

Compulsory Christmas/New Year closure

Policy Number: C32 (QH-POL-117)

Publication date: December 2021

Purpose: To outline the agreement between the public sector unions and the government for closure of non-essential public facilities or services over the Christmas/New Year period.

Application: This policy applies to all Queensland Health employees, excluding casual employees.

This policy does not apply to employees of Queensland Ambulance Service. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedure.

Delegation: The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority:

- *Holidays Act 1983*
- Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016
- Health Practitioners and Dental Officers Award – State 2015
- Hospital and Health Services General Employees (Queensland Health) Award – State 2015
- Medical Officers (Queensland Health) Award – State 2015
- Nurses and Midwives (Queensland Health) Award – State 2015
- Queensland Public Service Officers and Other Employees Award – State 2015
- Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 1) 2019
- Building, Engineering and Maintenance Services Certified Agreement (No. 7) 2019
- Health Practitioners (Queensland Health) Certified Agreement (No. 3) 2019
- Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018
- Nurses and Midwives (Queensland Health) Certified Agreement (EB10) 2018
- Queensland Public Health Sector Certified Agreement (No. 10) 2019
- Office of Industrial Relations Circular No. C1-21, as amended each year

Related policy or documents:

- Guideline: Compulsory Christmas Closure and Leave Arrangements 2021/2022
- Nurses and midwives - Working arrangements on public holidays guideline

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1 Policy

Agreement was reached between the public sector unions and the government for closure of non-essential public facilities or services over the Christmas/New Year period. The agreement was ratified by the Queensland Industrial Relations Commission (QIRC) under the Second Tier Restructuring and Efficiency Principles on 29 February 1988.

Included in the agreement was the introduction of a compulsory closure of government establishments over the Christmas/New Year period. Those facilities or services remaining open are to be determined by the employer after having due regard to matters such as:

- the nature of the service provided
- the availability of adequate support services
- efficiency and effectiveness of service provided over the compulsory closure period
- effect on other public services.

The closure arrangements replaced the previous half-staff arrangements which were found to be inefficient and restrictive. The closure arrangements provide employees, except those in receipt of an additional week's leave for continuous shift work, with a concessional day not charged to any leave account.

Employees engaged in services requiring continuous operation, and when such employees receive additional recreation leave for continuous shift work, are not to be required to participate in the compulsory closure over the Christmas/New Year period, except as otherwise agreed between the parties.

2 Applying the policy

2.1 Operation of the closure arrangements

Under no circumstances are the closure arrangements to be used as a defacto half-staff arrangement.

When facilities or services are closed or curtailed, the affected employees are deemed to be on leave over the period. Therefore, the normal arrangements are to apply as would occur if such employees were on paid leave. The closure period cannot be split and shared on a half-staff basis. Employees

not required over the compulsory closure period are entitled to enjoy the normal freedom associated with recreation or long service leave.

2.2 Conditions – Concessional day and leave debits

The following conditions apply to the compulsory closure arrangements:

2.2.2 Concessional day

Employees are entitled to a concessional day which is not charged to any leave account. Employees who receive an additional week's leave for continuous shift work are not entitled to a concessional day and are not required to participate in the compulsory closure arrangements.

Where an employee is absent on either recreation leave or long service leave extending over the compulsory closure period, the employee's leave is to be adjusted so that one working day is granted without debit to the relevant leave account. Where an employee is on half pay leave, the concessional day is paid at the full pay rate.

When the concessional day (or a day taken in lieu) falls during a period of half pay recreation leave, eligible employees are to receive this payment at their normal full-time or part-time rate.

The actual date of the concessional day is advised each year when the Christmas/New Year arrangements are circulated throughout Queensland Health.

Refer to section 2.2.5 for part-time employment.

2.2.1 Recreation leave account

Employees are debited against their recreation leave account for those working days between Christmas and New Year (inclusive), except for the concessional day.

In the case of employees who receive:

- four weeks recreation leave, no debits are made for public holidays.
- an additional week's leave for work performed on public holidays, debits are made for all working days including public holidays which fall during the closure period.

Before debiting the public holidays, it is important to determine that they are part of the five working days and not one of the two rostered days off for the week.

Refer to section 2.2.2 for alternative leave arrangements in lieu of recreation leave and 2.2.3 when an employee has insufficient recreation leave credits available.

