

FWC Incorporates '*Domestic violence clause*' into *Modern Awards*.

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Introduction:

As part of the '*Four yearly review*' of all Modern Awards, the Fair Work Commission (FWC) recently heard a test case with regard to leave for victims of *domestic violence*; a Full Bench of the Commission headed by His Honour President Ross, found that it was within the authority granted by the *Fair Work Act 2009* to determine a standard provision to be incorporated in Modern Awards.

Subsequently, most Modern Awards have now been varied to reflect the terms of a new '*Leave to deal with Family and Domestic Violence*' provision.

Entitlements:

On and from 1st August all employees (including casuals) not covered by an Enterprise Agreement, will have an entitlement to five (5) days unpaid leave arising from circumstances involving Domestic or Family violence.

Leave can be requested -and given that reasonable evidence is provided to the employer, granted, for from one to five days at a time. The leave, unlike personal/carer's leave doesn't accumulate if not taken.

Concurrently, the employer is obligated to ensure the confidentiality of all requests and evidence relating to such applications for the unpaid leave.

Should an employee be covered by an EBA which includes a similar entitlement to either paid or unpaid leave, but which does not prescribe 5 or more days leave, the overall 'standard' of five days, unpaid leave, will prevail.

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*** HMT Consulting provides QORF members with workplace relations support.**