

Bulletin

Workplace Relations



Reference No. Annual Closure 2023/dh-12-23

Date: 12/12/2023

Annual Closure and Trading Arrangements

This year, VACC will close during the Christmas/New Year period from 5 pm, Friday 22 December 2023 until Wednesday, 3 January 2023 inclusive. This is traditionally a quiet time as many members have their annual close-down at this time.

To assist the department, it would be helpful if members submitted any requests for annual and long service leave calculations prior to 22 December 2023.

Trading Arrangements

The following public holidays apply to the Christmas and New Year period under the *Vehicle Repair, Services and Retail Award 2020* (VRSR Award) and *Clerks - Private Sector Award 2020* (Clerks Award):

Victoria

PUBLIC HOLIDAYS	SERVICE STATIONS, ROADHOUSES, TOWING AND ROADSIDE REPAIRS, AND CAR RENTAL ESTABLISHMENTS	WORKSHOPS, WRECKERS, CAR WASHING ESTABLISHMENTS, MOTOR CAR PARTS AND ACCESSORIES	NEW AND USED CAR SHOW ROOMS & YARDS AND MOTORCYCLE ESTABLISHMENTS
Monday 25 December 2023 Christmas Day	May trade	No trading if more than 20 employees AND at any time during the period of seven days immediately before that time, the number of persons employed by the business and its related entities is no more than 100 (full-time equivalent basis)	No trading if more than 20 employees AND at any time during the period of seven days immediately before that time, the number of persons employed by the business and its related entities is no more than 100* (full-time equivalent basis)
Tuesday 26 December 2023 Boxing Day	May trade	May trade	May trade
Monday 1 January 2024 New Year's Day	May trade	May trade	May trade

*For the purposes of calculating the 100, employees employed in branches or in associated businesses count.

Members are reminded that under both the VRSR Award and the Clerks Award, **an employer and employee may mutually agree to substitute another day for the public holiday.**

Where agreement to substitute is reached, work performed on the public holiday becomes a normal working day and is paid accordingly. **VACC advises members to ensure that the details of any agreed substitution are retained in writing.**

Penalty rates of pay for work performed on public holidays (where a substitute day has **not** been agreed between employer and employee) are as follows:

VRSR Award

All full time and part time employees except console operators, driveway and roadhouse attendants and vehicle salespersons	250 percent of the minimum hourly rate, with a minimum payment of 4 hours
All casual employees, except console operators, driveway, roadhouse attendants and vehicle salespersons	275 percent of the minimum hourly rate, with a minimum payment of 2 hours
Full time and part time console operators, driveway and roadhouse attendants employed on a full-time basis (i.e., weekly hired):	200 percent of the minimum hourly rate, with a minimum payment of 3 hours
Casual console operators, driveway, and roadhouse attendants:	Flat rate applicable to Saturday, Sunday and public holidays is payable, with a minimum payment of 2 hours
Vehicle Salespeople – full time and part time	Double time and a half*
Casual Vehicle Salespeople	275 percent of the minimum hourly rate of pay, with a minimum payment of 2 hours

***Double time and a half for full time and part time salespersons** means:

- If more than half a day is worked, half of the salesperson's minimum weekly rate of pay prescribed under the Award - e.g., \$995.00 divided by two, which equates to **\$497.50 for the public holiday worked**.
- If half a day or less is worked, one quarter of the salesperson's minimum weekly rate of pay prescribed under the Award - e.g., \$995.00 divided by four, which equates to **\$248.75 for the public holiday worked** (rounded to the nearest cent).

The relevant amount provided above is in addition to the appropriate minimum hourly rate paid to employees for hours worked during the remainder of the week. For example, a vehicle salesperson employed on a 38-hour week at a minimum hourly rate of \$26.18 per hour (i.e., \$995.00 per week), would be entitled to 30.4 hours @ \$26.18 (i.e., \$796.00) plus either \$497.50 or \$248.75, depending on the number of hours worked on the public holiday (i.e., more than half a day or less than half a day is worked).

Clerks Award

Employees (other than shift workers) are entitled to 250 percent of the minimum hourly rate for ordinary hours worked on a public holiday, with a minimum payment of 4 hours' pay.

Annual holiday closure

Members are reminded of their modern award obligations where they intend to have a temporary shutdown of all, or a section of their business over the Christmas and/or New Year period.

As members will recall from a previous [Bulletin](#) the Vehicle Repair, Services and Retail Award 2020 (VRSR Award) and Clerks - Private Sector Award 2020 (Clerks Award) require employers to ensure that all employees affected by a reasonable temporary shutdown decision to receive **not less than 28 days' (i.e., four weeks') written notice** of the shutdown, including the duration of the closure. This notice period may be reduced by agreement between the employer and the majority of relevant employees.

Where an employee has insufficient accrual of annual leave, both the VRSR Award and Clerks Award allow for payment of total accrued annual leave as at the commencement of the temporary shutdown, and for an **employer and an employee to agree in writing** for the employee to take leave without pay for the balance of the temporary shutdown period. Employers should ensure that they keep a copy of the agreement, which may be recorded, for example, through an exchange of emails or text messages.

For the convenience of members, the table below summarises the Christmas/New Year close-down dates for the purpose of granting annual leave, including the public holidays (Christmas Day, Boxing Day, and New Year's Day).

Last working day:	<u>Two-week</u> close down <i>(Includes 3 public holidays)</i> Re-open morning of	<u>Three-week</u> close down <i>(Includes 3 public holidays)</i> Re-open morning of	<u>Four-week</u> close down <i>(Includes 3 public holidays)</i> Re-open morning of
Wednesday 20 December 2023	4/1/2024	11/1/2024	18/1/2024
Thursday 21 December 2023	5/1/2024	12/1/2024	19/1/2024
Friday 22 December 2023	8/1/2024	15/1/2024	22/1/2024

Members seeking further information are encouraged to contact the Workplace Relations team on 03 9829 1123 or ir@vacc.com.au.

Daniel Hodges
Executive Manager – Workplace Relations
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