

Unpaid family and domestic violence leave

Employees (including casual and part-time employees) are entitled to 5 days of unpaid family and domestic violence leave each 12 month period.

This leave:

- doesn't accumulate from year to year if it isn't used
- is available in full when an employee starts working at a new workplace
- renews in full at the start of each 12 month period of employment
- can be taken as a single continuous period or separate periods of one or more days.

Employers and employees can agree for an employee to take less than one day at a time, or for the employee to take more than 5 days of leave.

Employees can take leave when they:

- are experiencing family and domestic violence
- need to do something to deal with the impact of that violence
- it's impractical to do so outside their ordinary hours of work.
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For example, this could include:

- making arrangements for their safety or the safety of a close relative, such as a dependent child (including relocation)
- attending urgent court hearings, or
- accessing police services.

If an employee takes family and domestic violence leave, they have to let their employer know as soon as possible. This can happen after the leave has started. Employees also need to tell their employer how long they expect the leave to last. An employer can ask for evidence, which can include:

- documents issued by the police
- documents issued by a court
- family violence support service documents, or
- a statutory declaration.

Flexible working arrangements

Flexibility in the workplace allows employers and employees to make arrangements about working conditions that suit them. This helps employees maintain a work-life balance and can help employers improve the productivity and efficiency of their business.

Under the Fair Work Act, employees experiencing violence from a family member or who are caring for a household member or immediate family member who is experiencing violence from the member's family, have a right to request flexible working arrangements.

The Fair Work Act 2009 (Cth) has been amended to provide the right for workers to request flexible work arrangements if they are experiencing DFV. For staff at risk of injury, threats or harm from a current or ex-partner who may be stalking, threatening or harassing; flexible work may be lifesaving. Different states and territories across Australia are implementing public service policies to address this significant issue. A change to work patterns and hours, potential transfers, paid leave, a different desk or office location, and a change to email address and phone number are a few practical steps a business can take to better ensure the safety of an affected staff member.

To be eligible, employees must have worked with the same employer continuously for at least 12 months. A casual employee can make a request if:

- they've been working for the same employer regularly and systematically for at least 12 months
- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

Examples of flexible working arrangements include changes to:

- hours of work, such as working staggered start, finish or lunch times
- patterns of work, such as split shifts or job sharing
- locations of work, such as working away from the office
- duties, such as moving into non-public facing roles or temporary work assignments off-site.

Requests need to:

- be in writing
- explain what changes the employee is asking for
- explain the reasons for the requested change.

All employers who receive a request must provide a written response within 21 days which outlines whether the request is approved or refused. Employers can only refuse a request on reasonable business grounds. If a request is refused the written response has to include the reasons for the refusal.

Employers and employees can informally agree on changes to working arrangements.

Paid and unpaid sick and carer's leave

An employee can access paid or unpaid sick or carer's leave:

- to recover from personal illness or injury
- to provide care or support to an immediate family member or household member recovering from personal illness or injury, or
- for unexpected emergencies involving an immediate family member or household member.

Access to sick or carer's leave doesn't extend to taking leave to do something to deal with the impact of family or domestic violence. For example, it can't be taken to attend legal appointments or access police services. Family and domestic violence leave can be used for these purposes.

An employee can access paid or unpaid sick or carer's leave as a result of family and domestic violence when the employee has:
a personal illness or personal injury affecting the employee caused by family or domestic violence

an unexpected emergency affecting a member of the employee's immediate family or household due to family or domestic violence.