

Reminder

Paid Family and Domestic Violence Leave amendments take effect for small businesses

On 9 November 2022, the Albanese Government's *Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022* amendments received Royal Assent. Under the amendments, the previous unpaid family and domestic leave entitlement under the National Employment Standards (NES) was replaced with an entitlement providing **10 days paid family and domestic violence leave in a 12-month period** commencing from 1 February 2023 for businesses with 15 or more employees.

For small businesses (less than 15 employees), the changes take effect from today, 1 August 2023.

As previously outlined, the new Paid Family and Domestic Leave (PFDVL) entitlement has the following features:

- applies to **casuals**, as well as full-time and part-time employees
- payable at the employee's actual **full rate of pay** (e.g. penalty rates, overtime, etc), rather than the base rate of pay that applies to other forms of paid leave (such as personal/carer's leave)
- provides access to the **full 10-day entitlement upfront**, rather than accruing progressively and on a pro rata basis for part time employees - and is **non-accumulative**, meaning unused leave does not carry over from year to year
- extends the definition of who is considered a close relative for the purposes of PFDVL and extends the examples of actions that would entitle payment.

Pay Slip Requirements

Members should also note that consequential amendments were made to the *Fair Work Regulations 2009* to provide clarity on the information that can be included on pay slips in connection with taking PFDVL. Regulation 3.47 provides that the following information must **not** be included in a pay slip:

- a statement that an amount paid to an employee is a payment in respect of the employee's entitlement to PFDVL; and
- a statement that a period of leave taken by the employee has been taken as a period of PFDVL; and
- the balance of an employee's entitlement to paid PFDVL

The Regulation also notes the following examples as to how PFDVL can instead be recorded by employers on a pay slip:

- *'special leave'*
- *'miscellaneous leave'*
- *'leave – other'*

Members seeking further information are encouraged to contact the Workplace Relations team at ir@vacc.com.au or 03 9829 1123.

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