

Paid Family and Domestic Violence Leave – New Entitlement Rules

Employees of non-small business employers can now access 10 days of paid family and domestic violence leave in a 12-month period.

Employees of small businesses can access the leave from 1 August 2023.

Employees have had an entitlement to unpaid family and domestic violence leave (FDVL) for some time as part of the National Employment Standards (NES). But as of 1st February this is a paid leave entitlement for employees of larger employers and 1 August 2023 for employees of small employers (fewer than 15 employees).

The new law allows ten days of paid leave every 12 months, but the leave does not roll over and accumulate.

The full pay rate will apply as if the employee had worked as usual on the day of the leave.

The new FDVL means employees can take time off to deal with the impacts of domestic violence or abuse if they need to take care of things during working hours. This includes attending court, accessing police or support services, or making arrangements for the safety of oneself or close relatives.

FDV Leave Eligibility and Proof

- Applies to all employees, permanent and casual.
- Close relatives include a spouse, partner, former partner, child, grandchild, parent, grandparent or sibling; or the child, parent, grandparent, grandchild

or sibling of a current or former spouse or partner. Torres Strait Islander and Aboriginal kinship relatives are also included.

- The leave is available as soon as an employee starts with an employer.
- Employees must inform the employer as soon as possible about the need for FDVL and the expected length of leave.
- The employer can ask for evidence such as police, court, or support service documents, or a statutory declaration, even if the leave period is less than a day.

Plan for Increased Payroll Costs

Because the new leave provision applies from day one of employment for all employees, employers should plan for the potential cost of the leave. While it's unlikely that all employees will take this leave, preparing for the possible cost means you won't get caught out if you do have to pay FDV leave, particularly for casual workers.

If you have any questions about how the FDV could affect your business, please contact our office on 08 6118 6111 or email hello@prescottsolutions.com.au

More information

- Fair Work Ombudsman
 - [Employer guide to family and domestic violence \(fairwork.gov.au\)](https://www.fairwork.gov.au)
 - [New paid family and domestic violence leave – Fair Work Ombudsman](#)
- How to process FDV Leave
 - Xero Help Guide – [Process family and domestic violence leave – Xero Central](#)

- KeyPay/ Your Payroll Help Guide [Paid family and domestic violence leave guide – Payroll Support \(AU\) \(yourpayroll.com.au\)](#)