

# Workplace Relations Circular

For the information of members of Australian Business Industrial

CIRCULAR No.	CASE FILE No.	CIRCULAR DATE	IMPORTANT INFORMATION
2023/007	ALL MEMBER	21/03/2023	

## PAID FAMILY AND DOMESTIC VIOLENCE LEAVE – NEW MODEL CLAUSE INSERTED INTO 122 AWARDS

On 10 March 2023, the Fair Work Commission (**Commission**) issued a decision to vary all 122 modern awards that apply nationally (**the Awards**) by inserting a new model clause on *paid* Family and Domestic Violence Leave (**FDVL**) following the passage of the [Fair Work Amendment \(Paid Family and Domestic Violence\) Act 2022](#).

### What are the changes to the Awards?

For the Awards listed, the model clause below will replace the previous *unpaid* FDVL clause. Additionally, any reference to the purpose of casual loading will be amended to clarify that casual loadings are not in compensation for a lack of paid FDVL. That is because casuals are entitled to paid FDVL.

Below is the model clause:

#### **XX. Family and domestic violence leave**

Family and domestic violence leave is provided for in the NES.

NOTE 1: Information provided to employers concerning an employee's experience of family and domestic violence is sensitive and if mishandled can have adverse consequences for the employee. Employers are subject to confidentiality requirements regarding the handling of this information under section 106C of the Act and requirements as to what can be reported on payslips pursuant to regulations 3.47 and 3.48 of the *Fair Work Regulations 2009*.

NOTE 2: Depending upon the circumstances, evidence that would satisfy a reasonable person of the employee's need to take family and domestic violence leave may include a document issued by the police service, a court or family violence support service, or a statutory declaration.

### When will the changes come into effect?

The changes came into operation on **15 March 2023**.

To view the full decision [click here](#).

See below for the full list of Awards impacted (including links to determinations):

[Aboriginal and Torres Strait Islander Health Workers and Practitioners and Aboriginal Community Controlled Health Services Award 2020](#)

[Aged Care Award 2010](#)  
[Air Pilots Award 2020](#)  
[Aircraft Cabin Crew Award 2020](#)  
[Airline Operations–Ground Staff Award 2020](#)  
[Airport Employees Award 2020](#)  
[Alpine Resorts Award 2020](#)  
[Aluminium Industry Award 2020](#)  
[Ambulance and Patient Transport Industry Award 2020](#)  
[Amusement, Events and Recreation Award 2020](#)  
[Animal Care and Veterinary Services Award 2020](#)  
[Aquaculture Industry Award 2020](#)  
[Architects Award 2020](#)  
[Asphalt Industry Award 2020](#)  
[Australian Government Industry Award 2016](#)  
[Banking, Finance and Insurance Award 2020](#)  
[Black Coal Mining Industry Award 2020](#)  
[Book Industry Award 2020](#)  
[Broadcasting, Recorded Entertainment and Cinemas Award 2020](#)  
[Building and Construction General On-site Award 2020](#)  
[Business Equipment Award 2020](#)  
[Car Parking Award 2020](#)  
[Cement, Lime and Quarrying Award 2020](#)  
[Cemetery Industry Award 2020](#)  
[Children’s Services Award 2010](#)  
[Cleaning Services Award 2020](#)  
[Clerks—Private Sector Award 2020](#)  
[Coal Export Terminals Award 2020](#)  
[Commercial Sales Award 2020](#)  
[Concrete Products Award 2020](#)  
[Contract Call Centres Award 2020](#)  
[Corrections and Detention \(Private Sector\) Award 2020](#)  
[Cotton Ginning Award 2020](#)  
[Dredging Industry Award 2020](#)  
[Dry Cleaning and Laundry Industry Award 2020](#)  
[Educational Services \(Post-Secondary Education\) Award 2020](#)  
[Educational Services \(Schools\) General Staff Award 2020](#)  
[Educational Services \(Teachers\) Award 2020](#)  
[Electrical Power Industry Award 2020](#)  
[Electrical, Electronic and Communications Contracting Award 2020](#)  
[Fast Food Industry Award 2020](#)  
[Fire Fighting Industry Award 2020](#)  
[Fitness Industry Award 2020](#)  
[Food, Beverage and Tobacco Manufacturing Award 2020](#)  
[Funeral Industry Award 2020](#)  
[Gardening and Landscaping Services Award 2020](#)  
[Gas Industry Award 2020](#)  
[General Retail Industry Award 2020](#)  
[Graphic Arts, Printing and Publishing Award 2020](#)

