

Press Release
*Independent review of the
operation of the paid family
and domestic violence leave
entitlement in the Fair Work
Act 2009*

Flinders University's Independent Review of the operation of the amendments made to the *Fair Work Act 2009* (Cth) by the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022* (Cth) has been tabled in Federal Parliament.

Family and domestic violence (FDV) remains a significant problem in Australia with extensive health, welfare and economic consequences. As an expression of gendered and other structural inequalities, family and domestic violence is closely connected to women's employment and economic security as well as workplace culture and equity more broadly.

The Independent Review was informed by consultation with key stakeholders including employers and their representatives, employees and their representatives, frontline FDV services, and academic experts. It also drew on relevant qualitative and quantitative evidence including targeted research conducted by the Behavioural Economics Team of the Australian Government (BETA). Particular efforts were made to explore the impacts of the entitlement on small businesses and people who have experienced family and domestic violence.

The Review found that the Paid Family and Domestic Violence leave entitlement is operating as intended, enabling employees who have used the leave to access relevant services and take action to improve their safety while maintaining their income and employment. The Review's five key recommendations focus on continuing to build awareness and understanding of the entitlement while affirming the crucial role of businesses and workplaces in preventing and responding to Family and Domestic Violence.

The recommendations are:

1. Ongoing evaluation and stakeholder consultation is needed to develop the evidence base on paid FDV leave. As familiarity with the entitlement increases, continued opportunities for stakeholder engagement are important to inform proposals for further reform.
2. Existing resources should be improved and promoted, with a particular focus on small business and resources that speak to employees, including:
 - Re-consider and revise existing government resources with a particular focus on areas of uncertainty including the interpretation of evidentiary requirements, management of confidentiality, and application of the entitlement to casual employees and employees requesting leave to care for others.
 - Relaunch and invest in continuing development of the www.10dayspaidfdvleave.com.au website, the 'one-stop shop' hub for small business.

- Consider targeting information through identified channels of communication that are regularly accessed by small business owners and the community (such as social media).
 - Consider ways to normalise paid FDV leave within the context of broader workplace relations messaging.
3. Harness the intelligence and advocacy of unions, employer representatives and small business peak bodies to continue training and awareness-raising initiatives and report back to Government on progress and emerging barriers.
 4. Any response by Government to enhance resources should tap into existing distribution networks and focus on priority groups of employees including:
 - casual workers
 - First Nations and CALD workers
 - LGBTQIA+ workers
 - People living and working with disability
 - Workers in regional, rural and remote communities.
 5. Initiatives to improve awareness of and access to paid FDV leave must be integrated with broader community efforts to address FDV and gender inequality. For example:
 - Education and training initiatives for first responders (and services that commonly interact with FDV victim-survivors) should include information on workplace entitlements and supports.
 - Community actions to further the objectives of the National Plan should continue to recognise the role of the workplace in addressing and responding to FDV.
 - Attention to issues of national consistency and importance, including a harmonised legislative definition of FDV, should continue to be prioritised.

You can read the Report and other relevant documents [here](#)

The Independent Review was undertaken by Flinders University. Review members were:

- Dr Marinella Marmo, Professor in Law and Criminology, College of Business, Government and Law
- Dr Kate Seymour, Senior Lecturer in Social Work, College of Education, Psychology and Social Work
- Dr Andreas Cebulla, Associate Professor in the Future of Work, College of Business, Government and Law
- Dr Nada Ibrahim, Research Fellow, Centre for Social Impact, College of Business, Government and Law
- Dr Hossein Esmaeili, Associate Professor in International Law, College of Business, Government and Law
- Dr Jenny Richards, Lecturer in Law, College of Business, Government and Law
- Dr Elvio Sinopoli, Project Manager, College of Business, Government and Law

Additional Support

Help is available for any person experiencing family and domestic violence. If in immediate danger, call 000. For counselling and support, call 1800 RESPECT [1800 737 732]

Information about the Family and Domestic Paid Leave entitlement can be accessed [here](#)