

# Christmas/New Year compulsory closure and leave arrangements

## Human Resources Guideline C32 (QH-GDL-117)

### Purpose

The purpose of this guideline is to assist with the implementation of the Christmas/New Year compulsory closure and leave arrangements applying to Queensland Health (the department) and Hospital and Health Services (HHSs). These compulsory closure details and any associated restricted staffing arrangements relate only to the Christmas/New Year period.

### Application

- This guideline applies to all employees, excluding casual employees, in Queensland Health and HHSs.
- This guideline applies to Queensland Ambulance Service (QAS) Senior Executive Service (SES) and Senior Officer (SO) equivalent employees. All other QAS employees are to refer to their local policy/procedure.

### Contents

1	Introduction .....	2
1.1	Queensland Health (the department).....	2
1.2	Hospital and health services.....	2
2	Public service and health service employees (excluding Senior Executive Service (SES), Health Executive Service (HES), Senior Officer (SO) and District Senior Officer (DSO) employees) .....	3
3	Queensland Health – SES/HES/SO/DSO and equivalent employees .....	3
4	Hospital and Health Services – HES and DSO employees and equivalent employees..	4
5	Visiting Medical Officers (VMOs) .....	4
6	Nursing staff.....	4
6.1	Staff who do not want to participate in work arrangements over the compulsory closure period public holidays .....	5
6.2	Stand down (not required).....	5
6.3	Deployment.....	6
7	Additional information.....	6
	Definitions.....	7
	History .....	7



# 1 Introduction

The Office of Industrial Relations (OIR) release a circular each year outlining the compulsory closure arrangements for the Christmas/New Year period.

The compulsory closure arrangements for the Christmas/New Year period (originating from an Industrial Agreement made under the Second Tier Restructuring and Efficiency Principles) include the closure of government services over the Christmas/New Year period, or limited staffing arrangements implemented in some areas to meet essential government or public needs. Those facilities or services remaining open are to be determined by the delegate 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 closure period
- Effect on other public services
- Building closures.

Queensland Health is committed to respecting, protecting and promoting the human rights of all people in Queensland. Under the *Human Rights Act 2019*, a decision-maker has an obligation to make decisions and act in ways that are compatible with human rights. When making a decision under this guideline, decision-makers must comply with that obligation.

Queensland Health is committed to promoting and protecting the physical and psychological health, safety and wellbeing of its workers by providing a safe and inclusive workplace with a focus on preventing harm. As an employer, Queensland Health has an obligation under the *Work Health and Safety Act 2011* to manage risks to employees arising through our work, work environments, systems and practices. When applying this guideline, proper consideration must be given to the Managing the risk of psychosocial hazards at work Code of Practice 2022, including identifying psychosocial hazards and assessing and managing any risks.

## 1.1 Queensland Health (the department)

The decision to determine if Queensland Health work units or services are to remain fully staffed, implement limited staffing arrangements, or are to be closed during the compulsory closure period, has been delegated to members of the Executive Leadership Team (ELT), with the option to sub-delegate this decision (within their reporting lines).

## 1.2 Hospital and Health Services

For staffing decisions over the Christmas/New Year period for facilities or services in HHSs, please contact your local HR Unit.

It is important that rosters accurately reflect local arrangements to ensure correct payment occurs during this period.

As a courtesy, early notification of the consideration to close a health service and establish an on-call roster during the compulsory closure period is to be extended to all employees.

## 2 Public service and health service employees (excluding Senior Executive Service (SES), Health Executive Service (HES), Senior Officer (SO) and District Senior Officer (DSO) employees)

During the compulsory closure period, one day of concessional leave is given on full pay without debit to any leave account (the concessional day). The balance of the compulsory closure period is to be deducted from an employee's own leave (e.g. recreation (annual) leave, TOIL, or accrued hours/flex-time).

Continuous shift workers receiving the additional week of recreation (annual) leave do not participate in the closure arrangements and do not receive the concessional day.

Employees participating in the compulsory closure period are to take leave as outlined in the relevant year's Christmas/New Year compulsory closure circular located on the [HR Circulars](#) QHEPS page.

