



# **MEDIA RELEASE**

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Shadow Minister for Small Business, Deregulation,  
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## **URGENT NEED FOR SMALL BUSINESS CLARITY ON “BOXING DAY” STATUS**

Finding your way through Boxing Day sale crowds will be easier for shoppers than for small business operators and employees finding their way through the Rudd Government’s new employment regime and its impact on Boxing Day employment conditions.

The Rudd Labor Government must urgently address the confusion and conflicting advice coming out of its own agency, Fair Work Australia, and provide much needed clarity on employer and employee responsibilities that apply to the traditional ‘Boxing Day’ on Saturday December 26 and the ‘Boxing Day’ Public Holiday for many on the following Monday, December 28.

With the existing small business confusion and uncertainty concerning the re-regulation of employment laws, the contradictory advice about ‘Boxing Day’ workplace responsibilities and entitlements is leaving many small business employers, particularly retailers, frankly bewildered.

Fear of sanctions for inadvertently breaching the Rudd Labor Government’s employment laws is resulting in many calls to industry associations, industrial law specialists and my office.

Pay rates have a big impact on small business viability and proprietors rightly need to know what is expected of them when deciding whether it is worthwhile to open the doors on December 26 and 28.

Small businesses should not have to pay for expensive expert workplace advice or industry organisation subscriptions, simply because the Rudd Government’s new workplace regime and transitional arrangements are confusing and agencies set up to help can not provide dependable advice.

Calls to the Government’s own agency, Fair Work Australia, are producing a variety of responses and a caution that the agency only provides ‘general advice’ and not specific direction of what is required of small business operators and employees to avoid the risk of penalty or sanction.

Small business employers want to do the right thing but have been unable to obtain the necessary clear and dependable advice they can rely upon.

For small business employees, it is unclear whether they have access to a ‘reasonable right to refuse’ to work on Boxing Day as this entitlement not to be forced to work on a public holiday, introduced by the former Coalition Government and retained in the Rudd Government regime, applies to designated public holidays, which for many awards is the Monday following December 26 ‘Boxing Day’.

It is in everybody’s interest that Boxing Day workplace rights and responsibilities be urgently clarified and I call on the Small Business Minister to show an interest in the small business community and provide clarity.

This confusion about ‘Boxing Day’ rights and responsibilities comes at a time of heightened criticism about the Rudd Labor Government’s failure to ensure that small business operators and employees are properly informed about and prepared for changes to employment laws as a result of the award modernisation process. The new awards are set to take effect in coming weeks.

The January 1 changes are the ‘business end’ of the new workplace relations regime and with some awards only finalised in recent weeks and evolving transition arrangements, confusion about the detailed provisions adds to concerns about the risk of heavy-handed enforcement for unintended non-compliance.

With just weeks to go before the key aspects of the Rudd Labor Government’s re-regulated employment regime take effect, no extensive small business education and information campaign has been undertaken to explain the changes and the practical implications of the new awards in the workplace.