

Thursday 2 December 2010

## Fair Work Australia rejects employers attempt to steal Christmas

A decision handed down today by Fair Work Australia will ensure that manufacturing workers in NSW, Queensland, Western Australia, Tasmania and the Northern Territory will be paid holiday penalty rates if called to work on Christmas day.

It has rejected an application by the Australian Industry Group to vary the modern Manufacturing Award.

Had the application been successful it would have deprived workers of public holiday penalty rates on Christmas Day, this would have included states that had already declared these actual days as public holidays.

ACTU President Ged Kearney said the decision is a win for workers and had it been unfavourable it would have set a dangerous precedent for other workers in other industries

“Unfortunately, however, Victoria, South Australia and the ACT have not yet prescribed Christmas Day as a public holiday this year.” Said Ms Kearney

“This means that, despite Fair Work Australia’s decision today, thousands of workers face being called in on Christmas Day, with no additional pay.

“We call on these governments to stand up for workers and to urgently prescribe Christmas Day as a public holiday”.

Unions had sought to ensure that workers in these states receive an addition 50 per cent loading on Christmas Day, which in practice already exists in a number of awards such as the Modern Hospitality Award.

Fair Work Australia ruled that it did not have the power to provide for such a loading, until the next scheduled award review which will occur in 2012.

“If States and Territory governments don’t fix this problem permanently by gazetting Christmas Day as a public holiday each year, then we will continue to advocate for workers rights and try again for the additional loading.” Said Ms Kearney.

“It’s only fair to adequately compensate workers for giving up time with family and friends on Christmas.”

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