



Submission to Office of Industrial Relations

*Investigation into proposed Christmas Eve
part-day public holiday 2019*

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submission

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Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the Office of Industrial Relations for the opportunity to provide feedback on the *Consultation regulatory impact statement - Investigation into proposed Christmas Eve part-day public holiday 2019* (impact statement).

Nursing and midwifery is the largest occupational group in Queensland Health (QH) and one of the largest across the Queensland government. The QNMU is the principal health union in Queensland covering all classifications of workers that make up the nursing workforce including registered nurses (RN), registered midwives (RM), nurse practitioners (NP), enrolled nurses (EN) and assistants in nursing (AIN) who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 60,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses and midwives in Queensland are members of the QNMU.

As our members are both consumers and workers who may be potentially impacted by the change of Christmas Eve becoming a part-day public holiday, we believe the benefits will outweigh the disadvantages.

The Australian Council of Trade Unions (ACTU) in their submission to Fair Work Australia Modern Award Review 2012, stated that "public holidays provide recognition of days of special significance (religious or otherwise) in the life of the wider community and a unique opportunity for people to participate in communal celebrations." (ACTU, 2012, p. 16). This statement goes to the heart of the proposal to make Christmas Eve a part-day public holiday.

The QNMU supports *Option 3: Legislate a part-day public holiday on Christmas Eve (24 December) between 6pm and 12 midnight to take effect from 2019.*

Recommendation

The QNMU supports *Option 3: Legislate a part-day public holiday on Christmas Eve (24 December) between 6pm and 12 midnight to take effect from 2019.*

1. Do you think a part-day public holiday on Christmas Eve (24 December) from 6pm to 12 midnight in Queensland is desirable? Why/why not.

The QNMU supports the proposed part-day public holiday on Christmas Eve from 6pm to 12 midnight. Nurses and midwives are essential in providing care around-the-clock in health and aged care environments. For many, the work they perform is shift work and includes working public holidays and days such as a Christmas Eve. The recognition of the part-day public holiday on Christmas Eve goes some way to compensate these essential services.

2. What do you see would be the key benefits of a part-day public holiday on Christmas Eve (24 December) from 6pm to 12 midnight? For workers? For employers? For government? For the community?

We see the benefits for nurses and midwives who choose not to work the part-day public holiday on Christmas Eve or those who are not required to work the part-day public holiday Christmas Eve:

- It ensures they have access to paid time off to spend with family and friends and engage in activities that only occur for them on Christmas Eve.
- Having more time to rest and recover from work and for many, to start holidays a night earlier. This extra time will assist in workers detaching from work and unwinding. (Australian Council of Trade Unions, 2012).

For those who do work on this part-day public holiday, the benefits include:

- Receiving extra pay due to penalty rates as compensation for working this day.

3. What costs do you see would be involved in a part-day public holiday on Christmas Eve (24 December)? For workers? For employers? For government? For the community?

As outlined in the impact statement, there will be undeniable financial costs to workers, employers, and the government and any modelling for these costs must be undertaken by the Queensland Government noting that wage costs will vary based on the relevant industrial instrument.

The QNMU is wary that some employers may take this as an opportunity to only roster minimal staff numbers on Christmas Eve. For example, employers in the aged care sector may minimally staff aged care residential facilities as they would have to pay these nurses and carers public holiday rates. With the Queensland Government announcing their intention to mandate minimum nurse-to-resident ratios and minimum contact hours by particular care staff in state-owned aged care facilities, this will protect workers in ensuring they receive public holiday rates of pay and will protect residents in the care they are provided. However, the workers who are employed by privately owned aged care facilities do not have this protection and we are concerned for the resident's care and safety if minimum staff are rostered to work on Christmas Eve.

4. Estimates of increased wages costs from observing a part-day public holiday on Christmas Eve are based on a 2011 survey of workers employed on Christmas Day. That day is considered to be the public holiday with the most similarity to business and community social practices on Christmas Eve. Is there another public holiday that you consider has a greater similarity to Christmas Eve and should be used for estimating increased wages cost if a part-day public holiday is observed on that day? Does the evidence from the SA review suggest the actual costs could end up being much lower than these preliminary forecasts?

The QNMU supports that Christmas Day is the most comparable public holiday both in community and social practices as well as pay for the proposed part-day public holiday on Christmas Eve.

References

Australian Council of Trade Unions. (2012). *Australian Council of Trade Unions submission to Fair Work Australia Modern Awards Review 2012. Public Holiday Application No. AM2012/134*. Retrieved from <https://www.actu.org.au/media/288286/ACTU%20Public%20Holidays%20Submissions%2013%2008%2012.pdf>