

Commissioner's Bulletin

Changes to the Northern Territory *Public Holidays Act*

The NT Government has proposed amendments to the *Public Holidays Act* through Parliament on 25 October 2016. Under your enterprise agreements, CEOs and the Commissioner are committed to consulting employees who may be affected by such changes.

The proposed introduction of the part-day public holidays from 7.00pm to midnight on Christmas Eve and New Year's Eve recognises the importance of these nights for community and family celebrations, and acknowledges those who serve us when most of us are enjoying time with friends and family.

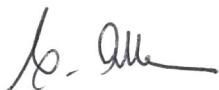
NTPS employees' relevant enterprise agreements currently provide for penalties for working on public holidays. Some NTPS employees receive a consolidated allowance incorporating payments in lieu of public holiday penalty rates as part of their remuneration. This is compensation if or when they are rostered to work on a public holiday. Other NTPS workers receive paid penalties at the time they work on public holidays, or those who work overtime during those hours will receive additional payments.

If the Bill is passed, your relevant enterprise agreement continues to apply and for those who trigger paid penalties when they work on public holidays, this will include Christmas Eve and New Year's Eve.

In certain circumstances, under the *Fair Work Act* provisions, any NTPS employee who is requested to work on public holidays may refuse the request if it is unreasonable. The *Fair Work Act* provides the following factors in determining whether a request or refusal is reasonable:

- *The nature of the workplace including its operational requirements, and nature of the work performed by the employee;*
- *The employee's personal circumstances, including family responsibilities;*
- *Whether the remuneration paid to the employee is reflective of the requirement to work the public holiday through the payment of overtime, penalty rates or other compensation;*
- *The nature of the employee's employment arrangements – full-time, part-time, casual or shiftwork;*
- *The amount of notice given by the employer in advance of working the public holiday; and*
- *In relation to the refusal of the request, the amount of notice in advance given by the employee when refusing the request; and*
- *Any other relevant matter.*

I will keep you informed in the coming weeks of the legislative outcomes. If you have any queries in relation to the above or wish to confirm that you are affected by the changes, please contact your HR Unit. If you are affected by the changes and would like to provide feedback as part of this consultation process, please forward your feedback to Enquiries.Ocpe@nt.gov.au.



CRAIG Allen

27 October 2016