Family and Domestic Violence Leave now part of the Fair Work Act

Date : February 6, 2019

On 12 December 2018, the National Employment Standards (**NES**) were amended in order to entitle all national system employees to **family and domestic violence leave.**

In essence, family and domestic violence leave:

- entitles all employees (including casuals) to **5 days of unpaid family and domestic violence leave** within a 12 month period
- may be taken upon an employee's commencement of employment, and then upon each anniversary of employment (ie, it does not accrue progressively during a year of service like other forms of leave)
- does not accumulate from year to year

Family and domestic violence leave may be taken whenever an employee is subject to "*violent, threatening or other abusive behaviour by the employee's close relative that seeks to coerce or control the employee or causes the employee harm or fear".*

Employees will be able to take this leave in order to deal with the impact of family and domestic violence eg, to make arrangements for their own safety, to attend court hearings or to access Police services.

As part of the leave regime, **employers are subject to strict confidentiality obligations** in respect of any information and evidence provided to it by an employee who requests family and domestic violence leave.

The amendments to the NES follow variations made to all modern awards on 1 August 2018, which conferred the entitlement to family and domestic violence on all award-covered employees.

The NES amendments expand the entitlements within the modern awards to all national system employees (including those not covered by a modern award).