2.2.2 Options in lieu of recreation leave

Accrued day off – 38 hours per week employees accruing ADO hours

By mutual agreement with the employer, employees who have access to accrued day off arrangements, under their relevant award, may access any accrued days off during a compulsory closure period instead of having their recreation leave entitlement debited.

For those employees whose recreation leave is recorded in hours, debits are made on the basis of the number of hours which would have been worked had the closure not occurred. This is to ensure credit towards accrued days off continues to accumulate over the period. Payment is to be for a normal day's wage.

Accrued hours – variable working hours arrangement (36 hours and 15 minutes per week employees)

By mutual agreement with the employer, employees who have access to accrued time off are able to take accrued hours off under schedule 3 of Queensland Public Health Sector Certified Agreement (No. 10) 2019. This mutual arrangement allows for the taking of accrued hours off in place of a portion of the recreation leave during the compulsory closure period.

Leave taken as accrued hours over the closure period is to be taken as whole days (i.e. 7 hours 15 minutes). A maximum of three standard days of accrued time may be granted in any settlement period.

Long service leave

The minimum period of long service leave which may be taken on full pay at any one time is one day, or one rostered shift. Refer to the Long Service Leave HR Policy C38.

Time off in lieu (TOIL)

By mutual agreement with the employer, employees who have access to TOIL arrangements under their relevant award, or approved use of TOIL within a work unit, may use those TOIL balances in place of recreation leave over the compulsory closure period. Leave taken as TOIL over the compulsory closure period is to be taken in whole days only.

2.2.3 Insufficient recreation leave

When new or current employees have insufficient recreation leave credits available, the applicable debits are charged to the employee's future accrued recreation leave balance and not granted on no pay. That is, an employee is to be granted paid recreation leave unless they access options in lieu of recreation leave (refer to section 2.2.2) or request leave without pay.

2.2.4 Employees absent on leave

Employees who are on recreation or long service leave over the whole compulsory closure period are entitled to the concessional day not charged to any leave account on the designated concessional day. Entitlement also exists for the concessional day in emergent circumstances when approval is granted to convert recreation or long service leave to one of the following forms of leave:

- Bereavement leave.
- Emergent/compassionate leave.
- Workers' compensation leave.
- Sick leave (the period of illness is to be more than three working days but less than the whole closure period).

When the concessional day (or a day taken in lieu) falls during a period of half pay recreation leave, eligible employees are to receive this payment at their normal full-time or part-time rate.

No entitlement exists for a concessional day when an employee is absent on sick leave on full pay or any form of unpaid leave over the whole period.

Those employees on unpaid leave have no entitlement to a concessional day or a day in lieu.

Employees who receive an additional week's leave for continuous shift work are not entitled to a concessional day.

2.2.5 Part-time employees

For part-time employees participating in the closure arrangements, any leave debit is made based on the number of hours which would have been worked on the closure days. No debit is made for those hours which fall on the concessional day.

Part-time employees only qualify for the concessional day when their regular ordinary hours fall on that day. Part-time employees who do not work on the day on which the concessional day falls, are not entitled to a concessional day or a day in lieu.

A part-time employee's regular ordinary working hours are not to be amended purely to attract or remove access to the benefits of the concessional day.

2.2.6 Employees required to work over the compulsory closure period

Those employees (other than continuous shift workers) required to work over the compulsory closure period are entitled to a day in lieu of the concessional day, not charged to any leave account, to be taken at a mutually agreed time within the following 12 months.

Employees who receive an additional week's leave for continuous shift work are not entitled to a day in lieu of the concessional arrangements.

2.2.7 Pay day

For those employees in services which close or are curtailed, the normal pay day is maintained as if the service continued.

3 Examples

Attachment one details examples of leave arrangements for employees over the Christmas/New Year closure period.

Definitions:

Accrued day off	A day accrued as a result of the method of working ordinary hours following the introduction of a 38 hour week where employees are rostered off on various days of the week during a particular work cycle, such that employees may have one or more days off during that cycle.
Accrued hours	Hours of duty performed, and approved leave taken by employees during a settlement period, and which are in addition to the ordinary working hours and which have not been compensated by the payment of overtime or other similar compensation.
Compulsory Closure Period	The period from and including Christmas Day up to and including New Year's Day or the substituted public holiday/s declared under the <i>Holidays Act 1983</i> in addition to such day. Please note: The <i>Holidays Act</i> provides for a part-day public holiday from 6pm to midnight on Christmas Eve (24 December). This part-day public holiday does not form part of the compulsory closure period.
Concessional day	Any day upon which an employee is permitted to be absent on full pay without debit to any leave account as a result of a compulsory closure of Government establishments over the Christmas/New Year period or such closure or restricted staffing as the employer determines.

