

### Reminder: Paid Family and Domestic Violence Leave amendments take effect from 1 February 2023 for businesses with 15 or more employees

On 9 November 2022, following passage through both house of federal parliament, the Albanese Government's *Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022* amendments received Royal Assent. Under the amendments, the current unpaid family and domestic leave entitlement under the National Employment Standards (NES) will be replaced with an entitlement providing **10 days paid family and domestic violence leave in a 12-month period**.

The amendments take effect from **1 February 2023** (and **1 August 2023 for small businesses**).

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 to the *Fair Work Regulations 2009* have been made, providing 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](mailto:ir@vacc.com.au) or 03 9829 1123.

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