

UNIONS HAVE WON NEW WORKPLACE PROTECTIONS FOR WORKING WOMEN



PAID FAMILY & DOMESTIC VIOLENCE LEAVE IS NOW YOUR WORKPLACE RIGHT

All employees, including casual, part-time and full-time workers, now have the right to take 10 full days of Paid Family and Domestic Violence Leave.

Why do we need Paid Family and Domestic Violence Leave?

Escaping a violent relationship takes time and money.

Paid Family and Domestic Violence Leave can give a woman (and it nearly always is a woman) the time, support and job security she needs to escape and recover from an abusive relationship or unsafe environment.

Paid Family and Domestic Violence Leave saves lives.

Who can access Paid Family and Domestic Violence Leave?

All employees, including casual, part-time and full-time employees, are now entitled to 10 days of Paid Family and Domestic Violence (FDV) Leave, regardless of whether they work a 38-hour week or fewer hours.

Paid FDV Leave can be taken when a person is facing violence or abuse from a partner, former partner, household member, family member or a member of your Aboriginal and Torres Strait Islander kinship group.

This new entitlement came into effect on 1 February 2023.

For workers in small businesses, with fewer than 15 employees, this entitlement will start from 1 August 2023.

Different rules might apply if you work in state or local government, so check with your ASU branch.

If you are facing violence or abuse, Paid Family and Domestic Violence Leave is available to you

To access this leave, you do not need permission from your employer. Simply tell your employer as soon as practicable that you are taking it. This could be before, during or after your leave.

If your employer asks, you will need to provide them with evidence 'that would satisfy a reasonable person'. If you are unsure what to provide, members can contact the Australian Services Union for confidential advice and support.

Paid family and domestic violence is confidential

Paid Family and Domestic Violence Leave won't show up on your payslip unless you ask for it. Instead, your employer will record Paid FDV Leave as normal working time and pay.

Your employer is obliged by law to treat any information about your Paid FDV Leave confidentially. They can't discuss your circumstances or share your information with anyone without your permission. The only exception to this rule is if they are required to do so by law (for example mandatory child abuse reporting) or for the purpose of protecting someone's life, health or safety.

How much leave is available?

The full 10-days is available immediately when a worker needs it, rather than it accumulating like annual and sick leave does. Paid Family and Domestic Violence Leave is renewed every 12 months.

If you are a casual employee, the start of your employment is the first time you agreed to work for your employer.

How much will I be paid?

Paid Family and Domestic Violence Leave will be paid at the employees' full rate of pay as though they would have been working. This means your hourly base rate, plus any additional amounts (such as penalty rates, overtime, casual loading and allowances) paid according to your working hours or roster.

Casual employees are considered to have been rostered for a period of time, if they accepted an offer of work from their employer. This can include text messages and other informal offers of work.

How does Paid Family and Domestic Violence Leave fit in with other leave entitlements?

Employees can only take one type of leave at a time. This means that you can't take Paid Family and Domestic Violence Leave at the same time as your annual leave, personal leave, carer's leave or on public holidays. You can't be forced to use another paid leave entitlement if you choose to use Paid FDV Leave to deal with the impact of family and domestic violence.

If your current workplace agreement meets or exceeds the 10 days of Paid FDV Leave set out in the National Employment Standards, nothing will change for you. You will still be entitled to the leave as set out in your existing contract or workplace agreement.

**If you are experiencing sexual violence
you can contact:
1800RESPECT (1800 737 732)
for help 24 hours a day, 7 days a week.
If you are in immediate danger – call 000**

