

- Family, Domestic or Sexual Violence Leave Policy.

Acknowledgement of Country

The Chief Minister, Treasury and Economic Development Directorate acknowledges the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region.

We respect the Aboriginal and Torres Strait Islander people, particularly our Aboriginal and Torres Strait Islander staff, and their continuing culture and contribution they make to the Canberra region and the life of our city.

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Purpose

1. The purpose of this policy is to provide advice to employees, managers, delegates and HR practitioners on key processes that apply for leave for family, domestic or sexual violence purposes as provided for in ACTPS Enterprise Agreements and the Fair Work Act 2009 (FW Act).

Application

2. This policy is a whole-of-government strategy issued by the Head of Service under section 17(2)(a) of the Public Sector Management Act 1994 (PSM Act). It applies to all ACT Government directorates and public sector bodies in relation to public employees and executives employed in the ACTPS (ACT Public Sector) under the PSM Act, and binds all workers engaged under the PSM Act, and all public sector employers within the meaning of section 152(1)(a) of the PSM Act.
3. For the purpose of this policy, any reference to the Head of Service and/or Directors-General is also taken to be a reference to a public sector employer within the meaning of section 152(1) of the PSM Act.
4. For the purpose of this policy, employees are defined as including executives¹, permanent officers, temporary employees, casual workers, public sector employers and a public sector employer's staff member who is employed on either a permanent or temporary basis.
5. The ACTPS has a responsibility under the Work Health and Safety Act 2011 (WHS Act) to ensure the health and safety of its employees and that appropriate work safety standards are adhered to. Directorates and public sector bodies are encouraged to seek advice and support through WHS Management System, Office of Industrial Relations and Workforce Strategy (OIRWS) and local HR areas, to discharge their obligations.

Background

6. The ACT Government continues to invest in family, domestic or sexual violence responses to ensure the safety of victim-survivors, hold perpetrators of violence to account and make the ACT a safer place for all. Services to support people affected by family, domestic or sexual violence in the ACT are found [here](#).
7. The ACTPS recognises that workplaces have an important role in preventing and responding to family, domestic or sexual violence in our communities.
8. Employers have a legal responsibility to create safe work environments. Workplaces also significantly influence our attitudes, beliefs and behaviours in both our personal and professional lives.
9. The ACTPS is committed to providing support to employees who are experiencing family, domestic or sexual violence. This involves:
 - a. reasonable adjustments in the workplace
 - b. access to EAP providers
 - c. paid leave in accordance with the FW Act and ACTPS Enterprise Agreements.

¹ ACTPS employees includes Senior Executive Staff (SES) as they are entitled to Leave provisions under the Enterprise Agreements as per Section 63 of the Public Sector Management Standards 2016.

Principles

Supporting Employees

10. The three principles that underpin the approach to incidents and disclosures of family, domestic or sexual violence in the ACTPS are Support, Confidentiality and Safety.
11. The ACTPS understands that family, domestic or sexual violence can affect people of all cultures, religions, ages, genders, sexual orientations, educational backgrounds and income levels.
12. The ACTPS understands that workplaces have an important role in supporting people who are, or have been, affected by family, domestic or sexual violence and assisting them to take steps to secure their safety.
13. The ACTPS also recognises that family, domestic or sexual violence may have a range of impacts on employees in the workplace. For example:
 - a. Arriving late to work or needing to leave work at short notice to protect themselves and/or children;
 - b. Requesting time off work to attend appointments;
 - c. Experiencing difficulty in managing workloads;
 - d. Being distracted, anxious or distressed;
 - e. Receiving threatening or abusive calls, texts or emails during work hours;
 - f. Witnessing threats and/or violence and abuse towards an employee in the workplace.
14. The ACTPS recognises it can be difficult for an employee to disclose they have experienced or are experiencing family, domestic or sexual violence and strives to create an environment where people feel safe to disclose. Any disclosure by an employee experiencing family, domestic or sexual violence will be treated on a need-to-know basis for the purpose of workplace safety and with the highest possible level of confidentiality in line with the Information Privacy Act 2014.
15. In exceptional circumstances delegates/managers/supervisors may be required to share information, if the sharing of information is required by an Australian law or is necessary to protect the life, health or safety of the employee or another person. For instance, mandatory reporting requirements under the Reportable Conduct Scheme or Children and Young People Act 2008 could apply to some instances. Failure to report child sexual offences may also be a crime under the Crimes Act 1900 (ACT).

Leave

Leave Eligibility and Entitlement

16. Under the FW Act, all employees are entitled to 10 days of paid family and domestic violence leave each year. This includes full-time, part-time and casual employees.
17. The 2023-2026 ACTPS Enterprise Agreements were expanded to include leave for family, domestic or sexual violence purposes with employees being entitled to 20 days or shifts of paid leave each year. This includes full-time, part-time and casual employees.

