

## Clause 26A

### 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 DHB 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 DHB 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

Application of this clause will be in accordance with sections 72A to 72J of the Holidays Act 2003 and having regard to the relevant DHB policy. Entitlement is 10 days per annum after 6 months’ service acknowledging DHBs have the discretion under policy to provide leave where an RMO might not otherwise qualify.

Specific operational rules around how an RMO may make an application and the confidential management of information related to such applications will also be in accordance with the requirements set out at clauses 26A.4 and 26A.5 of the STONZ MECA.

### Frequently Asked Questions (FAQs)

1. How many days of Family Violence Leave can I access under clause 26A?
  - The entitlement is as per the Holidays Act which is 10 days per annum after 6 months’ service – acknowledging that DHBs have the discretion under policy to provide leave where an RMO might not otherwise qualify.
2. Am I required to notify the DHB of my intention to take leave under this provision?
  - As set out at 26A.4 you must notify the DHB of your intention to take family violence leave but the employee is 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 DHB policy, and employer’s business.
3. Will the DHB keep records of any discussions and / or information in relation to a Family Violence Leave request?
  - The DHB 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.

### Comparison STONZ and NZRDA MECAs

There is no difference between clause 26A in the STONZ MECA and clause 21A in the NZRDA MECA.