[Hair and Beauty Industry Award 2020](#)  
[Health Professionals and Support Services Award 2020](#)  
[Higher Education Industry—Academic Staff—Award 2020](#)  
[Higher Education Industry—General Staff—Award 2020](#)  
[Horse and Greyhound Training Award 2020](#)  
[Horticulture Award 2020](#)  
[Hospitality Industry \(General\) Award 2020](#)  
[Hydrocarbons Field Geologists Award 2020](#)  
[Hydrocarbons Industry \(Upstream\) Award 2020](#)  
[Joinery and Building Trades Award 2020](#)  
[Journalists Published Media Award 2020](#)  
[Labour Market Assistance Industry Award 2020](#)  
[Legal Services Award 2020](#)  
[Live Performance Award 2020](#)  
[Local Government Industry Award 2020](#)  
[Mannequins and Models Award 2020](#)  
[Manufacturing and Associated Industries and Occupations Award 2020](#)  
[Marine Tourism and Charter Vessels Award 2020](#)  
[Marine Towage Award 2020](#)  
[Maritime Offshore Oil and Gas Award 2020](#)  
[Market and Social Research Award 2020](#)  
[Meat Industry Award 2020](#)  
[Medical Practitioners Award 2020](#)  
[Mining Industry Award 2020](#)  
[Miscellaneous Award 2020](#)  
[Mobile Crane Hiring Award 2020](#)  
[Nursery Award 2020](#)  
[Nurses Award 2020](#)  
[Oil Refining and Manufacturing Award 2020](#)  
[Passenger Vehicle Transportation Award 2020](#)  
[Pastoral Award 2020](#)  
[Pest Control Industry Award 2020](#)  
[Pharmaceutical Industry Award 2020](#)  
[Pharmacy Industry Award 2020](#)  
[Plumbing and Fire Sprinklers Award 2020](#)  
[Port Authorities Award 2020](#)  
[Ports, Harbours and Enclosed Water Vessels Award 2020](#)  
[Poultry Processing Award 2020](#)  
[Premixed Concrete Award 2020](#)  
[Professional Diving Industry \(Industrial\) Award 2020](#)  
[Professional Diving Industry \(Recreational\) Award 2020](#)  
[Professional Employees Award 2020](#)  
[Racing Clubs Events Award 2020](#)  
[Racing Industry Ground Maintenance Award 2020](#)  
[Rail Industry Award 2020.](#)  
[Real Estate Industry Award 2020](#)  
[Registered and Licensed Clubs Award 2020](#)  
[Restaurant Industry Award 2020](#)

[Road Transport \(Long Distance Operations\) Award 2020](#)  
[Road Transport and Distribution Award 2020](#)  
[Salt Industry Award 2020](#)  
[Seafood Processing Award 2020](#)  
[Seagoing Industry Award 2020](#)  
[Security Services Industry Award 2020](#)  
[Silviculture Award 2020](#)  
[Social, Community, Home Care and Disability Services Industry Award 2010](#)  
[Sporting Organisations Award 2020](#)  
[State Government Agencies Award 2020](#)  
[Stevedoring Industry Award 2020](#)  
[Storage Services and Wholesale Award 2020](#)  
[Sugar Industry Award 2020](#)  
[Supported Employment Services Award 2020](#)  
[Surveying Award 2020](#)  
[Telecommunications Services Award 2020](#)  
[Textile, Clothing, Footwear and Associated Industries Award 2020](#)  
[Timber Industry Award 2020](#)  
[Transport \(Cash in Transit\) Award 2020](#)  
[Travelling Shows Award 2020](#)  
[Vehicle Repair, Services and Retail Award 2020](#)  
[Waste Management Award 2020](#)  
[Water Industry Award 2020](#)  
[Wine Industry Award 2020](#)  
[Wool Storage, Sampling and Testing Award 2020](#)

**Please call the TCCI Workplace Advice Line on 1300 765 123 or email [advice@mybusiness.com.au](mailto:advice@mybusiness.com.au) if you wish to discuss this circular or require further information**