



Submission to Education, Employment and Small Business Committee

*Holidays and Other Legislation
Amendment Bill 2019*

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submission

Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the Education, Employment and Small Business Committee (the committee) for the opportunity to provide feedback on the *Holidays and Other Legislation Amendment Bill 2019* (the Bill).

Nursing and midwifery is the largest occupational group in Queensland Health (QH) and one of the largest across the Queensland government. The QNMU is the principal health union in Queensland covering all classifications of workers that make up the nursing workforce including registered nurses (RN), registered midwives (RM), nurse practitioners (NP), enrolled nurses (EN) and assistants in nursing (AIN) who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 60,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses and midwives in Queensland are members of the QNMU.

Earlier this year the QNMU provided feedback to the consultation on the proposal of declaring a public holiday from 6pm to 12pm on Christmas Eve in which we stated we supported this proposal. Our members are both consumers and workers who may be impacted by the change of Christmas Eve becoming a part-day public holiday. We believe the benefits will outweigh the disadvantages and thus, the QNMU supports a legislated part-day holiday on Christmas Eve between 6pm and 12pm midnight.

Recommendation

The QNMU recommends the parliament pass the Holidays and Other Legislation Amendment Bill 2019.

Declaring a public holiday on Christmas Eve from 6pm recognises the cultural and familial significance of the evening before Christmas Day. As identified by the Australian Council of Trade Unions (ACTU) in their submission to the Fair Work Australia Modern Award Review 2012, where they stated that “public holidays provide recognition of days of special significance (religious or otherwise) in the life of the wider community and a unique opportunity for people to participate in communal celebrations.” (ACTU, 2012, p. 16).

If the Bill is passed and Christmas Eve is made a public holiday from 6pm to 12pm, it will compensate those nurses and midwives who work on this part-day public holiday as they will receive penalty rates. It will also ensure nurses and midwives have the right to reasonably refuse to work this time and therefore the opportunity to have time off to spend with family and friends and engage in activities that only occur for them on Christmas Eve. Equally, it will enable our members the opportunity to have more time to rest and recover from work as they are potentially starting holidays earlier, assisting them in detaching from work and unwinding (Australian Council of Trade Unions, 2012).

The QNMU is cautious that some employers may take this as an opportunity to roster minimal staff numbers on Christmas Eve. For example, employers in the aged care sector may minimally staff aged care residential facilities on Christmas Eve so as not to have to pay penalty rates to their staff. With the Queensland Government introducing legislation to mandate minimum nurse-to-resident ratios and minimum contact hours by particular care staff in state-owned aged care facilities, this will protect workers in ensuring they receive public holiday rates of pay and will protect residents in the care they are provided. However, the workers who are employed by privately owned aged care facilities do not have this protection and we are concerned for the resident’s care and safety if minimum staff are rostered to work on Christmas Eve.

Nurses and midwives are essential in providing healthcare around-the-clock in health and aged care environments. For many, the work they perform is shift work and includes working public holidays and days such as a Christmas Eve. The recognition of the part-day public holiday on Christmas Eve goes some way to compensate these essential services. The QNMU supports the proposed part-day public holiday on Christmas Eve from 6pm to 12 midnight.

References

Australian Council of Trade Unions. (2012). *Australian Council of Trade Unions submission to Fair Work Australia Modern Awards Review 2012. Public Holiday Application No. AM2012/134*. Retrieved from <https://www.actu.org.au/media/288286/ACTU%20Public%20Holidays%20Submissions%2013%2008%2012.pdf>