

Paid Domestic and Family Violence Leave

In late 2022, the *Fair Work Act 2009* (Cth) was amended to encourage gender equality in employment. These changes include a new entitlement to ten days of paid domestic and family violence leave.

Who can access this leave?

The new entitlement commenced on 1 February 2023 for most workers and will begin on 1 August 2023 for employees of small businesses (employers with 15 or fewer staff). All employees, including full time, part time, and casual employees, will be entitled to ten days of paid domestic and family violence leave each year.

This leave is not accrued over time, meaning employees can access the full ten days from the date paid leave becomes available at their workplace. Employees who start on or after the date the new entitlement becomes available can access the full ten days from their first day of employment. The entitlement is not cumulative, meaning it renews for ten days each year, and any unused leave is forfeited.

Taking domestic and family violence leave

Employees experiencing domestic and family violence can take paid leave when they need to do something to deal with the impact of family and domestic violence, which is impractical to do outside their work hours. This can include making arrangements for their safety or the safety of a close relative, attending court hearings, or attending medical, legal, or counselling appointments.

When taking this paid leave, full time, part time, and casual employees are paid at their full rate for the hours that would have been worked if they were not on leave, including any loadings and penalty rates.

What an employer needs to know

Employers must be notified as soon as possible if an employee is taking paid domestic and family violence leave. An employer can also ask for proof that the employee's absence is due to dealing with the impact of domestic or family violence. Such evidence may include the following:

- Police or court issued documents
- Medical certificates
- Statutory declarations
- Family violence support service documents

Evidence is only required to the extent it would satisfy a reasonable person of an employee's need to take paid domestic and family violence leave.

For further information on paid domestic and family violence leave or to discuss a family law matter, please contact us at [5303 0281](tel:53030281) or familylaw@ballaratlawyers.com.au.

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