

PAID DOMESTIC AND FAMILY LEAVE



Queensland Public Service and local Council Employees

Information Sheet

Queensland was the first state to provide paid Domestic and Family Violence (DFV) leave for its public servants. The *Industrial Relations Act 2016 (Qld)* provides ten days of paid leave for all employees, including casual employees.

Details about the entitlement, including who it applies to and under what conditions, is provided within this information sheet.

What is Domestic and Family Violence?

DFV is violent, threatening and controlling behaviour or other abusive behaviour by certain individuals known to a person that seeks to control, coerce or cause them fear or harm through violent, threatening or other abusive behaviour.

What paid leave is available?

All employees, including casuals and part-time, are entitled to access up to ten days of paid leave per year. Leave can be taken as a whole day, consecutive days or part days; this type of leave does not accrue. Where an employee has exhausted the ten days of paid leave, they are able to request unpaid leave. Employees should be encouraged to talk to their managers/supervisors to see if additional paid special leave can be granted in exceptional circumstances.

Who can access paid DFV leave?

Employees impacted by DFV can access 10 days of paid leave if they have experienced DFV and need to take leave because of this. The Act provides examples of how the leave could be used by the employee. It is important to note that this list is not exhaustive.

Paid DFV leave could be used for recovery from injury caused by the violence, access to appointments related to the violence (medical, legal, police etc), preparing for court appearances related to the violence, finding housing because of the violence and organising education and/or childcare that is necessary because of the violence.

The Act specifically outlines that an employer must not fail to re-engage a casual employee only because they have accessed DFV leave.

Is proof required?

Employees accessing DFV leave (paid or unpaid) must advise their employer as soon as possible, which may be after the leave has commenced. Employees should advise how long they anticipate the leave to be. An employer may ask for evidence which may include a statutory declaration; documents issued by the police, a doctor or a medical practitioner, a counsellor; or documents issued by a court and family violence support documents. If requested, the employee must comply.

Flexible work and other supports

A Queensland Public Service Commission Directive ([Support for employees affected by domestic and family violence \(Directive 03/20\)](#)) outlines that the chief executive or delegate (manager) **will** provide flexible working arrangements if sought by an employee impacted by DFV.

Examples of flexible work includes hours of work such as staggered start/finish times or break times, patterns of work, job sharing, job location and undertaking non-public facing duties.

Is the workplace safe for the employee?

DFV can impact on the safety of the employee and others in the workplace. Employees are encouraged to work with their employer to develop an individual safety plan. The Queensland Public Service Commission has a range of tools to assist employees and managers navigate a supportive

and safe environment. For example, the safety plan may include not having a photograph, direct phone contact or email address publicly available on websites or outward-facing documents.

Who needs to know?

It is important that employers are aware that any information pertaining to an employee's experience of DFV is sensitive. Information that is mishandled can have dire and adverse consequences. It is recommended that the person impacted by DFV talk with the employer to discuss and agree how information can be handled.

Employers must take reasonably practicable steps to keep any information about an employee's situation confidential when they receive it as part of an application for leave. This includes information about the employee accessing family and domestic violence leave such as leave records, as well as any evidence provided by the employee.

Employers may need to disclose information when it is required by law or necessary to protect the life, health and safety of the employee or another person.

What can unions do to support members?

Unions should provide information and resources relating to DFV for their members and refer members for further information and support. Ideally officials and union employees who provide assistance to people experiencing trauma should adapt a trauma informed approach.

What else needs to be considered?

Unions and workplaces need to have support and resources in place; it is not enough to wait until they have an employee approach them for paid DFV leave to implement workplace policies and procedures to accommodate requests. Employers are encouraged to have DFV policies in place and make them known to all employees. This may be as part of induction, HR resources, staff meeting or intranet resources.

Support and referral services

You are not a DFV counsellor, but you can provide workplace support (see dos and don'ts). Please ensure the member has access to where they can access further information.

1. Call 000 if someone is seriously injured or in need of urgent medical attention, if someone's life is being threatened, or you've witnessed an incident.
2. 1800RESPECT is the national domestic, family and sexual violence counselling, information and support service. If you or someone you know is experiencing, or at risk of experiencing, domestic, family or sexual violence, call 1800RESPECT on [1800 737 732](tel:1800737732) or visit 1800RESPECT.org.au.
3. Lifeline provides crisis support and suicide prevention services 24 hours, seven days a week. Phone: 13 11 14
4. DVConnect provides [Support for women experiencing DFV](#) is a state-wide 24 hours a day, seven days a week service providing confidential advice and counselling, as well as referral to crisis accommodation for women and children affected by domestic violence. Phone: 1800 811 811 (this number will not appear on your phone bill).
5. DV Connect [Support for men experiencing DFV](#) is a state-wide service (9am to midnight, seven days a week) supporting men affected by domestic violence. Phone: 1800 600 636
6. DV Connect [Support for LGBTQ+ people experiencing DFV \(dvconnect.org\)](#) community and domestic and sexual violence help (dvconnect.org) Phone: 1800 811 811