



Change to the Industrial Relations Act

Paid Family and Domestic Violence Leave

Paid family and domestic violence leave now applies for all employees, including all casual employees

The Industrial Relations Act of 2016 introduced new important Queensland Employment Standards for all Queensland public sector and local government employees, including ten days paid family and domestic violence leave – the first time anywhere in Australia.

Ten days paid family and domestic violence leave applied to all full time and part time employees, while long term casual employees were able to access up to 10 days unpaid leave, and short term casual employees up to 2 days unpaid leave.

In October 2022, the Albanese Labor Government has successfully passed the same laws for all Australian workers, including paid family and domestic violence leave for all casual employees.

Queensland Unions wrote to the Queensland Industrial Relations Minister in August of this year and asked that the Industrial Relations Act also be amended to apply 10 days paid family and domestic violence leave for all casual employees, including long and short term casuals.

The Queensland Government accepted this position and has introduced these changes effective from 28 October 2022.

Reasons to take paid family and domestic violence leave

Paid family and domestic violence leave can be taken by an employee for the following reasons:

- recovering from an injury caused by the violence
- attending an appointment related to the violence, including an appointment to attend counselling, to obtain legal advice, for medical treatment or with police officers
- preparing for a court appearance related to the violence
- attending court for a proceeding related to the violence
- finding housing that is necessary because of the violence, or
- organising child care or the education of a child that is necessary because of the violence.

Employer Evidence

An employer may ask an employee to give the employer evidence that the employee has experienced domestic violence and needs to take leave as a result.

This can include providing —

- (a) evidence from the police
- (b) evidence of a legal proceeding or a court report; or
- (c) evidence from a doctor or other health practitioner; or
- (d) a report from a counsellor; or
- (e) written advice or a statutory declaration from the employee.

An employer who receives evidence under this section must not disclose the evidence to someone else unless the disclosure is required or permitted under an Act.

An employer is also prohibited from taking adverse action against an employee because someone has committed, or is committing domestic violence against them. It does not matter, whether the person is the subject of a domestic violence order, a police protection notice, or is an applicant or is named in an application for a domestic violence order.