



Family and Domestic Violence Leave Entitlement in Australia: A Systemic Review

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The contents of this paper are the responsibility of the author and the research has been conducted without the involvement of members of the Fair Work Commission.

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1 Introduction

Family and domestic violence (FDV) ‘spills over to the workplace’ (Aeberhard-Hodges & McFerran 2018, p. 252), significantly impacting on women’s health, safety, and economic security. For victims of FDV, employment is critical, providing an important source of economic and physical safety (Aeberhard-Hodges & McFerran, 2018). Thus, FDV is increasingly recognised as a workplace gender equality issue.

Increases in the rates of labour force participation for women can largely be attributed to advancements in women’s education as well as greater access to childcare supporting women’s engagement with paid work, and the ‘growth in traditionally feminised occupations’ (Williamson, Foley & Cartwright, 2019, p. 344). Yet, with the exception of 15–19-year-olds, women’s labour force participation rates remain lower than men’s across all age groups. This imbalance is most pronounced in the 30–34 age group, with 77.8 per cent of women compared to 91.7 per cent of men and corresponds with the age range for the highest proportion of mothers in Australia (36 per cent of all mothers) (ABS, 2020; AIHW, 2021).

Women’s disproportionate involvement in part-time and casual employment, across all age groups, is especially significant when considering FDV leave (Williamson, Foley & Cartwright, 2019). Employed women aged 20 or older more commonly work in part-time employment, compared to men (43 per cent cf. 16 per cent) (ABS, 2020). Women are also more likely to be casually employed, particularly those aged 15–34 years (ABS, 2020). Patterns of part-time employment are especially pronounced among families with young children, with 59.1 per cent of employed mothers, compared to 7.9 per cent of employed fathers, working on a part-time basis (ABS, 2020). The gap between men and women’s income is critical too, with women earning only 86 per cent (full-time adult average weekly ordinary time earnings) of that paid to men (ABS, 2020). Studies identified by Foley and Cooper (2021) also indicate that the burden of unpaid care work – and its consequences for employment – has substantially increased for women during the COVID-19 pandemic. This has flow-on effects in terms of women’s access to paid leave entitlements (Williamson, Foley & Cartwright, 2019; ABS, 2020).

This report presents data and literature analysis regarding the nature, prevalence, and workplace responses to FDV to inform the Fair Work Commission (Commission) in its review of FDV leave entitlements in Australia. It addresses the following questions:

- What is the nature and prevalence of FDV in Australia?
- What are the direct economic costs of FDV on individuals?
- What is the impact of FDV leave on workplaces, and the Australian economy?
- What approaches have been taken across Australia to address FDV leave, including paid or unpaid leave and/or other flexibilities?

This report begins with an overview of data concerning the nature and prevalence of FDV in Australia. This is followed by a presentation of findings from a Systematic Literature Review (SLR) into the economic impacts of FDV on individuals and implications of FDV leave for workplaces and the Australian economy, and, lastly, a survey of current approaches to FDV leave across Australian states and territories.

It is important to note that little data or research has been published since the Commission’s decision confirming access to unpaid FDV leave on 26 March 2018. The majority of Australian publications focusing on FDV leave were published pre-2018. The relatively few recent publications (2018–2021)

draw on older research and commentary, including that preceding and arising from the Commission's 2018 decision. The extensive impacts of the COVID-19 pandemic on employment conditions, most notably the shift to working from home, have also resulting in limited opportunities for implementing and evaluating FDV leave. Thus, with the exception of prevalence data (see Section 2), the existing literature presents little new material for analysis.

2 Nature and prevalence of family and domestic violence in Australia

The Australian Institute of Health and Welfare (AIHW) provides a comprehensive analysis of the prevalence and impacts of FDV in its report *Family, domestic and sexual violence in Australia 2018* (AIHW 2018) and follow up report, *Family, domestic and sexual violence in Australia: Continuing the national story* (AIHW, 2019). Recognising the difficulty of obtaining accurate data regarding FDV, these AIHW reports draw on a wide range of national data sources including those collected by the Australian Bureau of Statistics (ABS) as well as health, corrections, workplace and social welfare organisations (AIHW, 2019, p. 6). The most prominent and comprehensive quantitative data concerning the prevalence of FDV in Australia is derived from the Personal Safety Survey (PSS), administered four-yearly by the ABS. The AIHW analyses draw heavily on PSS data, the most recent of which was conducted in 2016 (released by the ABS in November 2017).

