



Australian Government

Fair Work
OMBUDSMAN

Do you need time off for Sorry Business?

This guide provides advice to help Aboriginal and Torres Strait Islander workers to understand what time away from work they are entitled to during Sorry Business and how they can work with their employer to agree on this time off.

Do you need time off for Sorry Business?



What is compassionate leave?

If you need time off work for Sorry Business, you might be able to take compassionate leave.

The law says that your boss must let you take compassionate leave when someone in your immediate family or household dies or has a life-threatening illness or injury.

Immediate family is your:

- spouse (husband or wife)
- de facto partner
- child
- parent
- grandparent
- grandchild
- sibling, or
- a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner.



Who can take compassionate leave?

All workers can take compassionate leave when someone in your immediate family or household dies or has a life-threatening illness or injury.

If your Sorry Business involves someone who is not an immediate family or household member you can't get compassionate leave, but you should still talk to your boss about taking time off work. Your boss might agree to give you paid leave or there might be other types of leave you can get.



How much leave can you take?

You can take 2 days of compassionate leave each time you need it.

If you need more than 2 days off work for Sorry Business talk to your boss about why you need more time off work and how much time you need.



How much pay will you get on leave?

If you are a full-time or part-time worker, you will get your base rate of pay for the hours you would have worked during the leave. This doesn't include overtime, penalties, allowances or bonuses.

If you are a casual worker, you get unpaid compassionate leave.



Do you need time off for Sorry Business?



Can your boss stop you from taking compassionate leave?

The law says that your boss must let you take compassionate leave. Your boss can ask you for evidence about the reason for compassionate leave. Evidence could be 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 a witness).

If you don't give evidence, you might not get compassionate leave.

If you want to take other types of leave, like annual leave or unpaid leave, you should talk to your boss.



What can you do to help your boss during Sorry Business?

If you need to take time off work for Sorry Business it's a good idea to let your boss know as soon as you can. This can help them to understand your needs and manage their business. You should:

There are steps you can take to support a worker during Sorry Business:

- **Find out about what leave or time off you can get.** You might get compassionate leave, annual leave, sick/carers leave, leave in advance, unpaid leave or time off in lieu. Depending on what sort of work you do, you might be able to take unpaid ceremonial leave for Sorry Business.
- **Give your boss as much information as you can** about why you need time off work and be clear about how much time you need.
- **Talk to your boss** and agree about what works best for both of you.
- **Let your boss know** if anything happens that will change how much time off work you need.



Kara's Sorry Business for her grandmother



Kara's grandmother died yesterday. She needs to travel to her community for Sorry Business, but she is not sure when. Kara is very upset and decides not to ask her boss for leave until she knows when she needs to go. 2 days later she finds out more details and needs to leave straight away to go home.



Kara's grandmother died yesterday. She knows she needs to travel to her hometown for Sorry Business, but she is not sure when. Kara is very upset, but decides to tell her boss about her grandmother's death and lets her boss know that she would like to take leave in the coming days.

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Troy's Sorry Business for his grandfather

Troy is a truck driver. He was on a job when his uncle called him to say that his grandfather had died. Troy immediately called his boss Eric to say that he wants to attend Sorry Business and that he might need 5 days off work. Troy tells Eric that he doesn't know exactly how much time off he will need, but he will find out when he gets home and finds out about the traditions that will be observed.

Eric knows that Troy was close to his grandfather and that Sorry Business is an important part of Troy's mourning process. Eric tells Troy that he can take 2 days of compassionate leave, and that he can take annual leave or unpaid leave for the other 3 days.

Troy promises to call Eric when he gets home to tell him how much leave he needs and what type of leave he wants to take.

Troy feels supported by his boss. Eric knows how difficult it is to find good drivers and is happy that Troy gave as much notice as he could about his leave. Eric can now plan for somebody else to do Troy's driving jobs while Troy is away.



Find out more

For more information about compassionate leave you can go to www.fairwork.gov.au/leave.

If you need help talking to your boss, you can do our 'Difficult conversations in the workplace' online learning course at www.fairwork.gov.au/learning.

You can also talk with someone from a community organisation or community legal centre, an HR officer, an Indigenous liaison or employment officer, or union representative.