

Hammondcare Public Holiday Form: Get HSU advice before signing!

Dear Member,

HSU has discovered that Hammondcare are requesting staff to fill out a form if they do not wish to work on a public holiday. HSU believes the intent of this form is simply to avoid paying staff a public holiday not worked day.

If you are absent from work on a day or part day that is a public holiday (except if you are a casual employee), Hammondcare must pay you the base rate of pay for the ordinary hours of work on that day or part-day.

The base rate of pay to be paid excludes incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates, or any other separately identifiable amounts.

However, an employee is not entitled to payment if they do not have ordinary hours of work on the public holiday.

For example:

If Chris usually works Monday to Wednesday and a public holiday falls on a Monday, Chris should be paid the base rate for a public holiday not worked. If management decide to change his usual days worked, this is a breach of the National Employment Standards.

An employer must not exert undue influence or pressure on an employee in relation to agreeing to substitute a public holiday for another day or part-day.

An employer must not alter a roster to simply avoid giving an employee a public holiday.

Attached is a copy of the form. Please contact your local HSU organiser or phone 1300 478 679 if you have concerns or questions about this newsletter or the form.

All Hammondcare workers should have their rights protected. Encourage your workmates to join the HSU online at www.hsu.asn.au/join or phone 1300 478 679.

In unity,



Gerard Hayes
Secretary, HSU NSW/ACT/QLD