The AIHW (2018, 2019) notes significant gaps in FDV data including:

- the lack of a consistent definition, identification method and counting procedures for FDV across Australia, hindering the ability to capture and count incidents across different data sets and jurisdictions (AIHW, 2018, p. 103);
- the lack of reliable data regarding FDV in specific population groups;
- difficulties distinguishing between victims and perpetrators in some data sources; and
- the lack of data about pathways, impacts and outcomes for victims and perpetrators.

The complex forms of FDV, both those occurring 'across a range of familial and non-familial relationships' and/or involving 'practices or behaviours outside the common understanding of physical, sexual and emotional violence' (AIHW, 2019, p. 120), further complicate the collection and reporting of FDV data.

Patterns of violence in Australia are distinctly gendered: women are most likely to be physically assaulted by a male that they know (92 per cent) and in their home (65 per cent), whereas men are most likely to be physically assaulted by a male stranger (66 per cent) in a place of entertainment or recreation venue (28 per cent) or an outside location (28 per cent) (ABS, 2017). Family and domestic violence continues to be a leading contributing factor in preventable disease in Australia (AIHW, 2018), contributing more to the burden of disease for women aged 18–44 years old than any other risk factor (AIHW 2019). The AIHW notes that the rate of hospitalisation of women assaulted by a partner rose by 23 per cent over the period 2014–15 to 2016–17. In 2016–17, 4600 women were hospitalised for assault injuries due to FDV, compared to 1700 men (AIHW, 2019).

2.1.1 Key FDV prevalence patterns

- Women were nearly 3 times more likely to experience partner violence (which includes physical and or sexual violence) than men. Approximately 1.6 million (17 per cent) women and 547,600 (6.1 per cent) men have experienced partner violence from a current or previous partner since the age of 15 (ABS, 2017).
- Approximately one in 6 women (16 per cent or 1.5 million) have experienced physical violence by a current or previous partner since the age of 15, compared to one in seventeen men (5.9 per

cent or 528 800) (ABS, 2017); the AIHW (2019) reports similar statistics. Women were 8 times more likely than men to experience sexual violence by a partner (ABS, 2017).

- Women in the 18–24 year age group are the most likely to have experienced violence (ABS, 2017).
- Almost 1 in 4 women (23 per cent) report experiencing emotional abuse by a current and/or previous partner since the age of 15, compared to just over one in 6 men (16 per cent) (ABS, 2017).
- One in 6 women (17 per cent) report experiencing an episode of stalking since the age of 15, compared with 1 in 15 men (7 per cent) (ABS, 2017).
- Three in 5 separated parents experience physical or emotional abuse from their previous partner (AIHW, 2019, p. 13).
- Women who have experienced violence by a current partner (54 per cent) or previous partner (68 per cent) report multiple incidences of violence (ABS, 2017).
- More than 1 in 3 murders recorded by police are related to FDV (AIHW, 2019, p. 51). The majority (59 per cent) of FDV-related homicide victims are women (ABS, 2021a).
- The impacts of the COVID-19 pandemic, notably social isolation and economic stress, have contributed to increased rates and severity of FDV (see also Boxall, Morgan & Brown 2020; Morgan & Boxall, 2020).

2.1.1.1 Reporting FDV

- Most women (82 per cent) who have experienced current partner violence have never contacted the police (ABS, 2017).
- Of those women who do contact the police, approximately half (55 per cent) report that their partner was not charged (ABS, 2017).
- At least 2 in 5 assaults recorded by police across Australia are related to FDV, ranging from 41 per cent in the Australian Capital Territory to 61 per cent in Western Australia (AIHW, 2019, p. 20).

2.1.1.2 Leaving FDV

- Most women (53 per cent) who have experienced physical and/or sexual violence in their relationship report that they do not want to leave that relationship (AIHW, 2019, p. 12).
- Almost half (49 per cent) of women who experienced violence from a previous partner temporarily separated from that partner. Of those women who temporarily separated from their partner, 30 per cent returned (AIHW, 2019, p. 14).
- Violence often starts during separation: of those women who moved away from home during temporary separation, 39 per cent experienced violence during this time. Of the 39 per cent, for around 14 per cent, this was the first time that they had experienced violence and another fourteen per cent of women experienced increased violence during the separation (AIHW, 2019, p. 12).

