



siag

industrial relations : human resources : employment matters : training

CIRCULAR: GEN/ 055/NAT/055/17
DATE: 6 July 2017
SUBJECT: Fair Work Commission Decision – Family & Domestic Violence Leave
ATTENTION: Chief Executive Officer

As part of the 4-yearly review of Modern Awards, a Full Bench of the Fair Work Commission (**the Commission**) has rejected the ACTU's claim for 10 days of paid family and domestic violence leave to be inserted into all modern awards, finding that the claim was not necessary to achieve the modern awards objective.

However, the Commission found that the existing entitlements under modern awards do not meet the needs of employees who experience family and domestic violence.

Accordingly, in the joint judgment of the Full Bench handed down on 3 July 2017, the Commission expressed a '*preliminary view*' that, based on the evidence in the case, it was necessary to achieve the modern awards objective that provisions be inserted in modern awards to allow for:

- a period of unpaid family and domestic violence leave; and
- employees who experience family and domestic violence access to personal / carer's leave for the purpose of taking family and domestic violence leave

The Commission stated that providing unpaid leave in modern awards would create a workplace right for employees to attend court proceedings or find alternative accommodation and would therefore provide legal protection to employees responding to a family or domestic violence situation (pursuant to Part 3-1 General Protections of the Fair Work Act).

The Commission noted that interested parties had not been given an opportunity to make submissions or call evidence in relation to the Commission's preliminary view. Accordingly, the Commission will convene a mention and undertake further timetabling for determining the matter.

We will provide a further update on specific aspects of this new change as more detailed information becomes available. In the interim, if you have any questions or if you require further information please contact the SIAG national advisory service on 03 9644 1400 or 1300 (SIAG HR) / 1300 742 447.

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