

Upcoming Victorian Public Holidays – Thursday, 22 September and Friday, 23 September 2022

The Prime Minister Anthony Albanese has confirmed that Australians will receive a one-off public holiday to mark a **National Day of Mourning for Her Majesty the Queen on Thursday, 22 September 2022**. Mr Albanese has also confirmed that this day has been agreed by each state and territory.

With the **AFL Grand Final** public holiday to be held across Victoria this year on **Friday, 23 September 2022**, this means that in Victoria, there are now two public holidays next week. However, **these public holidays days are not restricted trading days under Victorian law**, meaning that all automotive businesses are permitted to open.

Given the short notice associated with the declaration of the additional public holiday, members are reminded that under both the *Vehicle Repair, Services and Retail Award 2020* (VRSR Award) and the *Clerks – Private Sector Award 2020* (Clerks Award), **an employer and employee may mutually agree to substitute another day for the public holiday**.

Accordingly, some employees may be interested in substituting one (or both) of these public holidays for another time – e.g. the day before the Melbourne Cup. **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 (unless the employer and employee have agreed to substitute another day for the public holiday) 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., \$940.90 divided by two, which equates to **\$470.45 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., \$940.90 divided by four, which equates to **\$235.23 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 \$24.76 per hour (i.e., \$940.90 per week), would be entitled to 30.4 hours @ \$24.76 (i.e., \$752.70) plus either \$470.45 or \$235.23, 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 double time and a half (250 percent) of the minimum hourly rate for hours worked, with a minimum payment of 4 hours' pay.

Members seeking further information are encouraged to contact the Workplace Relations team on 03 9829 1123.

Daniel Hodges
Executive Manager – Workplace Relations
Industrial Relations | OHSE