

MEDIA STATEMENT

Tuesday 17 May 2022



Change to paid Family and Domestic Violence leave is a game-changer for vulnerable workers

JobWatch welcomes yesterday's decision by the full bench of the Fair Work Commission (FWC) on a model family and domestic violence (FDV) leave term for an entitlement of 10 days of paid FDV leave per year in modern awards.

This matches our recommendations to the *Family and Domestic Violence Leave Review 2021*, where we supported recommendations proposed by the ACTU, that the FWC make provision for 10 days of paid family and domestic violence leave for all employees to be added to all modern awards.

While we know that introducing paid FDV leave will not directly address the workplace prejudice faced by employees experiencing FDV, it may encourage more employees experiencing FDV to formally access their workplace right for FDV leave. This in turn may afford them legal protection from adverse action taken by their employer because they have accessed their rights under the general protection provisions of the *Fair Work Act 2009*.

However, we note our continuing concerns that the current definition of FDV in the *Fair Work Act 2009* which will be adopted by this decision is unduly restrictive, as it does not extend to FDV perpetrated by members of the employee's household who are not related to the employee.

With this definition, JobWatch clients like Sonya* would not be eligible for paid FDV leave. Sonya was experiencing family violence from an abusive extended family member who was stalking her and lingering outside her home. She approached her employer and asked to access family violence leave in order to attend court. Her request was denied on the basis that this leave was only available if a worker was experiencing family violence from a partner or spouse.

Research shows that family and domestic violence can take many forms. Limiting access to paid FDV leave to situations where FDV is perpetrated by immediate family members ignores the many different and unique relationships in which FDV can manifest, including extended or chosen families.

Since its inception in 2018, JobWatch's Family Violence in the Workplace Project (the Project) has effectively been running as a small-scale pilot program designed to address and better understand the employment law needs of women experiencing family violence. The Project has proven that the demand is real and that unmet demand can only be met with appropriate funding.

With funding for the Project due to end on 30 June, JobWatch calls for extended and enhanced Project funding to better service the needs of people experiencing family violence – specifically as this FWC decision is likely to increase the number of people requiring employment law assistance.

**not her real name*

Available for interview

- Zana Bytheway, Executive Director, JobWatch

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About JobWatch

JobWatch is an independent, not-for-profit employment rights community legal centre. We operate out of Victoria and provide assistance to over 16,000 Victorian, Queensland and Tasmanian workers about their rights at work every year. For more information: www.jobwatch.org.au