## 3 Queensland Health – SES/HES/SO/DSO and equivalent employees

The compulsory closure arrangements as referenced in the OIR Christmas/New Year compulsory closure Circular (OIR Circular) applying to SES and SO employees have been extended to HES and DSO employees working in and for the department, and SES and SO and equivalent employees working in the Queensland Ambulance Service (QAS). The arrangements provide a senior employee who is not required for duty is to apply for leave over the closure period in exceptional circumstances.

To ensure consistency, the exceptional circumstances requiring a senior departmental employee (i.e. SES/HES/SO/DSO or equivalent employee) to apply for leave over the closure period are as follows:

- a) A senior employee on any type of leave both sides of the closure period is to apply for leave over the closure period, unless the employee is recalled to duty during the closure period;
- b) Any senior employee who is not available to attend the workplace if required during the closure period, is to apply for leave over the closure period; and
- c) A senior employee is to apply for leave over the closure period in any other exceptional circumstance determined by the delegate.

The Director-General has delegated the function to determine whether a senior employee participating in the compulsory closure is to take the employee's own leave (e.g. recreation (annual) leave) over the compulsory closure period, in accordance with the above exceptional circumstance principles to:

- within Queensland Health (excluding QAS) – line managers of individual senior employees
- within QAS – the Commissioner, QAS (with the ability to sub-delegate this function).

This is to occur in accordance with the OIR Circular and applied to those days other than weekends and public holidays. Senior employees are still entitled to the one nominated concessional day during the compulsory closure period.

## 4 Hospital and Health Services – HES and DSO employees and equivalent employees

The compulsory closure arrangements as referenced in the OIR Circular applying to SES and SO employees have been extended to HES and DSO and equivalent employees working in and for HHSs.

The exceptional circumstance principles (outlined in section 3 above) apply to senior employees in HHSs who participate in the compulsory closure.

Please contact your local HHS HR Unit to confirm local delegation arrangements.

## 5 Visiting Medical Officers (VMOs)

Specific arrangements apply to VMOs during the compulsory closure period. The arrangements apply to all VMO employees, whether or not the VMO is employed pursuant to a contract of employment.

When a facility participates in the compulsory closure period, a VMO is impacted when:

- The VMO ordinarily works on one or more of the days prescribed as the compulsory closure period and is not required to perform that work due to the facility being closed or
- The VMO is placed on-call during the compulsory closure period.

A VMO who accrues four weeks recreation leave per annum will be debited recreation leave equal to the number of days/hours they ordinarily would have worked during the compulsory closure period (excluding public holidays).

A VMO who accrues five weeks recreation leave per annum AND who regularly performs on-call for the service will be debited recreation leave equal to the number of days/hours they ordinarily would have worked during the compulsory closure period (including public holidays) up to a maximum of two days' worth of leave.

A VMO who accrues five weeks recreation leave per annum AND who is required to be on-call once during the compulsory closure period will be debited only one day from their recreation leave balance.

A VMO who accrues five weeks recreation leave per annum AND who is required to be on-call for two or more days during the compulsory closure period will not have their recreation leave balance debited.

## 6 Nursing and Midwifery staff

In accordance with clause 19.1 of the Nurses and Midwives (Queensland Health) Award – State 2015, relevant nurses receive five weeks annual leave. The five weeks annual leave includes one week in lieu of extra payment for work done on certain public holidays or for work in extended hours service arrangements on public holidays. There is no requirement for these nurses to work a specific number of public holidays in order to qualify for the fifth week of leave.

Forward planning is important to ensure that employees know in advance if they will be required to work on public holidays. If an area is closing on a public holiday, the employees

should be advised at the earliest possible time if they are going to be redeployed to work in another area, required to remain on call or stood down (not required).

Where nursing staff are stood down (not required) they are entitled to the day off, as is any other employee not required to work on a public holiday. This means the employee is entitled to a day's pay at single time and they must not have their annual leave or TOIL debited.

Given the broad scope of services provided by Queensland Health and HHSs, it is not possible to apply a single arrangement to all nurses in relation to working on public holidays.

### **6.1 Staff who do not want to participate in work arrangements over the compulsory closure period public holidays**

A determination may be made by the HHS, under clause 35.3 of the *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022*, that a public hospital service fits the criteria to allow nursing employees to opt out of an additional week of leave and therefore the requirement to be available to work on public holidays. Where such a determination has been made, public hospital nursing staff who have opted out are entitled to the public holidays over the closure period without any debit to their leave entitlements.

