

5 December 2011

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## What will you get paid for working on Christmas Day 2011 and New Year's Day 2012?

**The Queensland State Government has passed amendments to the legislation which provides for gazetted public holidays in Queensland. As such, the Holidays Act 1983 was amended on Tuesday, 29 November, 2011.**

The amendments to the legislation affect a range of public holidays, including the one off extra Queen's Birthday long weekend for 2012 only. The new legislation is slightly different than the previous legislation which made changes to these public holidays in 2010. This legislation now gazettes these changes for all workers ongoing.

This information specifically relates to workers who will work Saturdays and Sundays this Christmas. Historically, if Christmas Day, Boxing Day or New Year's Day fell on a Saturday or a Sunday, workers were only entitled to the rates of pay applicable on those days if the public holiday was on a week day. The new legislation changes all this but only if Christmas Day, Boxing Day or New Year's Day falls on a Saturday or Sunday.

### New Holiday Provisions:

- Christmas Day – the 25th December, is a public holiday.
- Boxing Day – the 26th December, is a public holiday.
- 27th December – is a public holiday only if the 25th December is a Saturday or a Sunday.
- 28th December – is a public holiday only if the 26th December is a Saturday or a Sunday.
- New Year's Day – the 1st January, is a public holiday.
- 2nd January – is a public holiday only if 1st January is a Sunday.

This means that for Christmas Day 2011 which falls on a Sunday, both Sunday 25th December and Tuesday 27th December are 'Christmas Days' and both must be paid at Christmas Day public holiday rates. Boxing Day falls on the Monday, so normal public holiday rates apply with no additional days off in lieu. New Year's Day 2012 falls on a Sunday, so both Sunday 1st January 2012 and Monday 2nd January 2012 are 'New Year's Days' and both must be paid at public holiday rates.

### If you have a Collective or Enterprise Agreement?

Some workplace Agreements have 'substituted' days in the event that Christmas Day, Boxing Day or New Year's Day fall on a weekend day. The new Queensland legislation means that the extra public holidays are not 'substituted days', but in fact, new public holidays and therefore the correct public holiday rates must apply.

### What do I need to check?

If you are working on either Christmas Day or New Year's Day, you should check that your employer knows about the new public holidays. For more information (that you can show to your employer if necessary) you can go to the Queensland State Government web site which has all the details:

<http://www.justice.qld.gov.au/fair-and-safe-work/industrial-relations/public-holidays/dates>

### What happens if you don't get paid correctly?

If you believe you have not been paid correctly for working on any of these dates in 2011/12, you should raise it in the first instance with your pay office or supervisor. If you do not receive a satisfactory response, contact your local Delegate or the union office on **1800 177 244** or email: [members@together.org.au](mailto:members@together.org.au)

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