

## Support for Employees Experiencing Domestic Violence

**Initiatives have been developed to enable and support victims of domestic violence to enter or return to the workforce. Employees are able to access certain leave entitlements and where those entitlements are exhausted the employee shall be granted special leave.**

The NSW Government strongly supports initiatives that enable and support victims of domestic violence to continue to participate in the workforce.

Agencies should apply the following provisions:

1. Leave entitlements provided for in Sick Leave, Family and Community Service Leave, Sick Leave to Care for a Family Member (also referred to as Personal/Carers Leave) may be used by staff members experiencing domestic violence.
2. Where the leave entitlements referred to in point 1 above are exhausted, the employee shall be granted five days Special Leave per calendar year.
3. Agencies will need to be satisfied, on reasonable grounds, that domestic violence has occurred and may require proof presented in the form of an agreed document issued by the Police Force, a Court, a Doctor, a Domestic Violence Support Service or Lawyer.
4. Personal information concerning domestic violence will be kept confidential by the agency.
5. Agencies, where appropriate, may facilitate flexible working arrangements subject to operational requirements, including changes to working times and changes to work location, telephone number and email address.
6. Domestic Violence means domestic violence as defined in the Crimes (*Domestic and Personal Violence*) Act 2007, "**domestic violence offence**" means - a [personal violence offence](#) committed by a person against another person with whom the person who commits the offence has or has had a [domestic relationship](#).

**The Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 under 84A - Leave for Matters Arising from Domestic Violence reflects the above provisions.**

84A.2 Leave entitlements provided for in clause 71, Family and Community Service Leave, clause 79, Sick Leave and clause 81, Sick Leave to Care for a Family Member, may be used by staff members experiencing domestic violence.

84A.3 where the leave entitlements referred to in subclause 84A.2 are exhausted, Department Heads shall grant Special Leave as per clause 84.11, up to five days per calendar year.

84A.4 The Department Head will need to be satisfied, on reasonable grounds, that domestic violence has occurred and may require proof presented in the form of an agreed document issued by the Police Force, a Court, a Doctor, a Domestic Violence Support Service or Lawyer.

84A.5 Personal information concerning domestic violence will be kept confidential by the agency.

84A.6 The Department Head, where appropriate, may facilitate flexible working arrangements subject to operational requirements, including changes to working times and changes to work location, telephone number and email address.

Other Public Sector agencies and State Owned Corporations are strongly encouraged to adopt these provisions in their industrial instruments.

Philip Gaetjens  
**Secretary**

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**Further information:**

**Which agencies does this Circular apply to?**

Public Service Agencies (as defined in the Government Sector Employment Act 2013) which on 23 February 2014 corresponded to Divisions listed in Schedule 1, Part 1 of the *Public Sector Employment and Management Act 2002*. This policy is recommended for the government sector agencies, including State Owned Corporations.

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**Who needs to know about this Circular?**

Secretaries, Senior Executives, Managers, Employees, Payroll, Industrial Relations, Human Resources.

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