

26A Family Violence leave

- 26A.1 The Employer is committed to supporting staff who are affected by family violence, in accordance with the relevant legislation and good employer principles.
- 26A.2 The provisions of sections 72A to 72J of the Holidays Act 2003 set out the entitlement to, and requirements of, Family Violence leave.
- 26A.3 Employees affected by family violence are encouraged to talk to their manager or Human Resources Department regarding the support available, including under any applicable Family Violence (or equivalent) policy implemented by the employer.
- 26A.4 Under clause 72E of the Act (“Employee must notify employer of intention to take domestic violence leave”) the employee shall be entitled to choose the manager to whom they feel comfortable in making an application, and that manager shall keep information pertaining to that application confidential other than any reasonable disclosure necessary for the application of the Act’s provisions, the Employer’s policy, and employer’s business.
- 26A.5 The Employer will not keep records past what is reasonably necessary to comply with their legal obligations, whether on the Employee’s personnel file or anywhere else, of any personal information or discussions concerning family violence without the express agreement of the affected Employee.

Overview – Application

Family Violence Leave

Family violence is also known as domestic violence. It means all forms of violence in family and intimate relationships. Family violence can be physical, sexual or psychological abuse.

Health NZ is committed to supporting staff who are affected by family violence, in accordance with the relevant legislation and good employer principles.

Employees affected by family violence are encouraged to talk to their manager or Human Resources Department regarding the support available, including under any applicable Family Violence (or equivalent) policy implemented by Health NZ.

Entitlements

Employees are eligible for paid family violence leave if:

- they have six months’ current continuous employment, or
- they have worked for the employer for six months for:
 - an average of 10 hours per week, and
 - at least one hour in every week or 40 hours in every month.

Employees affected by family violence have the right to:

- Take up to 10 days of paid family violence leave. This is separate from annual leave, sick leave and bereavement leave.
- Ask for short-term flexible working arrangements. This can be for up to 2 months.
- Not be treated adversely in the workplace because they might have experienced family violence. This is discrimination.

It does not matter when the family violence took place. Employees still have these rights if they experienced family violence before they began working for their current employer or before the law changed on 1 April 2019.

Comparison STONZ and NZRDA CA

Although there is no corresponding clause in the NZRDA CA entitlement to Family Violence Leave is a statutory requirement in accordance with the Holidays Act 2003.