2.1.1.3 Sexual violence

- The number of police recorded victims of FDV-related sexual assault increased by 13 per cent in 2020 from the previous year (ABS, 2021a).

- Around 2 in 5 (37 per cent) of all sexual assaults recorded nationally in 2020 were FDV-related (ABS, 2021a).
- Most victims of FDV-related sexual assault in 2020 were female (86 per cent) (ABS, 2021a).
- One in 5 (18 per cent) women (compared to 4.7 per cent of men) have experienced sexual violence. Women are most likely to experience sexual assault by a male that they know (87 per cent) (ABS, 2017).
- Of all sexual assault victims recorded by police in 2017, 82 per cent were women, 25 per cent were aged between 15 and 19, 60 per cent were assaulted in a private dwelling, and 34 per cent were victims of FDV-related sexual assault (AIHW, 2019, p. 21).

2.1.1.4 Vulnerable populations

- Women living with disability or a long-term health condition are twice as likely as women without disability to experience physical and/or sexual violence by a cohabiting partner (ABS, 2021b).
- Women with an intellectual/psychological disability are nearly three times more likely than women with a physical disability to experience violence (ABS, 2021b).
- Lesbian, bisexual women experience more physical, sexual and emotional abuse than do exclusively heterosexual women (AIHW, 2019, p. 99).
- Women living outside of major cities are more likely to have experienced violence from a current or previous partner since the age of 15. Of women living outside of major cities, 23 per cent report experiencing partner violence, compared to 15 per cent of women living in major cities. The risk of FDV is higher in rural and remote communities due to higher rates of alcohol consumption and greater access to firearms. Difficulties in accessing both informal support (from friends and family) and formal support (police, health and domestic violence support services) also make it more difficult for victims living in rural and remote areas to leave violent relationships (AIHW, 2019, p. 101).
- In 2018–19, 6 per cent of Aboriginal and Torres Strait Islander (AATSI) people had experienced physical harm and 13 per cent had experienced threatened physical harm, with 16 per cent of people in total experiencing one or both. AATSI women were more likely to experience this harm from an intimate partner or family member (74 per cent) than men (56 per cent) (SCRGSP, 2020, p. 4.127).
- Almost two thirds (63 per cent) of Indigenous women who have experienced physical violence report that the perpetrator of the most recent incident was a family member, including a current or previous partner (AIHW, 2019, p. 108).
- Indigenous women are 32 times as likely to be hospitalised for FDV as non-Indigenous women (AIHW, 2019, p. 113).

2.1.2 Summary

FDV is a widespread problem in Australia with significant health, welfare, and economic consequences (see ANROWS, 2018). It occurs across all ages, socioeconomic and demographic groups but mainly impacts on women and children (AIHW, 2018). Most victims of FDV are women (ANROWS, 2018). Indigenous women, young women, pregnant women, and women living with a disability are particularly at risk. Women and children affected by FDV experience emotional, mental, and physical issues, often resulting in long-term trauma and the erosion, over time, of housing, education and employment stability (Franzway et al., 2019).

3 Direct economic costs of family and domestic violence on individuals

The impact of FDV is estimated to cost employers in Australia up to \$2 billion a year (ANROWS, 2019). Less is known about the specific economic costs for individual victims; as emphasised by the Social Policy Research Centre (SPRC, 2019), while there are ‘many trajectories of economic loss for different groups of women’ (p. 2), the long-term economic harms of FDV are currently under-researched. It is widely agreed, though, that FDV contributes to economic harm in a range of ways (SPRC, 2019), most notably in its impacts on women’s employment.

