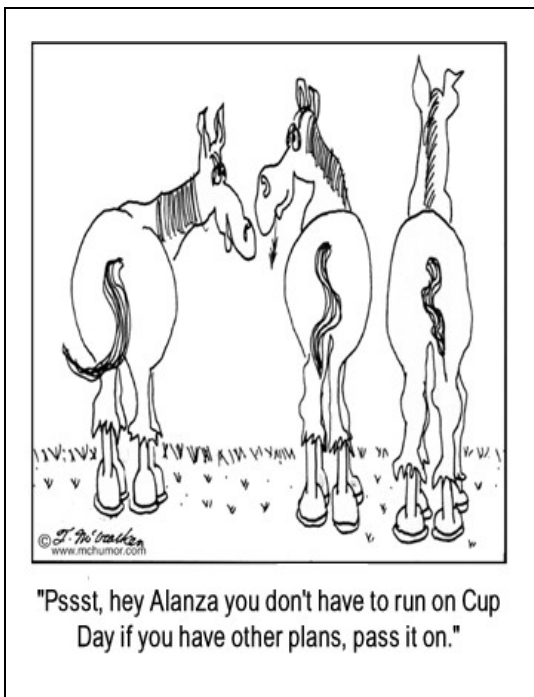




COMMUNICATIONS UNION CEPU Bulletin-Burwood

PUBLIC HOLIDAYS - KNOW YOUR RIGHTS

Telstra have advised employees at Burwood that they may be required to work on Melbourne Cup Day 2009. An employer can request an employee work on any public holiday. However, an employee can refuse a request to work on a public holiday if they have a reasonable circumstance for doing so.



A number of facts are considered when deciding if a refusal is reasonable, including:

- the type of industry the business is in
- the operational needs of the business
- whether the employee is full-time, part-time, casual or a shift worker
- the terms of the employee's workplace agreement or award
- the employee's personal circumstances, such as family responsibilities
- if the employee is entitled to any penalty rates
- the amount of advance notice given by the employer or the employee.

What you should do:

Advise your manager in writing that you are unavailable for work on that day with a brief reason. This applies to all Public Holidays, not just Cup Day.

If your manager does not respond to your refusal in a reasonable time it is important that you advise the CEPU so we can have the issue decided by Fair Work as soon as possible.

Note: Telstra does not decide if your refusal to work is reasonable, that is decided by Fair Work Australia considering ALL of the circumstances.

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