

Tuesday, 9 November 2010

Employees required to work on Christmas Day must get penalty rates, say unions

A push by big business to prevent employees from being paid penalty rates for working on Christmas Day is Scrooge-like and would set a bad precedent, say unions.

The ACTU said it would oppose any attempt by employers to eliminate penalty rates on Christmas, Boxing and New Year's days for employees, such as nurses, police, ambulance officers and restaurant and hotel staff, who are required to work on the public holidays.

ACTU President Ged Kearney said any confusion caused by the three public holidays falling on weekends this year could be overcome by all states and territories declaring an additional public holiday for each of those days.

She said the ACTU would consider the Ai Group's application to vary the Modern Manufacturing Award on its merits, but would strongly oppose any loss of public holiday penalty rates in the wider workforce.

"Christmas Day is a special day," Ms Kearney said. "There should be some additional compensation for people who sacrifice time with their families and choose to work on the actual day. We will not allow the pay and conditions of workers to be undermined by mean-spirited employers seeking to shave a few dollars off their costs, particularly at Christmas," she said.

The Ai Group has applied to vary the Modern Manufacturing Award to "clarify" that penalty rates should not be paid to employees in the manufacturing sector who work on Xmas Day, but instead should be paid to those who work on the substitute public holiday.

Ms Kearney said if a consequence of the Ai Group's application was that other workers also lost their penalty rates for working on Christmas and other days, then it would be opposed by unions.

"Penalty rates exist to provide some compensation to people required to work unsocial hours on weekends, and public holidays which means they miss out on time with family and friends during important social and cultural occasions," she said.

"Workers rostered on Christmas, Boxing and New Year's days are required to sacrifice three of the most important family days of the year.

The employers' application would effectively result in workers rostered on those days not receiving a penalty rate payment.

"Unions are concerned that this application by the Ai Group could be the thin edge of the wedge. Workers required to work on public holidays like Christmas should get paid an appropriate penalty rate, regardless of what day of the week it falls on.

"In any case, people should remember that under the National Employment Standards, employees have a right to refuse to work on public holidays. Nobody can be forced to work on Christmas Day."

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