

Upcoming Victorian Public Holiday - Melbourne Cup Day

Tuesday, 2 November 2021 Melbourne Cup Day is a gazetted public holiday across all of Victoria unless an alternate local holiday has been arranged by non-metropolitan Councils.

In country areas members may, by agreement with a majority of their employees, substitute another day - such as a local show or race day.

The State Government has also granted some Regional Councils in Victoria an alternative public holiday in lieu of Melbourne Cup Day. Regional councils may request either one whole day or two half-day public holidays instead of Melbourne Cup Day.

Note: Where an employee will be on leave on the day the public holiday falls (e.g., due to their current COVID-19 vaccination status), the entitlement to payment is as follows:

- **Annual Leave:** the employee is **entitled** to payment for the public holiday, meaning that the employee must either be paid an extra day's pay; or ensure that those hours are not deducted from the employee's leave balance.
- **Unpaid leave:** the employee is **not entitled** to payment for the public holiday as they do not have ordinary hours of work on that day.

For more information, please contact VACC's Workplace Relations team on 9829 1123.

Penalty rates of pay for work performed on Public Holidays under the Vehicle Repair, Services and Retail Award 2020 apply unless the employer and employees have agreed to substitute another day for the public holiday. The penalty rates 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., \$899.50 divided by two, which equates to **\$449.75 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., \$899.50 divided by four, which equates to **\$224.88 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 \$23.67 per hour (i.e., \$899.50 per week), would be entitled to 30.4 hours @ \$23.67 (i.e., \$719.57) plus either \$449.75 or \$224.88, 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 are entitled to 250 percent of the minimum hourly rate for hours worked, with a minimum payment of 4 hours' pay.

Daniel Hodges
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