

AUSTRALIA DAY – MONDAY, 28 January 2019 – Day in lieu of 26 January 2019

Australia Day is a public holiday on 26 January and is Australia's national day. If 26 January falls on a weekend, then a public holiday will be observed on the following Monday, which is **Monday 28 January 2019**. There are no restrictions on trading on this public holiday.

Australia Day falls on Saturday, 26 January in 2019. However, a substitute public holiday has been gazetted for **Monday, 28 January 2019** nationally.

HOW IS AN EMPLOYEE PAID FOR WORKING ON THESE DAYS?

1. What if my employee works on the Saturday?

An employee cannot be paid public holiday rates for both days, (i.e. the Saturday and the Monday). In this case the employee would be paid their normal rates of pay for working on a Saturday.

a. If an employee is covered by the VMRSR Award

- The Saturday work is part of the employee's 38 ordinary hours of work – time and half rates apply.
- If the Saturday work is in excess of 38 ordinary hours of work – time and half for the first three hours and double time thereafter.

b. If an employee is covered by the Clerks Private Sector Award

- The Saturday work is part of the employee's 38 ordinary hours of work – time and a quarter rates apply
- If the Saturday work is in excess of 38 ordinary hours of work – time and half for the first two hours and double time thereafter.

2. What if my employee only works on the substitute day, Monday, 28 January, not on the Saturday?

An employee would be entitled to public holiday penalty rates for working on this day

3. What if my employee works on both the Saturday and the Monday?

The employee would be entitled to be paid their normal rate of pay, [refer 1 a. and b. above] for working on the Saturday and the Public Holiday penalty rate for working on the Monday.

PUBLIC HOLIDAY PENALTY RATES

Where an employee works on the public holiday, that is Monday, 28 January 2019 they are entitled to be paid the penalty rates below.

Vehicle Manufacturing, Repair, Services and Retail Award 2010 & Clerks Private Sector Award 2010:

Penalty rates for working on a Public Holiday are as follows:

All employees except console operators, driveway and roadhouse attendants and casuals employed in any classification:	Double time and a half
Console operators, driveway and roadhouse attendants employed on a full time and part time basis:	Double time
Casual console operators, driveway, and roadhouse attendants:	Flat rate applicable to Saturday, Sunday and public holidays is payable
Vehicle Salespeople:	By mutual agreement a day off in lieu, otherwise double time and a half rates will apply. +
Other casuals (working in any class of work):	175 per cent loading

+Double time and a half for salespersons means:

If more than half a day is worked, half of the salesperson's weekly rate of pay calculated as follows:

*Weekly wage rate is \$837.40, they get an additional \$251.22
(which is \$837.40 divided by 5 = \$167.48 x 1.5)*

If half a day or less is worked, one quarter of the salesperson's weekly rate of pay calculated as follows:

*Weekly wage rate is \$837.40 they get an additional \$125.61
(which is half of \$251.22).*

An employee required to work on a public holiday is entitled to not less than four hours pay at penalty rates provided the employee is available to work for four hours.

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