

ACTUS WORKPLACE LAWYERS

1 September 2022

Senate inquiry into the paid family and domestic violence leave Bill

A Senate inquiry into the Government's *Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022* tabled its report in Parliament on 1 September, recommending that the Bill be passed. The Bill would amend the *Fair Work Act 2009* (FW Act) to provide for ten days of paid family and domestic violence leave in the National Employment Standards (NES). This would replace the existing entitlement in the NES to five days of unpaid family and domestic violence leave.

The Bill would

- provide 10 days of paid family and domestic violence leave in a 12-month period for full-time, part-time and casual employees;
- provide for employees to access paid family and domestic violence leave at their 'full rate of pay' (as defined in section 18 of the FW Act) for the hours they would have worked had they not taken the leave; and
- extend the definition of 'family and domestic violence' in the Act to include conduct of a current or former intimate partner of an employee, or a member of an employee's household.

To provide time for payroll and other necessary adjustments, the new paid leave entitlement would commence on:

- 1 February 2023, for employees employed other than by a 'small business employer' (as defined in section 23 of the FW Act); and
- 1 August 2023, for small business employers.

Parliament sits for two weeks from 5 September and the Bill is expected to be passed during this sitting.

It is important to review relevant policies and enterprise agreement provisions to take into account the new legislation. Actus Workplace Lawyers is able to provide advice and assistance.

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