



FACT SHEET



DOMESTIC AND FAMILY VIOLENCE YOUR RIGHTS AT WORK

If you are experiencing **Domestic and Family Violence** (DFV) your employer has obligations to ensure you are properly supported to continue to participate in the workforce. You have rights in the workplace to protect you and provide appropriate safety and support.

WHAT IS DOMESTIC AND FAMILY VIOLENCE?

Domestic and Family Violence is any behaviour in a domestic relationship which is violent, threatening, coercive or controlling and causing a person to live in fear for their own or someone else's safety. It is usually manifested as part of a pattern of ongoing controlling or coercive behaviour.

Domestic and Family Violence can occur in all types of personal or intimate partner relationships.

PAID DOMESTIC AND FAMILY VIOLENCE LEAVE – NSW PUBLIC SECTOR

NSW Public Sector employees are entitled to 20 days' DFV leave per calendar year (non-cumulative). This can be taken in part-days, single days or consecutive days.

Part-time and casual employees are entitled to DFV Leave. It is not pro-rated.

For casual employees, the entitlement for DFV Leave applies for the hours for which the employee has an approved roster for work, and they have accepted an offer by the employer of work for those hours.

The leave is available for a range of purposes related to DFV including but not limited to:

- seeking accommodation or establishing safety;
- attending medical, legal, police or counselling appointments relating to their experience of Domestic and Family Violence;
- attending court and other legal proceedings
- other activities that assist them to establish safety and recover from their experience of Domestic and Family Violence.

We advise members needing to access DFV Leave to access the *Premier's Memorandum M2022 -13 Support for Employees Experiencing Domestic and Family Violence* for the full list of purposes to which the leave can be applied. Contact your union if you need further advice on your own personal circumstances.

Payment of Domestic and Family Violence Leave

Employees accessing paid DFV Leave are paid at the full rate of pay for the hours they would have worked if they were not on leave. If you receive penalty or shift allowances, you will still be paid this while accessing Domestic and Family Violence leave.

Supporting a family or household member experiencing domestic and family violence

If you need to provide care and support to a member of your family or household who is going through DFV, you can access leave such as FACS leave or Sick Leave to Care for a Family Member, as long as the person you are supporting meets the definition of family or household member in the Award.

Where to access your entitlements

*Industrial Relations Secretary Determination
No. 5 of 2022 – Support for Employees Experiencing
Domestic and Family Violence*

*M2022-13 Support for Employees Experiencing
Domestic and Family Violence*

PAID DOMESTIC AND FAMILY VIOLENCE LEAVE – FEDERAL SYSTEM

For members employed under an Enterprise Agreement, governed by the Fair Work Act, you are entitled to what is included in the **National Employment Standards** (NES) listed below, and may be more than what is included in these standards if your agreement contains a greater entitlement:

All employees can access 10 days of paid DFV Leave each year. This includes full-time, part-time and casual employees.

In some instances, there will be provisions for paid DFV Leave entitlements in employment contracts or workplace policies. If this is less than the minimum entitlement in the NES, the NES entitlement applies.

All eligible employees get 10 days paid leave to deal with DFV, even if a contract or policy gives less.

It is important that you also check your agreement to understand your entitlements. Many Enterprise Agreements contain additional entitlements above the NES standard.

Link to information and resources on the Fair Work Ombudsman website: <https://www.fairwork.gov.au/leave/family-and-domestic-violence-leave>

SUPPORT SERVICES

1800RESPECT is the national domestic, family and sexual violence counselling, information and support service. If you or someone you know is experiencing, or at risk of experiencing, domestic, family or sexual violence, call 1800RESPECT on 1800 737 732 or visit [1800RESPECT.org.au](https://www.1800respect.org.au)

There is a list of other Support Services on our website www.psa.asn.au/domestic-violence

OTHER SUPPORT IN THE WORKPLACE

Workplace policies

Your entitlements to DFV Leave and support are contained in the industrial instrument you are covered by. Any workplace policies in place explain how you can access these entitlements but do not alter them.

Information on these entitlements and other support services should be readily available to staff.

Employees and managers should be trained on increasing awareness on DFV and knowing how to respond to disclosures properly. They should understand how to create plans for how to eliminate risk in the workplace and keep the employee safe at work.

There should be a commitment to ensure workplaces are safe and free from harassment and bullying, and workplace violence, and that managers understand the drivers of gender-based violence.

Confidentiality and Disclosure

An employee has choice about who they disclose information about DFV to, and any information shared with their employer should be treated with confidentiality and sensitivity. Records should be protected, and taking of leave should not be shared in the workplace, on payslips or rosters.

The employee should be able to speak with an alternate manager or a contact from Human Resources who has been trained to understand the entitlement and properly support disclosure if they are uncomfortable talking to their Direct Manager.

Any contact with the employee should be handled sensitively, with proper consideration about contacting them safely and privately.

Adverse action

There are protections in place for employees who experience DFV. They are protected from adverse action such their job being changed to their disadvantage, being treated differently to other employees or dismissal. Members experiencing any of these things should contact their union for support.

Domestic and Family Violence Leave and your union

The PSA CPSU NSW has long been at the forefront of the fight for better support for workers needing to escape DFV. We were the first union to secure, in a collective agreement, the right for paid Domestic Violence Leave at the University of NSW in 2011.

This entitlement has since been increased in several institutions and public sector agencies and was eventually implemented in *Crown Employees Conditions Award* as five days' Domestic and Family Violence Leave.

In 2018 the union made representations to the NSW Government which had this extended to 10 days' paid leave through the *Premier's Public Service Determination 2018-03 Support for Employees Experiencing DFV*.

Further advocacy from your union led to the announcement in September 2022 that the NSW Government has extended DFV leave provisions to 20 days' paid leave per calendar year from 1 January 2023, including casual workers.

In October 2022, Federal Parliament passed a bill that enshrined 10 days' paid DFV Leave as a workplace right for every worker in Australia in the National Employment Standards. This would not have come about without the previous decade of campaigning by the union movement and activists.

We continue to fight for those experiencing DFV by lobbying the Government more funding into public services to counter DFV, and ensuring individuals are fully supported in the workplace.

If you require any support or advice for any of the issues addressed in this fact sheet, you can complete a confidential request for assistance on our website www.psa.asn.au/domestic-violence/ask-for-assistance or call our Member Support Centre on 1800 772 679 or email membersupport@psa.asn.au



☎ 1800 772 679

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