

Violence against women is serious and widespread. In Australia, one woman is killed by their former partner every 9 days and two in five women have experienced violence since the age of 15.

Family and domestic violence leave



See Fair Work Act s. 106A
for more information

Two thirds of women who suffer from family violence are in paid work. Staying in paid work is a critical factor in women maintaining their financial independence and escaping family violence.

Violence against women is a workplace issue.

Where we work and our working hours are usually predictable. Workers experiencing domestic and family violence are particularly vulnerable then to also experiencing violence at their workplace. The strain of dealing with abuse may also impact our performance and productivity at work, and our well-being.

From 1 February 2023, all workers can now access paid leave to respond and deal with family and domestic violence.

This change happened, because one union delegate put it on the table at their workplace and got it into their Enterprise Agreement- and it grew from there across workplaces, unions and industries. Collective action and years of campaigning by workers in union who recognised that family and domestic violence is a workplace issue, allowed this leave entitlement to become enshrined as a national standard. When we come together and fight, we can make lifesaving changes that protect and support workers.

Support is always available

- **Call 000** if you or another person is in immediate danger.
- **1800RESPECT**: Call **1800 737 732** if you or someone you know is impacted by sexual assault, domestic or family violence.
- **No to Violence** (Men's Referral Service): Call **1300 766 491** for anonymous and confidential telephone counselling, information and referrals for men.
- **13YARN**: Call **13 92 76** for confidential one-on-one crisis support for Aboriginal or Torres Strait Islander folk.

Support is always available

Paid family and domestic violence leave is available to support workers needing to respond to the impacts of family violence.

You can access paid leave to:

- Attend counselling appointments
- Move home
- Attend appointments with legal, medical and financial professionals
- Visit Centrelink, a bank or other institutions
- Visit the police
- Make arrangements for you or your families safety
- Attend court
- Any other activity related to or because of family violence.

How much leave is available?

All workers, including full-time, part-time and casuals can access a minimum of 10 days of paid family and domestic violence leave each year.

Leave is paid at your full rate of pay, including any shift loadings, allowances and penalties.

Unlike annual leave and sick leave, you don't need to wait for FDV leave to accumulate. Family and domestic violence leave is available in full as soon as you start with a new employer and can be used immediately if needed. FDV leave then resets to 10 days on your work anniversary each year.

I work casual. Can I access this leave?

Yes. Family and domestic violence can affect anyone. All workers can access the full 10 days of paid leave, including casuals, part-time workers and full-time workers.

If you work casual, you will be paid leave at your full rate of pay (including your casual loading) for the hours you were rostered to work.

Does this come from our sick leave?

No. Paid family and domestic violence leave is separate from other paid leave entitlements, like sick and carer's leave.

You can take paid family and domestic violence leave in single days, part days, or as a block. Leave is available to take how and when you need it.

How do I take family and domestic violence leave?

- If you feel comfortable, reach out to someone in your workplace (team leader, supervisor, manager, human resources) and let them know you need to access leave and for how long.
- You do not need to disclose more than you are comfortable or safe sharing.
- Sometimes, your employer might ask you to provide evidence to support your leave. You can provide a statutory declaration.
- Your employer has a legal obligation to protect your privacy. All personal information must be kept confidential. No information should be included on your payslip or personnel file which indicates that you accessed family and domestic violence leave for safety and security reasons.

"We need more women. I asked to work from home and to take domestic violence leave... My manager either doesn't respond or texts a thumbs up.

No 'are you ok?', no care, no support. I'm made to feel guilty for taking leave when I need it."

- Environment Worker

"I didn't know family and domestic violence leave existed... I'm a single mum of four; not working impacts financially for the household, especially at apprentice rates."

- Apprentice Welder

***I'm struggling to juggle everything.
I need support at work. Are there any options?***

Yes there are. Workers experiencing family and domestic violence or supporting someone experiencing family and domestic violence, have a protected workplace right to ask for a flexible working arrangement.

This might include a temporary or permanent:

- Change to your work location
- Change to your start and finish times
- Flexibility in your working hours so you can attend appointments (court appearances, school appointments, finding safe accommodation, medical appointments)
- Change to your phone number or email address to protect your privacy and safety
- Any other change you need.

Requests need to be made in writing. Make your application via email and keep a copy. Your employer must respond in 21 days.

Is this discrimination?

I feel like work is treating me different after I took leave. What should I do?

The Fair Work Act says that an employer must not discriminate against a worker because they have experienced family and domestic violence or because they have accessed leave.

This includes situations where a worker's performance or attendance at work might be impacted because of family and domestic violence.

This form of discrimination is called "adverse action" and it is against the law.

You have a right to take your leave and to not be discriminated against.

If someone makes an unwelcome comment that offends, humiliates or intimidates you in connection with taking your leave, this might be harassment, discrimination or bullying if it is repeated.

Harassment, sex discrimination and bullying are against the law, and your employer has a positive duty to take proactive steps to eliminate it in the workplace.

You have a right to take your leave and to not be discriminated against. You are not alone and you have options.



Scan QR for steps you can take to effectively respond to harassment and discrimination when trying to access family and domestic violence leave.



Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.



Rights at work resources here

"Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change."

- Trades Assistant

"I just think women thrive in this industry and we're bloody good at it!"

- Bus Operator



**Workplaces
FOR Women**
EQUALITY RESOURCES

weareunion.org.au/w4w

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Australian Government

