

Domestic and Family Violence Leave

COSBOA policy

Domestic and Family Violence (DFV) in all forms is unacceptable. Small business people deal with this compassionately and generously as it arises without legislation or regulation in most cases. The circumstances of DFV and the variety of small business workplaces and structures makes regulation in this sensitive area difficult. Current laws place an unfair legal burden on small business¹. The proposal to amend the Fair Work Act 2009 to provide employees 10 days of paid domestic and family violence leave (DFVL) will place small business people in a position of arbitrators of DFV claims, without the skills, resources, or time to manage the human consequences.

Given the above observations, COSBOA's policy position in respect of Domestic and Family Violence Leave is as follows:

1. The existing 5 days unpaid DFVL provision should be maintained, with possible future provision for a formal offset arrangement, where staff are able to utilise paid personal leave entitlements in lieu of unpaid DFVL.
2. Small business owners cannot reasonably be asked to be the arbiter of claims for paid DFV assistance as they do not possess the requisite knowledge and expertise to properly support to staff dealing with DFV. Rather, support should be sourced via the national welfare and counselling ecosystem.
3. Small business owners should be provided meaningful information and guidance in respect of the navigation of the national DFV support system and employee referral.
4. Consideration should be given to the development of a suitable government scheme (perhaps like the paid parental leave scheme) to support small business employees affected by DFV.

¹ Refer to the *Current Employer Guide Advice from FWO Quick Start Employer Guide to Family and Domestic Violence*, which places the burden of legal advice on the small business person.