

ACTUS WORKPLACE LAWYERS

9 November 2022

Paid family and domestic violence leave laws passed by Parliament

The *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022* was passed by Parliament on 27 October 2022 and received Royal Assent on 9 November. The legislation expands the National Employment Standards (NES) in the *Fair Work Act 2009* (FW Act) to give employees an entitlement to 10 days of paid family and domestic violence leave. This will replace the existing entitlement in the NES to five days of unpaid family and domestic violence leave.

To provide time for payroll and other necessary adjustments, the new paid leave entitlement commences 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.

The amendments:

- 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.

The Bill was amended in Parliament to enable regulations to be made preventing an employer from recording paid family and domestic violence leave on an employee's pay slip. Such regulations are expected to be made shortly.

It is important for employers to review their workplace policies, payroll systems, pay records, payslips, and any relevant enterprise agreement provisions to consider the new legislation. Actus Workplace Lawyers is able to provide advice and assistance.

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