Staff who would ordinarily be rostered to work on a public holiday, and who do not want to participate in working arrangements on public holidays, can request that they not be rostered to work on that day.

Wherever possible, to ensure appropriate planning can occur, employee requests to not be rostered on a public holiday should be made well in advance of the public holidays. The employer will make best endeavours to ensure employees are treated equitably with regards to employee preferences and the number of public holidays employees are required to work over a year.

In accordance with clause 36.5 of *Nurses and Midwives EB11* annual leave is exclusive of all public holidays. This means that an employee cannot have their annual leave debited on a public holiday.

In accordance with clause 15.1(d) of the *Nurses and Midwives (Queensland Health) Award – State 2015*, accrued days off (ADOs) are to be arranged so they do not coincide with a public holiday. An ADO should be taken on another day as agreed by the employee and employer within the same four weekly cycle where possible.

### **6.2 Stand down (not required)**

Services/facilities should establish a timeframe for giving the earliest possible advice to employees as to their requirement to work, or not, on each public holiday. If not required to work, employees should be provided with reasonable notice prior to the commencement of their rostered shift.

If minimum staffing is required, each ward, unit, service or facility should establish a short list of nurses who are required to work. If possible, this should be established well in advance of the public holiday, based on the preferences of the nurses and ensuring that employees are treated equitably in the number of public holidays they will be required to work over a year. Consideration should be given as to whether an employee is required to be deployed to another suitable area (in accordance with 6.3 below).

Where an employee is stood down by their supervisor on a public holiday over the compulsory closure period, they are entitled to the day off, as is any other employee who is not required to work.

Employees who are stood down by their supervisor but are required to be on call must be paid ordinary time for the public holidays plus the on call allowance in accordance with the on call provisions in the *Nurses and Midwives (Queensland Health) Award – State 2015*.

### 6.3 Deployment

Nursing staff are entitled to the same consideration as other Queensland Health and HHS employees not required to perform their normal duties on a public holiday. However, where employees are rostered to work on a public holiday over the compulsory closure period, they may be required to be deployed to areas where staffing and workload demands indicate nursing staff are required to meet patient needs.

When meeting staffing needs on a public holiday, health services should seek to meet the need using the existing workforce for that work unit/service. Health Services may seek to deploy staff whose units/services are closed on the public holiday, where there is insufficient existing workforce in another area or the arrangements in place for covering emergent leave generally are not sufficient to meet demand on a public holiday.

Any movement of nursing staff between wards or units will be done in accordance with current deployment processes which provide for matching the employee's skills, knowledge and abilities to the position and deployment at the same classification level, unless otherwise agreed.

## 7 Additional information

For additional information regarding the compulsory closure period and eligibility for the concessional day, refer to the Compulsory Christmas/New Year Closure HR Policy C32.

Enquiries regarding this guideline can be directed to your local HR Unit.

## Definitions

Term	Definition
Queensland Health (the department)	<p>Queensland Health includes:</p> <ul style="list-style-type: none"> <li>• Clinical Excellence Queensland</li> <li>• Clinical Planning and Service Strategy</li> <li>• Corporate Services Division</li> <li>• eHealth Queensland</li> <li>• Health Capital Division</li> <li>• Healthcare Purchasing and System Performance Division</li> <li>• Office of the Chief First Nations Health Officer</li> <li>• Office of the Chief Health Officer</li> <li>• Office of the Director-General</li> <li>• Queensland Ambulance Service</li> <li>• Queensland Public Health and Scientific Services</li> <li>• Strategy, Policy and Reform Division</li> </ul> <p>any successor agency of those listed above however so named.</p>

## History

Date	Policy change
28 November 2023	<ul style="list-style-type: none"> <li>• Updated s6.1 to reflect approved wording of the <i>Work arrangements for nursing and midwifery staff on public holidays – Additional information to support business rules</i> document endorsed by NaMIG March 2023.</li> </ul>
23 November 2023	<ul style="list-style-type: none"> <li>• Amended to reflect generic reference to OIR circular</li> <li>• Removal of option to use COVID-19 response leave during the closure period (COVID-19 response leave expired 31 March 2023)</li> <li>• Added opt out provision for nursing employees under clause 35.3 of the <i>Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB11) 2022</i></li> <li>• Removal of reference to specific closure periods</li> <li>• Re-templated</li> </ul>