Continuous shift work	Work done by employees where the hours of work are regularly rotated in accordance with a shift roster covering a 24 hour per day operation over a 7 day week.
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History:

December 2021	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions – Options in lieu of recreational leave updated – updated to include definitions for, Compulsory Closure period, Concessional day, continuous shift work
October 2009	<ul style="list-style-type: none"> • Protected IRM 2.5-4 Compulsory Christmas/New Year Closure reformatted as part of the HR policy consolidation project in accordance with EB7.
September 2002	<ul style="list-style-type: none"> • IRM 2.5-4 Compulsory Christmas/New Year Closure amended.
October 2000	<ul style="list-style-type: none"> • IRM 2.5-4 Compulsory Christmas/New Year Closure amended.

Attachment One – Examples of leave arrangements over the Christmas/New Year closure period

1 Example 1 – Employees receiving four weeks recreation leave who do not work over the period

Employees who receive four weeks recreation leave per year are to receive a day's pay for each public holiday during the closure period. Two ordinary working days are to be debited from accrued recreation leave, with one day being concessional leave which is not charged to any leave account, for example:

Thursday 25 December 20AA	Public holiday (day's pay)
Friday 26 December 20AA	Public holiday (day's pay)
Saturday 27 December 20AA	DAY OFF
Sunday 28 December 20AA	DAY OFF
Monday 29 December 20AA	Ordinary work day given as concessional day
Tuesday 30 December 20AA	Ordinary work day – charge recreation leave, accrued days off, or TOIL
Wednesday 31 December 20AA	Ordinary work day – charge recreation leave, accrued days off, or TOIL
Thursday 1 January 20AB	Public holiday (day's pay)

Employees not required over the closure period are entitled to enjoy the normal freedom associated with recreation or long service leave.

2 Example 2 – Employees receiving five weeks recreation leave (i.e. one week for work performed on public holidays) who do not work over the period*

Employees who receive five weeks recreation leave per year, one of which is for work performed on public holidays, are to be debited for five of those days for which they would have been rostered to work over the closure period. The sixth day would be a concessional day not chargeable to any leave account, for example:

Thursday 25 December 20AA	Public holiday – charge to recreation leave
Friday 26 December 20AA	Public holiday – charge to recreation leave
Saturday 27 December 20AA	DAY OFF
Sunday 28 December 20AA	DAY OFF
Monday 29 December 20AA	Ordinary work day given as concessional day
Tuesday 30 December 20AA	Ordinary work day – charge recreation leave, accrued days off, or TOIL
Wednesday 31 December 20AA	Ordinary work day – charge recreation leave, accrued days off, or TOIL
Thursday 1 January 20AB	Public holiday – charge to recreation leave

Employees not required over the closure period are entitled to enjoy the normal freedom associated with recreation or long service leave.

*This may vary for nursing staff, refer to section 6 of the Compulsory Christmas Closure and Leave Arrangement 2021/2022 Guidance note, as amended each year.

3 Example 3 – Employees who work part or all of the period

This example illustrates a situation when closure does not occur.

Thursday 25 December 20AA	Public holiday (not required to work)
Friday 26 December 20AA	Public holiday (not required to work)
Saturday 27 December 20AA	DAY OFF
Sunday 28 December 20AA	DAY OFF
Monday 29 December 20AA	Worked as normal
Tuesday 30 December 20AA	Worked as normal
Wednesday 31 December 20AA	Worked as normal
Thursday 1 January 20AB	Public holiday (not required to work)

As the employee worked on three of the days of the closure period, no debits can be made for any of the other days, even if the employee is in receipt of an additional week's leave for work performed on public holidays. In addition, the employee would be entitled to a day in lieu of the concessional day to be taken by mutual agreement within the following year.

A&TSIHW EB1, BEMS7, EB10, HPDO3, MOCA5 and NMEB1 Protected
 Managing the risk of psychosocial hazards at work
 Code of Practice 2022
 applies 1 April 2023