

Commissioner's Bulletin

Changes to the Northern Territory *Public Holidays Act*

The Legislative Assembly passed the Public Holidays Amendment Bill on 29 November 2016. The Bill will come into effect once assented to by the Administrator, which will occur early in December 2016.

I wrote to all NTPS employees (via email on 1 November 2016) advising of the NT Government's intention to amend the *Public Holidays Act* including introducing two new part-day public holidays from 7.00pm to midnight on Christmas Eve and New Year's Eve as well as additional days when Christmas Day and New Year's Day fall on weekends. This information was provided to you as part of my requirement under the enterprise agreements to consult with employees about changes affecting them.

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. Most Enterprise Agreements make reference to the *Public Holidays Act*, however to clarify that the new public holidays will apply and to clarify employee entitlements on the part-day public holidays I have issued Determination Number 8 of 2016. Unions have been consulted about the proposed changes and the Determination.

As advised in my last Bulletin to you, 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.*

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.

The Public Holidays webpage has been amended to reflect the new public holidays.



CRAIG Allen

1 December 2016