



Australian Government

Fair Work
OMBUDSMAN

Compassionate leave

This is time off work for an employee in compassionate circumstances. It is sometimes called bereavement leave. It can sometimes apply to Sorry Business.



About our artwork: **Stepping forward**

Stepping forward represents taking the next step on the journey towards reconciliation and the potential possibilities when everyone is included.

Connecting with diverse people, meeting, listening and sharing together, can build respect and trust. Working in concert for a common purpose and united in the mission to make meaningful change.

It serves as a reminder of the dynamism and vibrancy of First Nations people and the lands from which they come, making the emergence of new ideas and ways of being possible that enables the envisioning of a brighter future.

Artist: **Timothy Buckley**

Compassionate leave



Who can take compassionate leave?

- ▶ All employees are entitled to compassionate leave. Compassionate leave is available in certain situations.



When can an employee take compassionate leave?

- ▶ Employees can take compassionate leave when someone in their immediate family or household dies or suffers a life-threatening illness or injury. Immediate family means an employee's parents, children, siblings, partner, grandparents, or their partner's family.
- ▶ Employees 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 have a miscarriage.
- ▶ Employees must tell their boss they are taking compassionate leave as soon as they can. This may be after the leave has started. They also have to tell them how much leave they are taking.



How much compassionate leave can an employee take?

- ▶ Employees 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 one day each, or
 - any separate periods that the employee and their boss agree to.



How much pay does an employee get during compassionate leave?

- ▶ Full-time and part-time employees get their base rate of pay for the ordinary hours they would have worked during the leave. This does not include any overtime, penalty rates, bonuses or allowances.
- ▶ Casual employees get unpaid compassionate leave.



Do employees need to give their boss any evidence?

- ▶ An employee 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. This is when you write down a statement, you declare it to be true and sign it in front of an authorised witness, who then also signs the document.
- ▶ An employee might not get compassionate leave if they don't give notice and provide any requested evidence.



What happens if an employee needs more than 2 days of compassionate leave?

- ▶ Employees 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 First Nations employees the right to take unpaid leave for Sorry Business. Visit [fairwork.gov.au/awards](https://www.fairwork.gov.au/awards) and [fairwork.gov.au/agreements](https://www.fairwork.gov.au/agreements).



Find out more

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

Contact us

Fair Work online: [fairwork.gov.au](https://www.fairwork.gov.au)

Fair Work Infoline: **13 13 94**

Need language help?

Contact the Translating and Interpreting Service (TIS) on **13 14 50**

Help for people who are deaf or have hearing or speech difficulties

You can contact us through the National Relay Service (NRS).

Select your [preferred access option](#) and give our phone number: **13 13 94**

The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this fact sheet is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

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