

This fact sheet provides information and guidance for staff in South Western Sydney Local Health District (SWSLHD) who have caring responsibilities outside of work.

## Who are Carers?

The [Carer Recognition Act 2010](#) defines a **carer** as an individual who provides personal care, support and assistance to another person who needs it because that other individual:

- (a) has a disability; or
- (b) has a medical condition (including a terminal or chronic illness); or
- (c) has a mental illness; or
- (d) is frail and aged.

An individual is not a **carer** in respect of care, support and assistance if he or she provides:

- (a) under a contract of service or a contract for the provision of services; or
- (b) in the course of doing voluntary work for a charitable, welfare or community organisation; or
- (c) as part of the requirements of a course of education or training.

## Carers in the workplace

Balancing the role of working and caring can present carers with significant challenges. Without adequate support, working carers may experience detrimental effects on their wellbeing and overall quality of life.

There is policy and legislation to ensure that carers are supported in the workplace. Working carers are entitled to the same rights as other employees, this includes carers leave and the right to request flexible working arrangements. Carers can also expect not to be discriminated against in the workplace because of their caring role.

## Policy and Legislative Context

- Part 3 of the [Carer Recognition Act 2010](#) 'Obligations of public service agencies and associated providers' states 'each public service agency's internal human resources policies, so far as they may significantly affect an employee's caring role, are to be developed having due regard to the Statement for Australia's Carers'.

- The [Leave Matters for the NSW Health Service](#) Policy Directive (PD2023\_006) states that 'all NSW Health manager's primary responsibility is to ensure the continuation of service provision and the wellbeing of patients and staff'. When dealing with leave requests, managers must ensure decisions are made consistent with legislative provisions, NSW Health Awards and this Policy (p.i).
- Under the [SWSLHD Flexible Working Arrangements Procedure](#) (SWSLHD\_Proc2023\_004), employees with carer responsibilities should be supported by accessing appropriate FWA in line with the principles of the [NSW Carers Charter](#).

### Flexible Work Arrangements

SWSLHD recognises that a workplace which supports flexibility in a balanced and well managed way can better meet consumer, organisational and employee needs.

Employees have the right to request a change in their working arrangements from their employer if they require flexibility because they are a Carer (within the meaning of the Carer Recognition Act 2010).

Under the [Anti-Discrimination Act 1977](#), employers are required to reasonably accommodate the caring responsibilities of their employees unless they can show that it would cause them unjustifiable hardship.

Examples of Flexible Working Arrangements may include:

- Working from home (if applicable) or working from another location
- Job share
- Roster changes or flexible starting and finishing time.

### Leave Options

Working Carers who provide ongoing unpaid carer support may also access certain leave entitlements where their carer responsibilities fall outside specific Award provisions. These leave options may be used to meet the responsibilities or demands of a caring role outside work. Certain leave entitlements include:

- Personal/Carers Leave
- Family and Community Services Leave (FACS)
- Annual Leave
- Long Service Leave
- Leave without pay

You are encouraged to discuss with your manager the ways in which the workplace can support you.

### Support Services and Resources for Working Carers

- [SWSLHD Staff Wellbeing & Support Service](#): A free and confidential for all SWSLHD employees and their families.  
Phone: 02 8738 4552  
Email: [SWSLHD-StaffWellbeingSupportServices@health.nsw.gov.au](mailto:SWSLHD-StaffWellbeingSupportServices@health.nsw.gov.au)
- [Carer Gateway](#): An Australian Government program providing free services and support for carers.  
Phone: 1800 422 737
- [SWSLHD Carers Program](#) provides support and information for working carers.  
Phone: 0476 801 022 or 0477 384 643  
Email: [SWSLHD-CarersProgram@health.nsw.gov.au](mailto:SWSLHD-CarersProgram@health.nsw.gov.au)

### Further Reading

- Flexible working policy guidance | NSW Public Service Commission  
[www.psc.nsw.gov.au/culture-and-inclusion/flexible-working/flexible-working-policy-guidance](http://www.psc.nsw.gov.au/culture-and-inclusion/flexible-working/flexible-working-policy-guidance)
- Leave Matters for the NSW Health Service  
[www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2023\\_006.pdf](http://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2023_006.pdf)
- Guide to the NSW Carers (Recognition) Act 2010  
[www.dcj.nsw.gov.au/community-inclusion/carers.html](http://www.dcj.nsw.gov.au/community-inclusion/carers.html)
- SWSLHD Carers Program  
[www.swslhd.health.nsw.gov.au/carers](http://www.swslhd.health.nsw.gov.au/carers)
- Carers and Employers  
[www.carersandemployers.org.au](http://www.carersandemployers.org.au)