. Your leave will be recorded as hours worked or another kind of payment for performing work.
- You can ask for the leave to be recorded as another type of leave, such as annual leave or personal leave.
- If there is a payroll person, they do not need to be told that you are taking FDV leave.
- Any records of notice or evidence that you give your employer must be treated confidentially and stored securely.
- Your employer can only use records you give to back up your need for FDV leave.



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WILL YOUR EMPLOYER NEED TO REPORT YOUR DISCLOSURE TO ANYONE?

Your employer is not allowed to tell anyone, unless they are required to by law or they believe you or someone else is at immediate risk of harm.

FURTHER INFORMATION

1800RESPECT is the national service for anyone impacted by domestic and family violence, including employers.

Call 1800RESPECT on 1800 737 732 or chat online via the website 1800RESPECT.org.au.

The service is available 24 hours a day 7 days a week, for information, counselling and referrals.

For further advice about your workplace rights or information about how to deal with workplace disputes, refer to the Fair Work Ombudsman at fairwork.gov.au/leave/family-and-domestic-violence-leave/paid-family-and-domestic-violence-leave



This resource is an initiative of the Australian Government Department of Employment and Workplace Relations (DEWR).

NATIONAL REFERRAL AND SUPPORT PATHWAYS

- **1800RESPECT** 1800 737 732 (national domestic, family and sexual violence counselling, information and support service. Available 24/7)
- **Call 000** in an emergency
- **Lifeline** (general support) 13 11 44
- **Beyond Blue** (general support) 1300 224 636
- **Relationships Australia** 1300 364 277 (relationship issues)
- **Full Stop Australia** 1800 385 578 (domestic, family and sexual violence support)
- **Men's Referral Service** ntv.org.au/mrs/ 1300 766 491 (advice for men about family violence)
- **MensLine Australia** 1300 789 978 (general men's issues)
- **Community Legal Centres Australia** (02) 9160 9500 (legal help)
- **Rainbow Sexual, Domestic and Family Violence helpline** 1800 497 212 (support for LGBTIQ+ community)
- **National Aboriginal and Torres Strait Islander Legal Services** 0490 534 572 (legal support for Aboriginal and Torres Strait Islander people)
- **13Yarn** 13 92 76 (support for Aboriginal & Torres Strait Islander people)
- **Blue Knot Foundation Helpline** 1300 657 380 (support for adult survivors of childhood trauma)
- **National Counselling and Referral Service – Disability** 1800 421 468 (support for people living with a disability)
- **Kids Help Line** 1800 551 800 (all areas of support for kids/teens)
- **WellMob:** wellmob.org.au
- **No to Violence:** ntv.org.au
- **Say It Out loud:** sayitoutloud.org.au
- **Daisy App:** 1800respect.org.au/daisy



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