

TfNSW – Instructions on your rights: Christmas closedown

The Christmas closedown

As Christmas approaches, many staff will begin to receive encouragement from managers or supervisors in relation to the Christmas closedown. The Christmas closedown period for 2019/20 will take place between Monday 23 December 2019 and Friday 3 January 2020 inclusive. The PSA has already been informed of a number of instances where staff have been directed to take leave over this period.

Can I work during the closedown period?

While the NSW Government encourages all non-‘frontline’ areas to shut down, you are in no way obligated to take leave. Despite what may be said, staff are not required to present a justification or “business case” to explain why they wish to keep working.

Unless you can be directed to take leave (see below), it is your choice whether you work or not. If your office is going to be shut, a reasonable alternative work arrangement must be made available for you. If practicable, this could include working from home for some or all of the time. You may have to work at a different location, but you cannot be expected to travel unreasonable distances and you may be entitled to be reimbursed for the additional costs of travel.

The PSA encourages members to regularly take recreation leave for their own health and welfare. Additionally, where possible the PSA encourages members to use their ability to bank flex days for use over the Christmas closedown.

Can I be directed to take recreation leave due to the closedown?

There are very few limits on employees’ right to accumulate recreational leave. The following clauses from the *Transport for NSW and Sydney Metro salaries and conditions of employment award 2019* outline these limitations:

22.1 Annual Leave

(d) Limits on accumulation and direction to take leave:

(i) Employees must take at least two weeks of annual leave every 12 months, and this shall be given by the Employer before the expiration of the period of one year after the date upon which the right to take the holiday accrued.

(ii) The minimum period of annual leave available to be granted shall be a quarter day.

(iii) Where operational requirements permit, the application for leave shall be dealt with by the Employer according to the wishes of the Employee.

(e) Subclause 22.1(d)(i) will not apply if an Employee has accumulated annual leave for a special purpose approved by the Employer, for example, an overseas holiday.

Need help?

If you are a member and have any questions or are having difficulties in relation to the Christmas closedown, please contact Organiser Ben James at bjames@psa.asn.au or on 0438 485 535.

