

Women in Australia still take on around 30 hours of unpaid care and domestic work each week, nearly double that of men. Too many workplaces tolerate negative attitudes towards care.

Personal and Carers Leave



See Fair Work Act s. 95 - 107 for more information

Women and parents often report experiencing difficulty accessing leave to care for sick children and family members. They report workplaces discouraging them from taking leave, discrimination and harassment, trouble access training and unequal access to career progression.

Workers are ready for change.

It is your legally protected workplace right to take leave when you need it. Being able to safely access sick and carer's leave is essential to protect the health, wellbeing and financial security of all workers.

Understanding your rights is the first step in making sure your workplace is safe and inclusive for women.

How much sick and carer's leave am I entitled to?

Full-time and part-time workers (except for casuals) are entitled to a minimum of 10 days paid sick and carer's leave each year. This leave is also known as Personal/Carer's Leave.

- Leave accrues pro-rata for part-time workers.
- Leave accrues progressively based on the ordinary hours you work. This means that leave does not accrue on any overtime hours you might work.
- Any sick and carer's leave you do not take, keeps accruing during the year and accumulates from year to year.

If you are employed as a casual worker, you are entitled to take a minimum of 2 days unpaid carer's leave for each occasion.

When can I take sick and carer's leave?

If you or someone you care for is physically or mentally unwell, you have a right to take paid sick or carer's leave.

Sick leave: You have a right to take paid sick leave if you are sick, injured or impacted by an unexpected emergency.

Carer's Leave: You have a right to take paid carer's leave if someone in your immediate family or household needs care or support because of a personal illness, injury or an unexpected emergency.

Sick and carer's leave comes from the same bucket of 10 days paid leave. This means for example, that you can take all 10 days as carer's leave if you need.

How much notice do I need to give?

You need to provide as much notice as you can when taking sick and carer's leave. This might be after the leave has started if your leave is unplanned.

Your notice should include the expected period of leave (if known).

If you are covered by an Enterprise Agreement, it might include a specific procedure about how to give notice (ie call a particular telephone number or a particular person). You should try and comply with this direction as best as possible.

Do I need to provide evidence?

If your employer asks, you need to provide reasonable evidence. This can include a medical certificate or a statutory declaration.

Do I have to tell work what is wrong?

You do not need to provide personal medical information (or the full nature of your family member's illness) in order to access sick and carer's leave.

There are some limited exceptions when it will be reasonable to provide more information. For example:

- If you have been away from work for a long time, and you need adjustments in order to return to work safely; or
- If you have restrictions on the work you can perform due to an injury.

Who counts as "immediate family"?

You can take carer's leave to support immediate family or a member of your household.

Immediate family includes your:

- Spouse and de facto partner, or former spouse
- Children and grandchildren
- Parents, grandparents and siblings
- Step and adoptive relations; as well as,
- Immediate family of your spouse or de facto partner, including children, parent, grandparent, grandchildren and sibling.

A member of your household is anyone you live with.

I have no leave left. What should I do?

If you have used up all of your paid sick and carer's leave, you have options:

- You are entitled to at least 2 days of unpaid carer's leave
- You lose nothing by asking for additional paid sick and carer's leave - the worst thing that happens is work will say no
- You could consider applying for any paid leave entitlements (annual leave, ADOs, long service leave)
- **Future options:** Consider working with your colleagues to negotiate an Enterprise Agreement and bargain for additional paid sick and carer's leave.

"It is very inconvenient for me to have unplanned time off which is generally related to my caring responsibilities. Men in my industry generally don't experience the same treatment as many still have stay at home wives."

- Heavy Equipment Operator



Is this discrimination?

I need to take leave to care for a family member. My employer has started treating me differently.

Know your rights.

The Fair Work Act says that an employer must not target or treat a worker badly because they exercised their workplace right to take sick or carer's leave. Some examples of discrimination might include:

- Suggesting you don't have a right to take sick or carer's leave
- Refusing to pay you when you take sick or carer's leave
- Threatening to sack you if you try and take leave again in the future
- Terminating your employment.

This kind of treatment is called "adverse action" and it is against the law.

If someone makes an unwelcome comment that offends, humiliates or intimidates you in connection with taking your leave, this might be harassment, discrimination or bullying if it is repeated. Harassment, sex discrimination and bullying are against the law, and your employer has a positive duty to take proactive steps to eliminate it in the workplace.

You have a right to take your leave and to not be discriminated against. You are not alone and you have options.

- Join the Union and fight collectively for change!
- [Click here](#) for steps you can take to effectively respond to harassment and discrimination when trying to access sick and carer's leave.

"I sometimes have to care for my mother interstate. They would be referred to as 'Queensland holidays'."

- Train Controller

"My caring responsibilities have eaten into my personal leave accruals, and then when I have needed those hours for my own personal use, I haven't had enough hours available to take paid time off."

- Process Operator

"I had to take leave to care for my sick child and was very much told that wasn't okay and I was taking too much."

- Authorised Officer



Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.



Rights at work
resources here

“Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change.”

- Trades Assistant

“I just think women thrive in this industry and we're bloody good at it!”

- Bus Operator

**Workplaces
FOR Women**
EQUALITY RESOURCES

weareunion.org.au/w4w

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