FDV has a significant impact on women’s paid employment, thereby contributing to broader gender inequalities. Australian research estimates that 62 per cent of women who have experienced FDV are employed (ANROWS, 2019); 55 per cent to 70 per cent of these women are employed on a full-time basis (Franzway et al., 2019). In their national survey study, Franzway et al. (2019) noted that women who had experienced FDV earned relatively lower incomes which they linked to a shift, post-FDV, to part-time or casual paid work and/or full-time caring roles; in their sample of 658 women, 34 per cent of whom had a Bachelor degree or higher, 40 per cent earned under \$30 000pa, 14 per cent earned \$30 000–39 000pa, and 10 per cent earned \$40 000–49 000pa. While most participants did not change their occupation after experiencing FDV, their employment conditions, patterns of participation and work trajectories changed significantly. The majority (60 per cent) reported changes to their work hours, location and job classification. Sixty-seven per cent of women had moved to a different employer for reasons including safety (30 per cent), difficulty performing at work (27 per cent), and/or embarrassment about their situation (30 per cent). The demands of caring for others, usually children, also had implications for the employment of some participants (20 per cent). Franzway et al. (2019) concluded that women’s labour market vulnerability is not just an immediate consequence of FDV but one that stretches into the future. Thus, FDV erodes women’s position in the workforce. Franzway et al.’s (2019) conclusions are supported by Aeberhard-Hodges & McFerran (2018) who report that women experiencing FDV earn 35 per cent less than those who do not.

Other research confirming the impacts of FDV on employment discusses women’s experiences of feeling distracted, tired, unwell, or afraid at work, leading to absences and leave (Aeberhard-Hodges & McFerran, 2018; Franzway et al., 2019), and often resulting in reduced income and disrupted work histories. The AIHW (2018), for example, reports that 1 in 11 (9.6 per cent, or 26 500) women, as compared to 1 in 25 (4 per cent or 6,000) men, have taken time off work due to FDV from a current partner. This figure rises to 1 in 5 (20 per cent, or 270,000) women in relation to FDV from a previous partner. Aeberhard-Hodges & McFerran (2018) further describe out-of-pocket expenses of FDV, including accessing medical treatment, police support, legal advice, counselling and judicial support. Bluett-Boyd (2018) has estimated the average cost of leaving FDV as more than \$18,000 per person.

4 The impact of FDV leave on workplaces and the Australian economy

The Social Policy Research Centre (SPRC, 2019) identifies research into employer strategies, including evaluating the impacts of FDV leave and other industrial supports, as an important information/data gap in Australia currently. There is also a lack of comparative research, both in Australia and internationally, that systematically identifies the different impacts of paid and unpaid FDV leave. The blurring of boundaries between work and home that has been associated with the COVID-19 pandemic (Weatherall, Gavin & Thorburn, 2021) further complicates matters, raising questions about employer liability (Guthrie & Babic, 2021, p. 8) but also limiting the opportunities for evaluating the impacts of FDV leave. This is reflected in the lack of relevant publications identified in the SLR that consider the impacts of FDV leave and workplace and economic outcomes. Indicating that this is not just an Australian phenomenon, an ‘extensive critical review’ conducted by Bennett, Wibberley and Jones (2019, p. 138) similarly revealed ‘few if any studies’ in the UK context. While a

range of Australian publications have focused on FDV leave, most were published pre-2018. Importantly, the small number of more recent publications (2018 – 2021) draw on older research and commentary, including that surrounding the Commission’s introduction of FDV leave in 2018, and, hence, do not present new material for analysis. The impacts considered here, thus, represent those identified in this literature as *potential* - or likely – outcomes.

4.1 Workplace impacts

By facilitating the capacity of employees to maintain ongoing employment, FDV leave is likely to contribute to reduced staff turnover and, hence, less disruption for the workplace while also avoiding the costs associated with recruiting and training new employees (Aeberhard-Hodges & McFerran, 2018; de Jonge, 2018; ANROWS, 2019). FDV leave entitlements may also contribute to a more positive work environment characterised by increased awareness of FDV and reduced stigma for those experiencing it (Aeberhard-Hodges & McFerran, 2018; Eftekhar, 2019; Guthrie & Babic, 2021). This may lead, in itself, to stronger employee morale linked to reduced social isolation and increased self-worth (Eftekhar, 2019; Wilcox et al., 2021). Perceived employer support is likely to be important for employee morale (de Jonge, 2018) and, relatedly, to workplace commitment and loyalty. The entitlement to FDV leave, whether paid or unpaid, is also likely to enhance the ‘overall reputation and status’ of organisations (ANROWS, 2019, p. 2; Aeberhard-Hodges & McFerran, 2018, p. 258).