18. Access to 20 days or shifts of paid family, domestic or sexual violence leave (per calendar year) gives ACTPS employees experiencing family, domestic or sexual violence time away from work to access support or attend to important matters whilst being able to maintain their employment and financial independence. The leave is non-cumulative.
19. Leave may be taken as part, single or consecutive days. It may also be granted at half pay (in extenuating circumstances as per the ACTPS Enterprise Agreements).
20. Leave is also available to employees supporting an immediate family member who is experiencing family, domestic or sexual violence.
21. Delegates should take an active role in applying supports and enterprise agreement provisions to support the employee with dealing with family, domestic or sexual violence. Delegates must consider that circumstances can change rapidly and the level or risk of harm for the employee may change accordingly.

Applications for Leave

22. If an employee takes family, domestic or sexual violence leave, they have to let their manager/delegate know as soon as possible. This can happen after the leave has started. Employees should also advise their manager/delegate how long they expect the leave to last.
23. Leave applications must occur in a way that ensures the employee's privacy and confidentiality is maintained.
24. Family, domestic or sexual violence leave requests should be maintained by the delegate so that the leave does not appear on the employee's payslip. It must not appear on a payslip (even under a miscellaneous leave code) unless the employee has given consent or requests for it to be reported on their payslip.
25. The delegate must maintain private, accurate and compliant records of the approved leave in a secure location. Access controls should be used to limit access as necessary while still maintaining records management compliance. The record should capture the following:
 - a. AGS or initials of the employee;
 - b. Date the leave started and ended;
 - c. Number of leave hours taken e.g. full day, part day;
 - d. How many days have been taken in the calendar year;
 - e. The rate of payment (i.e. full-pay, half-pay or without pay).
26. Only at the employee's request or consent can an application be submitted through the OneGov Service Centre and entered in the employee's payroll record to appear on their payslip.
27. If an employee is granted leave for family, domestic or sexual violence at half pay, a salary adjustment is still required to be processed by Payroll. This will not show as leave on the payslip, but the gross and net pay amounts will be less than a fortnight at full pay. If the delegate is unsure how to manage this process, please contact the Office of Industrial Relations and Workforce Strategy (eba@act.gov.au) to discuss options to support the half pay application.
28. If the employee requests the leave be processed through Payroll and understands this will show on their payslip, they can submit a request for 'other leave' with a stated reason of 'leave not provided for elsewhere' through the OneGov Service Centre. The delegate may also submit the leave on behalf of the employee if requested and consent provided by the employee.

29. If an employee has exhausted the 20 days or shifts of family, domestic or sexual violence leave in a calendar year, other paid leave types may be used for the absence. Before unpaid leave is approved the delegate should ensure the employee's privacy is maintained and seek advice from their local HR area or the Office of Industrial Relations and Workforce Strategy Team (eba@act.gov.au) to discuss alternative options.
30. **Under no circumstances is any evidence or supporting documentation to accompany a request for leave stored with the delegate or submitted to Payroll or Shared Services.**

Evidentiary Requirements

31. There is no standard formula for the type of evidence that may be provided.
32. The delegate can ask the employee for evidence that shows the employee requires the leave. If the employee doesn't provide the requested evidence, they may not get paid the leave.²
33. The delegate approving the leave should exercise sound judgement in satisfying themselves that the employee is eligible for the leave and what evidence may be required. Evidence may be in the form of supporting documentation, which may include, but is not limited to:
 - a. A statutory declaration; or
 - b. A document issued by the Police or a court; or
 - c. A written referral, issued by a registered medical practitioner or registered nurse, to a counsellor trained in providing support in domestic and family violence situations; or
 - d. A document issued by a counsellor trained in providing support to people experiencing the effects of domestic and family violence; or
 - e. Written confirmation from an Employee Assistance Program provider or from a domestic and family violence support service that the employee is experiencing domestic and family violence issues.
34. If an employee requests family, domestic or sexual violence leave to support an immediate family member, they may also be asked to provide supporting documentation with their application. To ensure the privacy of the family member they are supporting is maintained they may choose to redact details on the document that could breach the privacy of that person.
35. Where supporting evidence is requested and not immediately available and the employee advises they intend to provide on return to work and in a reasonable timeframe, the delegate should wait for this evidence before advising the employee to apply for a different type of leave.
36. If supporting evidence is requested and the employee does not supply documentation, the delegate may instead grant paid personal leave in special, extraordinary or unforeseen circumstances, subject to available credit. The employee must be made aware that this leave type will show on their payslip.
37. If the employee advises or provides evidence and/or supporting documentation that demonstrates they will be required to attend multiple appointments over a continuous period of time (e.g. each Monday for the next two months) then this evidence is sufficient to approve leave for that entire period.

