

Supporting employees during Sorry Business

This fact sheet provides advice to help bosses support First Nations employees during Sorry Business.

Due to cultural differences relating to bereavement, funeral and mourning practices across Australia, this fact sheet is a general guide only.

It is recommended that you work closely with individual employees and their families and communities to fully understand their needs during 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**

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What is Sorry Business?

Many First Nations people mourn the loss of a family member by following traditional ceremonies and practices, often known as Sorry Business.

Sorry Business is an important time of mourning that involves responsibilities and obligations to attend funerals and participate in other cultural events, activities or ceremonies with the community. This is part of a community and cultural tradition that is highly important for First Nations people.

A First Nations community may also conduct Sorry Business if a family or community member is ill or imprisoned, or to mourn the loss of cultural connection to the land (for example, if a native title application is lost) which can be as painful as the loss of a loved one.



Why is Sorry Business important in First Nations cultures?

Sorry Business, including attending the funeral of family or community members, ensures that a person's spirit is properly put to rest. If an individual doesn't attend the funeral or the funeral isn't done according to culture, the spirit may cause the individual problems.

For many First Nations people, not participating in Sorry Business may also be viewed by an individual's relatives or community as not valuing family. However, the mourning process can be different for each First Nations employee and some may not want to take part in Sorry Business.

You should talk to your employee about what they might need or want.



Who is affected by Sorry Business?

Most First Nations people have clear cultural obligations to be involved in Sorry Business relating to the death or loss of immediate family members as well as extended family and people with kinship or community ties.

Even though Australian workplace law says that employees can take compassionate leave when someone in their immediate family or household dies (and in some other circumstances), it is important to support your employee to take time off work for Sorry Business which involves other people.

You should talk to your employee about their mourning needs and consider options for additional paid or unpaid leave. This might include annual leave, sick or carer's leave, leave in advance, unpaid leave or time off in lieu.



How long can Sorry Business last?

There is no set time period for Sorry Business. Ceremonies and mourning periods can vary depending upon community customs, which may take place or continue long after the death of a person. The time period for Sorry Business also depends on the status of the person being mourned as well as the nature of the relationship between the person taking part in Sorry Business and the person who died.

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What is an employee's right to compassionate leave?

Who can take compassionate leave?	All employees are entitled to compassionate leave.
When can an employee take compassionate leave?	<p>Employees are entitled to take compassionate leave when:</p> <ul style="list-style-type: none">▶ a member of their immediate family or household dies or suffers a life threatening illness or injury▶ a child who would have been part of their immediate family or household is stillborn▶ an employee, or an employee's current spouse or de facto partner, has a miscarriage. <p>Employees must tell you that they are taking compassionate leave as soon as they can. This may be after the leave has started. They also need to tell you how much leave they are taking. You cannot stop an employee from taking compassionate leave if they have provided you with notice of taking leave, or treat them differently because of it.</p>
How much compassionate leave can be taken?	<p>Employees can take 2 days of compassionate leave each time they need it. Your employee can take this as:</p> <ul style="list-style-type: none">▶ one continuous period of 2 days▶ 2 separate periods of one day each, or▶ any separate periods that you and your employee agree to.
How much pay does an employee get during compassionate leave?	<p>Full-time and part-time employees who take compassionate leave get their base rate of pay for the hours they would have worked while they're on leave. This doesn't include overtime, penalty rates, allowances or bonuses.</p> <p>Casual employees get unpaid compassionate leave.</p>
Do employees need to give their boss any evidence?	<p>You can ask your employee to give evidence about the reason for compassionate leave. This is usually a medical certificate, death or funeral notice or a statutory declaration. A statutory declaration is a written statement which the employee declares to be true and signs in front of an authorised witness, such as a lawyer or a nurse. The authorised witness also needs to sign the declaration.</p>



What can you do to support your employee during Sorry Business?

Supporting employees to take time off work for Sorry Business might have an impact on your business. You should discuss the circumstances with your employee and agree on arrangements that help meet their needs and the needs of your business. Remember, reducing the stress from conflicting demands between family, work and other responsibilities in life is of benefit to employees, bosses and the wider community.

There are steps you can take to support an employee during Sorry Business:

- ▶ **Listen carefully** to your employee and offer your support.
- ▶ **Check how much time your employee might need** away from work and when they might need this time.
- ▶ **Talk to your employee about taking compassionate leave.** Be aware that some awards may allow First Nations employees to take unpaid ceremonial leave. You can check your award at [fairwork.gov.au/awards](https://www.fairwork.gov.au/awards).
- ▶ **Consider other options for additional leave or time off wherever possible.** This could include annual leave, sick or carer's leave, leave in advance, unpaid leave or time off in lieu.
- ▶ **Explain the significance of Sorry Business** to other employees and promote cultural awareness in your workplace.
- ▶ **Get some help** if you are unsure how to support your employee. This could include speaking to a trusted community member or Indigenous liaison officer to better understand the cultural issues around Sorry Business.





Alan's Sorry Business for his uncle

Alan works at a panel beating business. He tells his boss John that his uncle has died and he needs to go home to the North Coast for Sorry Business. Alan tells John that he will be away for around 5 days but he can't be sure until he gets home and talks about it with his community.

John tells Alan that he can take 2 days of paid compassionate leave and he can choose if he wants to take paid annual leave or unpaid leave for the rest of the time he will be off work.

Alan has a car loan and needs money for his loan repayment, so he tells John that he would like to take paid annual leave. John needs to make arrangements for the work that Alan would have been doing in this period. Alan confirms that he'll contact John when he knows how much time off work he will need.

Alan feels supported by his boss and has a renewed level of loyalty to the company. John knows how difficult it is to find a good tradesman like Alan and is happy to have helped him feel valued in the workplace.



Find out more

For more information about compassionate leave and other leave visit fairwork.gov.au/leave.

For more information about local Sorry Business protocols, speak to a trusted community member or Indigenous liaison officer.

Your award or enterprise agreement may have additional rules about leave First Nations people can take. You can find out more about awards and agreements at fairwork.gov.au/awards and fairwork.gov.au/agreements.

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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