Policy - Family and Domestic Violence Leave

Purpose & Scope

[Company] is committed to being supportive to its employees, especially in times of personal difficulty. In accordance with the National Employment Standards (NES), all employees are entitled to 5 days unpaid family and domestic violence leave.

Employees are entitled to the full 5 days from the day they start work – they do not have to build it up over time.

The 5 days renews each 12 months but doesn’t accumulate from year to year if it isn’t used.

Definition

Family and domestic violence means violent, threatening or other abusive behaviour by an employee’s family member that:

* seeks to coerce or control the employee
* causes them harm or fear.

A family member includes an employee’s:

* spouse or former spouse
* de facto partner or former de facto partner
* child
* parent
* grandparent
* grandchild
* 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.

Content

**Entitlement**

All industry and occupation Awards have the new family and domestic violence leave entitlements. All employees (including part-time and casual employees) covered by a Modern Award with the new clause are entitled to 5 days unpaid family and domestic violence leave.

Employees are entitled to the full 5 days from the day they start work – they do not have to build it up over time.

The 5 days renews each 12 months but don’t accumulate from year to year if not used.

**Notice and evidence for family & domestic violence leave**

If an employee takes family and domestic violence leave under the new family and domestic violence leave clause, the employee must inform their manager of their inability to attend work as soon as possible, or if that manager is unavailable, another [Company] manager. This can happen after the leave has started. Employees also need to tell their manager how long they expect the leave to last.

**Evidence requirements**

[Company] will ask their employee for evidence that shows the employee took the leave to deal with family and domestic violence. If the employee doesn't provide the requested evidence, they may not get family and domestic violence leave.

The evidence has to convince a reasonable person that the employee took the leave to deal with the impact of family and domestic violence.

Types of evidence can include:

* documents issued by the Police Service
* documents issued by a court
* family violence support service documents, or
* a statutory declaration.

[Company] will ask employees to provide this evidence for as little as 1 day or less off work.

Confidentiality

[Company] will take reasonably practicable steps to keep any information about an employee’s situation confidential. This includes information about the employee giving notice that they’re taking the leave and any evidence they provide. [Company] is not prevented from disclosing information if:

* it's required by law, or
* it’s necessary to protect the life, health or safety of the employee or another person.

[Company] is aware that any information about an employee's experience of family and domestic violence is sensitive. If information is mishandled, it could have adverse consequences for their employee. [Company] will work with their employee to discuss and agree on how this information will be handled.

Approvals & review

|  |  |
| --- | --- |
| Policy review date: |  |
| Policy approved by title: |  |
| Policy approved by signature: |  |