



Australian Government

Fair Work OMBUDSMAN

Supporting workers during **Sorry Business**



This fact sheet provides advice to help employers support Aboriginal and Torres Strait Islander workers 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 workers and their families and communities to fully understand their needs during Sorry Business.



What is Sorry Business?

Many Aboriginal and Torres Strait Islander peoples 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 Aboriginal and Torres Strait Islander peoples.

An Aboriginal and Torres Strait Islander 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 (e.g. if a native title application is lost) which can be as painful as the loss of a loved one.

Who is affected by Sorry Business?

Most Aboriginal and Torres Strait Islander peoples 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 the law says that workers can take compassionate leave when someone in their immediate family or household dies, it is important to support your worker to take time off work for Sorry Business which involves other people.

You should talk to your worker about their mourning needs and consider options for additional paid or unpaid leave, including annual leave, sick/carers 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.

Why is Sorry Business important in Aboriginal and Torres Strait Islander 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 Aboriginal and Torres Strait Islander peoples 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 Aboriginal and Torres Strait Islander worker and some may not want to take part in Sorry Business.

You should talk to your worker about what mourning they might need.

? What is a worker's right to compassionate leave?

Who?	All workers get compassionate leave.
When?	Workers can take compassionate leave when a member of their immediate family or household dies or suffers a life threatening illness or injury. Workers must tell you that they are taking compassionate leave as soon as they can. You cannot stop a worker from taking compassionate leave or treat them differently because of it.
How much?	Workers can take 2 days of compassionate leave each time they need it.
Pay?	Full-time and part-time workers who take compassionate leave get their base rate of pay for the hours they would have worked on these days. This doesn't include overtime, penalties, allowances or bonuses. Casual workers get unpaid compassionate leave.
Evidence?	You can ask your worker to give evidence about the reason for compassionate leave. This is usually a medical certificate (for life threatening illness or injury), death or funeral notice or a statutory declaration (a written statement which the worker swears to be true and is signed by an authorised witness, such as a lawyer or a nurse).

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

Supporting workers to take time off work for Sorry Business might have an impact on your business. You should discuss the circumstances with your worker 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 workers, bosses and the wider community.

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

- **Listen carefully to your worker and offer your support.**
- **Check how much time your worker might need** away from work and when they might need this time.
- **Talk to your worker about using compassionate leave.** Be aware that some awards allow Aboriginal and Torres Strait Islander workers to take **unpaid ceremonial leave** – you can check at www.fairwork.gov.au/awardsandagreements
- **Consider options for additional paid or unpaid leave** wherever possible (this could include compassionate leave, annual leave, sick/carers leave, leave in advance, unpaid leave or timeoff in lieu).
- **Explain the significance of Sorry Business** to other workers and promote cultural awareness in your workplace.
- **Get some help** if you are unsure how to support your worker. 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 two 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 re-payment, 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, so Alan agrees to 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 do what he can to help him feel valued in the workplace.



Find out more

For more information about compassionate leave you can go to www.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 registered agreement may contain additional rules about leave Aboriginal and Torres Strait Islander workers can take. You can check at www.fairwork.gov.au/awardsandagreements