

Submission as relates to Clause 2 - Penalty Rates

For some time now, it has become apparent that our public holidays could be in line to be reviewed as they have an effect on penalty rates when worked.

We have on average 10 major public holidays a year, give or take for regional and state variances. Four of those days are Christian based. There are no allowances for any other religious based holidays.

New Year's Day	1 st January
Australia Day	26 th January
*Good Friday	3 rd April , this year
*Easter Sunday	5 th April
*Easter Monday	6 th April
Anzac Day	25 th April
Queen's birthday	8 th June, this year
Labor Day	5 th October, this year
*Christmas Day	25 th December
*Boxing Day	26 th December

Transfer all Public Holidays to Annual Leave

It might be time now to keep the name of the day but transfer the credit for those days to our Annual Leave.

Employees would still be able to take leave on those days as they stand without prejudice. However, they could also simply incorporate those days into their Annual Leave and have 6 weeks leave per annum.

The same rules would still apply ie need to apply with appropriate notice. In the initial stages, all the staff may still want to apply for 25th December as leave and would have to be granted.

What benefits will this provide?

For a start, it would do away with the complex penalty rates associated with those days. For instance, when a public holiday falls due on a Sunday and an employee is required to work on that Sunday, do

Sunday rates in addition to/or instead of public holiday rates apply?. And, what about the “declared” public holiday: what rates do they attract?

Secondly, we won’t have to have this inane discussion every year about whether an additional public holiday should be declared if one of the public holidays falls on a weekend.

Thirdly, peak times for holidays would lessen, benefiting everyone.

In the issues paper under discussion for this review, the matter of “working on weekends and public holidays” is viewed as less and less inconvenient to employees. Small businesses who are forced to close on these days because they cannot afford the penalty rates will be able to continue to operate.

On the matter of religion

At the time of Federation in 1901 when 96.1% of the national population were of christian based belief, it may have seemed an appropriate thing to do.

However, the 2011 Census reveals that only 61% of Australians list themselves as christian and this trend will only continue as our population becomes more diversified.

Today we have non-christians sharing a Christian holy day (holidays to those of us of the 21st century persuasion) but not being able to celebrate their own special holy day/s without having to take a day/s of annual leave or even a personal day.

Our policies should reflect that.

Is there a catch?

It might appear that with penalty rates for these days gone that employees will miss out. However, as Nally said: Around 70% of businesses in Australia are family owned or small businesses ...perhaps a penalty rate for working a sixth day” and over and above the standard weekly38 hours rather than a specific day is more appropriate.

Summary

This is a big leap forward.

Could we run an either or program for this, perhaps? Those organisations unable or unwilling to change - can run with existing policy and those organisations that see the real benefits and merits can choose to change. Parades can be held on the nearest Saturday rather than on the actual day.

It should not be restricted to just Small to Medium Enterprises.