ANROWS (2019, p. 2) concludes that any costs to employers associated with providing FDV leave will be ‘significantly offset by the benefits’ of doing so.

4.2 Economic cost and benefits

In the Fair Work Commission’s Family and Domestic Violence Leave decision handed down in 2018, a number of Australian studies that sought to assess the aggregate cost of violence against women, particularly domestic violence was considered. A report prepared by PwC found that in 2014–15 the cost to the Australian economy of women experiencing physical violence, sexual violence or emotional abuse by a partner was \$12.6 billion and the estimated cost of lost productivity as a result of domestic violence was \$2.1 billion.¹

A report prepared by KPMG in 2009 was also considered. The KPMG report estimated that violence against women and their children cost victims, their friends, family and the broader Australian economy \$13.6 billion.² KPMG prepared an update of this report for the Department of Social Services in May 2016.³ The estimated cost of violence against women and their children had increased to \$22 billion in 2015–16.

The report notes that while the cost associated with sexual and physical violence remained largely consistent, the portion of the costs resulting from emotional abuse and stalking changed substantially. The increase in the cost of violence between KPMG’s 2009 and 2016 reports is largely attributable to the expanded definition of emotional abuse and stalking captured within the ABS Personal Safety Survey.

More recent studies that have attempted to estimate the cost of FDV to the Australian economy have not been found. Research commissioned by the Victorian Government for the Royal Commission into

¹ [\[2018\] FWCFB 1691](#) at paras 103–106.

² [\[2018\] FWCFB 1691](#) at paras 104–106.

³ KPMG (2016), *The cost of violence against women and their children in Australia*, Final detailed report, prepared for the Department of Social Services, May.

Family Violence, however, sought to estimate the cost of family violence in Victoria through a ‘tailored approach’, specific to the Victorian context and using ‘all available sources from the Victorian Government’ (KPMG, 2017, p. 5). On this basis, the total cost of family violence in Victoria alone was estimated at \$5.3 billion in 2015-16 (KPMG, 2017, p. 6).

Acknowledging the significance of employment to broader social equality and, in turn, the strength of the Australian economy, provides critical context for considering the specific benefits of FDV leave. Recognising that ‘sustained periods of employment can provide financial security, independence, social networks and increased self-esteem’ (ANROWS, 2019, p. 1) is particularly relevant to efforts to address gender inequality. Critical too are the ‘connections between gender inequality, economic participation and domestic life’ (Weatherall, Gavin & Thorburn, 2021, p. 571) and, hence, the need for multiple interventions at the ‘industrial, social and public policy level’ (p. 572).

FDV is widely acknowledged as a barrier to achieving gender equality both in the workplace (Weatherall, Gavin & Thorburn, 2021) and more generally (ANROWS, 2019; AIHW, 2019). Given the recognition that FDV ‘erodes working women’s access to safe and full-time work’ (Aeberhard-Hodges & McFerran, 2018, p. 260), FDV leave entitlements can be considered a key element in efforts to secure greater gender equality. FDV leave, for example, is an important means for ‘maintaining the economic security necessary to potentially leave and recover from a violent relationship’ (Weatherall, Gavin & Thorburn, 2021, p. 571). FDV leave plays a role in mitigating the barriers for women in accessing the resources they need to rebuild their lives. As a strategy for supporting women’s continued employment – and hence, women’s economic independence – FDV leave entitlements can contribute to reducing the damaging impacts of FDV for, not only, individual women but also the broader economy.

Cortis & Bullen (2015) have observed that, without access to FDV leave, women face an increased risk of financial instability and homelessness that impacts on their ability to leave abusive relationships. Recent publications also emphasise that employment is a crucial pathway for women escaping violent relationships (ANROWS, 2019). Workplace policies concerning FDV are, according to Eftekhari (2019, p. 6), important to promoting equality for women and FDV leave is, ‘one of the most effective interventions by employers’. Guthrie and Babic (2021) highlight the intersection of victim entitlements to FDV leave and the ‘need to protect employment for those victims’ (p. 7), noting that women who are unable to maintain their employment are likely to seek financial support from State and Commonwealth government agencies. Eftekhari (2019, p. 9), for example, points to research demonstrating that, alongside women’s overrepresentation in casual and part-time roles, the impacts of FDV, including absences from work, contribute to lower personal incomes and disrupted work histories, making the need for income assistance more likely. The availability of FDV leave thus plays a critical part in reducing the economic costs associated with, not only, income support but also homelessness and other welfare services provided by government and non-government agencies.