² [Notice and evidence for family and domestic violence leave - Fair Work Ombudsman](#)

Confidentiality Requirements

38. The employee should be reassured their circumstances will be managed with sensitivity, confidentiality and secure record keeping at the time they apply for leave for family, domestic or sexual violence purposes.
39. The delegate who has been requested to approve leave by the employee should be the only individual to view any requested supporting documentation, unless the employee provides explicit consent to do otherwise or exceptional circumstances exist (such as those set out at paragraph 43).
40. Having viewed the supporting documentation, the delegate must immediately return the documentation to the affected employee.
41. Supporting documentation is only to be used for the purpose of satisfying the delegate of the employee's entitlement to leave, unless the employee gives consent for it to be used for another purpose. In accordance with the FW Act it is unlawful to use the information provided in the supporting documentation to take adverse action against the employee.
42. There may be instances where a delegate other than the usual delegate or manager is requested to approve a leave request. In these circumstances they will inform the manager that other leave has been approved with a stated reason of leave not provided for elsewhere with pay.
43. Under no circumstances is the delegate who has been requested to approve leave for family, domestic or sexual violence purposes to share the details without the explicit permission of the employee, unless:
 - a. It is required by law; or
 - b. Is necessary to protect the life, health or safety of the employee or another person.
44. It is the responsibility of the delegate who the employee requests the leave to keep a confidential and accurate record of the number of days/shifts taken over the calendar year.
45. Delegates should always seek appropriate advice by contacting HR or the Office of Industrial Relations and Workforce Strategy at eba@act.gov.au (without disclosing the identity of the employee) before they refuse family, domestic or sexual domestic and violence leave. They should also ensure they comply with the provisions of the ACTPS Enterprise Agreements.³
46. If the employee moves to a new position, or where their delegation/reporting lines have changed, the employee should be asked to nominate who they would feel comfortable managing future applications for leave for family, domestic or sexual violence purposes.
47. If the delegate who has approved leave for family, domestic or sexual violence purposes over the course of a calendar year transfers elsewhere in the ACTPS, or is to leave the ACTPS, they should provide the record of the number of days/shifts taken against the employee's entitlement over the calendar year to the delegate who has been nominated by the affected employee.

Other Considerations

48. Delegates and managers should adopt a sensitive and flexible approach to applying the family, domestic or sexual violence leave provisions and consider at all times the purpose is to support employees.

³ Clause E23.13 and E3.1 in the 2023-2026 ACTPS Enterprise Agreements.

49. It is important that delegates and managers recognise and respect the different needs as well as the personal and cultural circumstances of each employee when providing support. The ACTPS provides training and support for managers and employees on responding to family, domestic or sexual violence disclosures and how to do so in culturally sensitive ways.
50. Leave for family, domestic or sexual violence purposes is only one of many provisions in the ACTPS Enterprise Agreements that may assist an employee experiencing family, domestic or sexual violence. Other types of leave, flexible working arrangements, EAP services and other arrangements also available. Delegates and managers should actively consider how these provisions can assist the employee and remain conscious of how the employee's circumstances, background and culture may impact on the support required.
51. Delegates and managers should ensure they are familiar with the provisions in the ACTPS Enterprise Agreements. They should also seek assistance from their Human Resources area or the Office of Industrial Relations and Workforce Strategy team via eba@act.gov.au where necessary. This should be done in a way that maintains the confidentiality of the employee.
52. Information is also available at:
 - a. [Domestic, family and sexual violence - ACT Government](#)
 - b. [Family and domestic violence leave - Fair Work Ombudsman](#)

References

53. The following legislation, codes and policies underlying this policy are:
 - a. [Public Sector Management Act 1994](#)
 - b. [Public Sector Management Standards 2016](#)
 - c. [ACTPS Enterprise Agreements](#)
 - d. [Children and Young People Act 2008](#)
 - e. [Crimes Act 1900 \(ACT\)](#).
 - f. [Fair Work Act 2009](#)
 - g. [Family Violence Act 2016](#)
 - h. [Human Rights Act 2004](#)
 - i. [Information Privacy Act 2014](#)
 - j. [Territory Records Act 2002](#)
 - k. [Work Health and Safety Act 2011](#)
 - l. [Domestic, Family and Sexual Violence - ACT Government](#)
 - m. [Notice and evidence for family and domestic violence leave - Fair Work Ombudsman](#)
 - n. [Reportable Conduct Scheme](#)

Consultation

54. This policy has been consulted with Health and Community Services Directorate (HCSD) Domestic, Family and Sexual Violence Office; Directorate HR Leads; Shared Services Payroll; Chief Minister, Treasury and Economic Development Directorate (CMTEDD) Governance, Reporting, Information and Facilities; and CMTEDD Information and Privacy.

Review

55. This policy may be reviewed from time to time and may be varied or revoked or substituted. The Policy is due for review 3 years from the last issued or reviewed date, or earlier where there are changes that affect the operation of the policy.

Further Information and Feedback

56. For further information on this policy within your directorate, contact your directorate HR representative. Feedback should be provided via email to eba@act.gov.au.

Approval Authority

57. This policy is approved by:

Acting Deputy Director-General
Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury, Economic Development Directorate
On Behalf of the Head of Service

9 January 2026

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