

Domestic Abuse (Safe Leave) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Make provision for an entitlement to paid safe leave for victims of domestic abuse; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Entitlement to paid safe leave for victims of domestic abuse

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) After section 80N (complaint to employment tribunal), insert—

“PART 8B

SAFE LEAVE FOR VICTIMS OF DOMESTIC ABUSE

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80O Domestic abuse safe leave

- (1) The Secretary of State must by regulations provide for an entitlement for an employee who is a victim of domestic abuse to be absent from work on leave for the purpose of dealing with issues related to the domestic abuse (referred to in this Part as “safe leave”).

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- (2) For the purposes of this Part, “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021.

- (3) Issues related to domestic abuse for the purposes of subsection (1) include, but are not limited to—

- (a) obtaining legal advice and pursuing legal proceedings and remedies;
- (b) finding alternative accommodation;
- (c) taking advantage of healthcare (including mental health care);
- (d) obtaining welfare support;
- (e) protecting family members; and
- (f) such other matters as may be specified in the regulations.

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- (4) The regulations must, in particular, include provision ensuring that the period of safe leave to which an employee who is a victim of

domestic abuse is entitled is at least 10 days in each leave year (whether or not taken as a single continuous period), with “leave year” having the meaning given in, and being calculated in accordance with, the regulations.

- (5) The regulations may make provision about how safe leave is to be taken; and, in particular, the regulations may— 5
- (a) attach conditions, or enable an employer to attach reasonable conditions, in respect of entitlement to safe leave (including as to when it may be taken);
 - (b) require an employee to give such notice (if any) as is reasonably practicable before taking safe leave. 10
- (6) The regulations may not impose conditions, or enable an employer to impose conditions, about length of service for eligibility for safe leave. 15

80P Rights during and after safe leave

- (1) Regulations under section 80O must provide— 15
- (a) that an employee who is absent on safe leave is entitled, for such purposes and to such extent as may be specified, to the benefit of the terms and conditions of employment which would have applied but for the absence;
 - (b) that an employee who is absent on safe leave is bound, for such purposes and to such extent as may be specified, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section); and 20
 - (c) that an employee who is absent on safe leave is entitled to return from leave to a job of a specified kind (but this is subject to section 80Q). 25
- (2) In paragraph (1)(a), “terms and conditions of employment” includes— 30
- (a) terms and conditions about remuneration, and
 - (b) any other matters connected with an employee’s employment whether or not they arise under the contract of employment.
- (3) Provision under paragraph (1)(a) must, in particular, provide that it is for the employer of an employee who is absent on safe leave to pay the employee remuneration in respect of the period of safe leave. 35
- (4) The reference in paragraph (1)(c) to absence on safe leave includes, where appropriate, a reference to a continuous period of absence attributable partly to safe leave and partly to any one or more of the following—
- (a) maternity leave;
 - (b) paternity leave;
 - (c) adoption leave;
 - (d) shared parental leave; and
 - (e) parental leave. 40

- (5) Regulations under section 80O may make provision, in relation to the right to return mentioned in paragraph (1)(c), about—
 (a) seniority, pension rights and similar rights; and
 (b) terms and conditions of employment on return.

80Q Redundancy or dismissal

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- (1) Regulations under section 80O may make provision about—
 (a) redundancy, or
 (b) dismissal (other than by reason of redundancy)
 during a period of safe leave.
 (2) Provision under subsection (1) may include provision requiring an employer to offer alternative employment. 10

80R Enforcement

- (1) Regulations under section 80O may make provision for the consequences of—
 (a) the prevention or attempted prevention by an employer of the exercise by an employee of the entitlement to be absent from work on safe leave;
 (b) a failure by the employer to comply with the requirement to pay remuneration by virtue of section 80P(3);
 (c) a failure to comply with any other provision of the regulations. 15
 (2) Provision under subsection (1) may, in particular—
 (a) enable an employee to present a complaint to an industrial tribunal, and
 (b) include provision as to the remedies available to an industrial tribunal where it finds a complaint presented by virtue of this section to be well-founded. 20
 (3) Provision under subsection (1) made in connection with provision under section 80Q may include provision for a dismissal to be treated as unfair for the purposes of Part X. 25

80RA Consequential provision

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- (1) The Secretary of State may by regulations made by statutory instrument make provision consequential on this Part.
 (2) The power to make regulations under subsection (1) may (among other things) be exercised by modifying any provision made by or under an enactment. 35

80S Regulations

- (1) A statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.
- (2) Before laying before Parliament a draft statutory instrument containing regulations under this Part, the Secretary of State must consult—
(a) the Domestic Abuse Commissioner,
(b) organisations representing victims and survivors of domestic abuse,
(c) organisations representing employers;
(d) such other persons as the Secretary of State considers appropriate.”

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2 Extent, commencement and short title

- (1) This Act extends to England and Wales and Scotland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Domestic Abuse (Safe Leave) Act 2025.

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