5 Approaches to FDV leave across Australia

The entitlement to 5 days unpaid FDV leave has been established for all Australian employees in the National Employment Standards. Different entitlements, including access to paid FDV leave, may apply to employees covered by registered agreements, enterprise awards or state reference public sector awards (Fair Work Ombudsman, n.d.). National data collected by the Workplace Gender Equality Agency (WGEA) provides a snapshot of FDV leave provisions in *non-public sector* organisations with 100 or more employees across all industries (including 4,393,656 employees within 4,943 organisations), for the period 01/04/2019 – 31/03/2020. The data show that in Australia 35.5 per cent of organisations offer paid FDV leave and 81.5 per cent provide unpaid domestic violence leave or unpaid leave (Commonwealth Government of Australia, 2021). Complementing these data,

an NSW survey of 33 employers found that the majority of workplace FDV policies in these organisations included FDV leave entitlements and referrals to support services including Employee Assistance Programs (EAPs) (DVSM, 2020, p. 41).

The requirement for evidence in relation to eligibility for FDV leave is discussed by de Jonge (2018). Citing the National Australia Bank’s statement in its Domestic Violence Policy that ‘[a]n employee may be required to produce evidence to support the need for leave’ (NAB, 2013, cited in de Jonge, 2018, p. 480), de Jonge highlights the significance of this recognition - of both the ‘worker’s entitlement to leave [...] and the employer’s entitlement to evidence that such leave is necessary’ (de Jonge, 2018, p. 480). The application of an evidentiary requirement varies across Australia.

5.1 State-based approaches to FDV leave

An overview of state government public sector policies and agreements is presented in this section.

| New South Wales | | |
|--|--|--|
| <ul style="list-style-type: none"> – Applies to NSW Government Sector employees – Department of Premier and Cabinet Circular C2020-07 (NSW Government, 2019) – <i>Government Sector Employment Act 2013</i> (NSW) | | |
| FDV leave entitlement | Conditions | Other provisions |
| 10 days paid FDV leave per calendar year | <ul style="list-style-type: none"> • Available to both ongoing and temporary employees • Can be accessed without the need to exhaust other existing leave entitlements first. • Non-cumulative • Can be taken in part-days, single days, or consecutive days | <ul style="list-style-type: none"> • Flexible working arrangements • Changes to an employee’s work location, work station, or contact details • Increased security measures including secure parking and support from security staff • Counselling support service (via EAP) |
| Western Australia | | |
| <ul style="list-style-type: none"> – Applies to WA Public Sector employees – Premier’s Circular 2017/07 – Model clause, to be incorporated into public sector industrial instruments as they are replaced. (WA Premier, 2017) | | |
| FDV leave entitlement | Conditions | Other provisions |
| 10 days paid FDV Leave per year (+ up to two days unpaid FDV leave) | <ul style="list-style-type: none"> • Non-cumulative • In addition to existing leave entitlements. | <ul style="list-style-type: none"> • Flexible work arrangements and safety plan agreements |

| | | |
|---|--|---|
| | <ul style="list-style-type: none"> • May be taken as whole or part days off. | <ul style="list-style-type: none"> • Access to employer sponsored confidential counselling services |
| <p>South Australia</p> <ul style="list-style-type: none"> – Applies to employees in the Public Service and public sector employees. – Determination of the Commissioner for Public Sector Employment - 3.1 Employment Conditions – Public Sector Regulations 2010 - Regulation 9(8) (SA Commissioner for Public Sector Employment Public, 2020) | | |
| FDV leave entitlement | Conditions | Other provisions |
| up to 15 days special leave with pay | <ul style="list-style-type: none"> • In addition to the general 15 days special leave with pay allowance for special purposes • In addition to any other existing leave entitlements • May be taken as consecutive or single days or hours | <ul style="list-style-type: none"> • Flexible work arrangements • Safety planning to address risk in (and to/from) the workplace |
| <p>Victoria</p> <ul style="list-style-type: none"> – Applies to employees of Victorian Public Service Departments and Agencies. – Victorian Public Service Enterprise Agreement 2016 - Clause 48 (State of Victoria, 2019) | | |
| FDV leave entitlement | Conditions | Other provisions |
| Up to 20 days of paid special leave per year | <ul style="list-style-type: none"> • Not cumulative • In addition to existing leave entitlements • May be taken as consecutive or single days or as a fraction of a day. • Consideration will be given to providing additional leave if/once the leave is exhausted • Can be taken without prior approval | <ul style="list-style-type: none"> • Temporary or ongoing changes to work hours, patterns or shifts, job design or duties, relocation, & contact details • Counselling support service (via EAP) • Provision of information regarding current support services |
| <p>Queensland</p> <ul style="list-style-type: none"> – Applies to Queensland public service employees | | |

