

Family and Domestic Violence Leave Policy – template

Instructions

This template workplace policy details the minimum unpaid leave and related support entitlements available to national system employees who are subject to domestic or family violence. The National Employment Standards and all federal system Awards contain the entitlement to such unpaid leave.

We recommend members consider the template policy as it contains options and may require further customisation to suit your business. Before using or implementing this policy, please ensure it is consistent with any enterprise agreement, contract of employment, existing workplace policies, or Award which applies to the employees in your workplace.

Policy Statement

[insert company name] (the “company”) is committed to supporting employees who require assistance as a result of experiencing family and or domestic violence. The company is committed to supporting employees to continue to participate in the workplace and feel comfortable to request assistance or advise the company of their circumstances and concerns.

Purpose

The purpose of this policy is to advise employees of their entitlement to Family and Domestic Violence Leave and the related processes.

Application

This policy will apply to all employees of the company, including casual employees. This policy will not form part of an employee’s contract of employment.

Definitions

Family and domestic violence means violent, threatening or other abusive behaviour by a family member of an employee that seeks to coerce or control the employee and that causes them harm or to be fearful.

Family member means:

- (i) a current or former spouse or de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or
- (ii) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee; or
- (iii) a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Evidence means any relevant documentation provided by a court, police force, family violence counsellor or a statutory declaration that establishes the requirement for the leave specified in this policy as bona-fide.

Entitlement

Pursuant to the terms of the *Fair Work Act 2009* and or a relevant national system Award, an employee experiencing family and domestic violence is entitled to five (5) days' unpaid leave where they need to do something to deal with the impact of the family and domestic violence and it is impractical for the employee to do that thing outside their ordinary hours of work.

The entitlement arising out of this policy is available in full at the start of each twelve (12) month period of the employee's employment. The entitlement does not accumulate from year to year.

Responsibilities

Employees are required to:

- a) complete a leave application and submit it to the appropriate manager or supervisor for approval.
- b) provide notice to the company as soon as practicable of the requirement to take leave.
- c) advise the company of the expected period of leave.
- d) provide the company, when requested to do so, with evidence that the leave is taken for the specified purpose.

Managers and supervisors are responsible for:

- a) ensuring that they deal with an employee's application for this type of leave and the surrounding issues with sensitivity.
- b) taking all reasonable steps to ensure any information that is disclosed to the company as a result of this policy will be treated confidentially as far as reasonably practical to do so.
- c) seeking assistance and further advice if they are unsure how to manage an issue arising from the application of this policy.

Further assistance

Any employee who requires assistance in understanding this policy should first consult their [*supervisor, manager, human resources team*].

Policy Review

This policy must be reviewed and where appropriate amended by [*insert name/title/committee name*] every 2 years or sooner.

This policy commences on [*insert date*].

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Position: [Signed by appropriate officer]

Date:

[Next review date: *insert next review date*]