



siag

industrial relations : human resources : employment matters : training

CIRCULAR: GEN/ 072/NAT/072/18
DATE: 12 December 2018
SUBJECT: Family and Domestic Violence Leave Entitlements – National Employment Standards
ATTENTION: Chief Executive Officer

Effective 12 December 2018, the *Fair Work Act 2009* (Cth) has been amended to include Family and Domestic Violence Leave in the National Employment Standards (**NES**). This follows the inclusion of a similar provision in Modern Awards on 1 August 2018. As a result of this change, all employees will be given access to 5 days of unpaid family and domestic violence leave per year.

Key Changes

From 12 December 2018, all employees will have access to 5 days unpaid family and domestic violence leave under the NES, whether such employee is covered by an award, an enterprise agreement, a contract or any other arrangement.

The entitlement will apply as follows:

- in full to all employees including part time and casuals;
- the full entitlement will be available at the commencement of each 12 month period as opposed to accruing throughout the year; and
- the entitlement will not accumulate from year to year.

The NES defines family and domestic violence to be violent, threatening or other abusive behaviour by an employee's close relative that:

- seeks to coerce or control the employee; or
- causes harm or fear.

This leave can be accessed by employees dealing with the impacts of family and domestic violence. The entitlement may be used (but is not limited to) taking time to:

- arrange for the safety of themselves and/or family members;
- attend court hearings; or
- access police services.

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.

Brian Cook
Managing Director

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