| <ul style="list-style-type: none"> – Commission Chief Executive and Minister for Industrial Relations Directive – 03/20 (Queensland Government, 2020) – <i>Public Service Act 2008</i> (Sections 53 to 54A, 55) – Included in the Queensland Employment Standards provisions of the <i>Industrial Relations Act 2016</i> (sections 52 – 54) | | |
|--|--|---|
| FDV leave entitlement | Conditions | Other provisions |
| Minimum of 10 days paid leave per year | <ul style="list-style-type: none"> • No requirement to provide supporting documentation • Can be accessed without the need to exhaust other existing leave entitlements • May be taken as consecutive days, single days or a fraction of a day • Also available for purpose of supporting a person affected by FDV | <ul style="list-style-type: none"> • Access to flexible working arrangements • Risk assessments and actions to address workplace safety needs (such as increased security measures) • Temporary or ongoing support and reasonable workplace adjustments • Counselling support service (via EAP) |
| <p>Northern Territory</p> <ul style="list-style-type: none"> – Applies to NT Public Sectors employees – Public Sector Employment and Management By-laws, Office of Commissioner for Public Employment – Miscellaneous Leave for Domestic and Family Violence purposes (By-law 18) (Northern Territory Government, n.d.) | | |
| FDV leave entitlement | Conditions | Other provisions |
| Leave with pay (unspecified) | None specified | <ul style="list-style-type: none"> • Various flexible work options including part-time work, Leave Without Pay, Recreation Leave at half pay, Long Service Leave at half pay, Personal Leave • Employee Assistance Program (EAP) |
| <p>Australian Capital Territory</p> <ul style="list-style-type: none"> – Applies to ACT Public Sector (ACTPS) employees – ACTPS Enterprise Agreements (ACT Government, 2019) | | |

| FDV leave entitlement | Conditions | Other provisions |
|--|---|--|
| Maximum of 20 days / shifts per calendar year | <ul style="list-style-type: none"> • Ongoing employees only • Casual employees entitled to unpaid FDV leave only | — |
| Tasmania <ul style="list-style-type: none"> – Applies to Tasmanian State Service employees – Employment Direction pursuant to the <i>State Service Act 2000</i> - Section 17 (Tasmanian Government, 2013) | | |
| FDV leave entitlement | Conditions | Other provisions |
| Access to accrued personal leave entitlements | <ul style="list-style-type: none"> • May access their accrued personal leave at short notice, or without prior notice provided that notice is given at the earliest opportunity. • Paid special leave may be granted for an employee who has exhausted their full pay personal leave entitlements | <ul style="list-style-type: none"> • Access to flexible working arrangements • Employee Assistance Program (EAP) |

6 Summary

This report has presented the most recent available data and research on FDV and FDV leave in Australia. It has highlighted the lack of research and empirical data concerning the impacts of FDV leave on employers, workplaces and the Australian economy. That this data gap exists, and must be addressed, has been acknowledged by the Social Policy Research Centre (SPRC, 2019) in Australia, and Bennett, Wibberley and Jones (2019) in the UK. The extensive impacts of the COVID-19 pandemic on employment conditions, most notably the shift to working from home, are a critical factor, impacting on, both, rates and severity of FDV (Boxall, Morgan & Brown, 2020; Morgan & Boxall, 2020) and opportunities for implementing FDV leave and evaluating its impacts (Weatherall, Gavin & Thorburn, 2021).

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