

Compassionate & bereavement leave

All employees (including casual employees) are entitled to compassionate leave (also known as bereavement leave).

Compassionate leave can be taken when a member of an employee's immediate family or household:

- dies or
- contracts or develops a life-threatening illness or injury.

Immediate family is an employee's:

- spouse or former spouse
- de facto partner or former 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 (or former spouse or de facto partner).

This definition includes step-relations (eg. step-parents and step-children) as well as adoptive relations.

Employees will be able to take compassionate leave for other relatives (eg. cousins, aunts and uncles) if they are a member of the employee's household, or if the employer agrees to this.

Amount of compassionate leave

All employees are entitled to 2 days compassionate leave each time an immediate family or household member dies or suffers a life threatening illness or injury.

The compassionate leave can be taken as:

- a single continuous 2 day period, or
- 2 separate periods of 1 day each, or
- any separate periods the employee and the employer agree.

An employee does not accumulate compassionate leave and it doesn't come out of their sick and carer's leave (or annual leave) balance. It can be taken any time an employee needs it.

If an employee is already on another type of leave (eg. annual leave) and needs to take compassionate leave, the employee can use compassionate leave instead of the other leave.

Payment for compassionate leave

Full-time and part-time employees receive paid compassionate leave and casual employees receive unpaid compassionate leave.

Full-time and part-time employees are paid at their base pay rate for the ordinary hours they would have worked during the leave.

This doesn't include separate entitlements such as incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates.

Compassionate leave can't be cashed out.


Notice and evidence

An employee taking compassionate leave must give their employer notice as soon as they can (this may be after the leave has started). The employee must tell the employer of the period, or expected period, of the leave.

An employer can request evidence about the reason for compassionate leave (eg. a death or funeral notice or statutory declaration). This request for evidence has to be reasonable. If the employee doesn't provide the requested notice or evidence they may not get

compassionate leave.

An award or registered agreement (www.fairwork.gov.au/Dictionary.aspx?TermID=2034) can include terms about the kind of evidence that an employee must provide to get compassionate leave.

Source reference: [Fair Work Act 2009 s.12 and 104-106](http://www.comlaw.gov.au/Series/C2009A00028)  (<http://www.comlaw.gov.au/Series/C2009A00028>)

Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

You might also be interested in:

- [Personal leave and compassionate leave fact sheet \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/personal-leave-and-compassionate-leave\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/personal-leave-and-compassionate-leave)
- [Minimum wages \(www.fairwork.gov.au/pay/minimum-wages\)](http://www.fairwork.gov.au/pay/minimum-wages)
- [Sick and carer's leave \(www.fairwork.gov.au/leave/sick-and-carers-leave/default\)](http://www.fairwork.gov.au/leave/sick-and-carers-leave/default)
- [Record-keeping \(www.fairwork.gov.au/pay/pay-slips-and-record-keeping/record-keeping\)](http://www.fairwork.gov.au/pay/pay-slips-and-record-keeping/record-keeping)

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

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

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website 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 workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.