



# Family and Domestic Violence Leave

With the introduction of the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022* (Cth) (**FDV Act**), from 1 February 2023 (or 1 August 2023 for employers who are small businesses), all employees, including those who are casual (for shifts offered and accepted prior to their request to take leave) and part-time, will be entitled to ten full days of paid family and domestic violence leave (**FDV Leave**) each year (ie the entitlement is not pro-rated for part-time or casual employees). FDV Leave renews every year on each employee's work anniversary and does not accumulate from year to year if it isn't used.

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

A close relative is:

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

When taking FDV Leave employees must give employers notice of the leave as soon as is practicable, and advise of the period or expected period of leave. Employers can require the employee to provide evidence to support the FDV Leave request, which could include documents issued by the police, court or family violence

support services. Given the sensitivity of the information supplied, employers must take reasonable steps to ensure that any evidence received in support of an employee's FDV Leave request remains confidential.

The introduction of FDV Leave forms part of the National Employment Standards (**NES**) and replaces the existing entitlement to five days of unpaid family and domestic violence leave. Please note, employees will continue to be entitled to five days of unpaid family and domestic violence leave until they can access the new paid entitlement in 2023.

The updated Fair Work Information Statement (**FWIS**) reflecting the amended NES has now been published by the Fair Work Ombudsman, and can be found [here](#).

Employers will need to ensure that all new staff commencing in in 2023 receive a copy of the updated FWIS and be fully aware of the changing obligations and duties that are introduced by the FDV Act.

If you require any further information or assistance in relation to FDV Leave, the NES or the FWIS, contact us today to see how we can assist.

*If you require domestic violence support, the following contacts may be able to provide assistance:*

1. *National Sexual Assault, Domestic Family Violence Counselling Service on 1800 737 732.*
2. *NSW Domestic Violence Crisis Line on 1800 65 64 63.*
3. *NSW Link2Home Crisis Accommodation and Referrals on 1800 152 152.*
4. *Women's Community Shelters, which is a not-for-profit organisation that works with local communities to establish crisis accommodation shelters for women and children who are homeless or leaving domestic and family violence.*

## Disclaimer

The information contained in this update is intended as a guide only. Professional advice should be sought before applying any of the information to circumstances. While every reasonable care has been taken in the preparation of this update, Law Ensure (ACN 168 990 261) does not accept liability for any errors it may contain.