

**Compassionate Leave**

This is leave (time off work) for a worker in compassionate cirucmstances. It is sometimes called bereavement leave. It can sometimes apply to Sorry Business.

**www.fairwork.gov.au**

# Who can take compassionate leave?

* All workers are entitled to compassionate leave. Compassionate leave is available in certain situations.

# When can a worker take compassionate leave?

* Workers can take compassionate leave when someone in their immediate family (which includes parents, children, siblings, partners, grandparents, or a partner’s family) or household dies or suffers a life-threatening illness or injury.
* Workers can also take compassionate leave when a child in their immediate family or household is stillborn, or if they or their current spouse or de facto partner has a miscarriage.
* Workers must tell their boss they are taking compassionate leave as soon as they can (this may be after the leave has started) and how much leave they are taking.

# How much compassionate leave can a worker take?

* Workers can take 2 days of compassionate leave each time they need it. They can take this as:
  + one continuous period of 2 days
  + 2 separate periods of 1 day each, or
  + any separate periods that the worker and their boss agree to.

# How much pay does a worker get during compassionate leave?

* Full-time and part-time workers get their base rate of pay (the normal amount without overtime, penalty rates, bonuses and allowances) for the ordinary hours they would have worked during the leave.
* Casual workers get unpaid compassionate leave.

# Do workers need to give their boss any evidence?

* A worker can be asked to provide evidence of the reason for compassionate leave. This is usually either:
  + a medical certificate, death or funeral notice or
  + a statutory declaration (when you write down a statement and you declare it to be true and sign it in front of an authorised witness, who then also signs the document).
* A worker might not get compassionate leave if they don’t give notice and provide any requested evidence.

# What happens if a worker needs more than 2 days of compassionate leave?

* Workers should talk to their boss about taking other types of leave or time off. This could include:
  + annual leave (holiday pay)
  + personal/carer’s leave (sick leave)
  + taking annual leave in advance
  + time off in lieu, or
  + unpaid leave.
* Check the award or registered agreement if one applies – some might provide unpaid ceremonial leave that gives Aboriginal and Torres Strait Islander workers the right to take unpaid leave for Sorry Business. Visit [www.fairwork.gov.au/awards](http://www.fairwork.gov.au/awards) and [www.fairwork.gov.au/agreements](http://www.fairwork.gov.au/agreements)

# Find out more

For more information about compassionate leave or other leave, go to [www.fairwork.gov.au/leave](http://www.fairwork.gov.au/leave).

You can also talk with someone from a community organisation or community legal centre, an HR officer, an Indigenous liaison or employment officer, an employer association (if you’re a boss) or a union representative (if you’re a worker).

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