



WORKPLACE RELATIONS

QUEEN'S MEMORIAL DAY / BIRTHDAY 2022 FACT SHEET

HOSPITALITY INDUSTRY (GENERAL) AWARD 2020

This year, there will be a one-off public holiday in addition to the Queen's Birthday. Accordingly, the public holidays are:

Queen's Memorial Day – **Thursday, 22 September 2022**

Queen's Birthday – **Monday, 26 September 2022**

The following table sets out employee entitlements regarding public holidays under the *Hospitality Industry (General) Award 2020*.

| | EMPLOYEE WORKS THE PUBLIC HOLIDAY | EMPLOYEE <u>DOES NOT</u> WORK THE PUBLIC HOLIDAY |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Casual | Employee paid 250% penalty rate Minimum payment – 2 hours | No entitlement to payment. |
| Full-time (wages) | Employee paid 225% penalty rate; or By agreement in writing, paid ordinary rate for the day plus 25% additional loading (125%) provided that: <ol style="list-style-type: none">1. Equivalent time is added to annual leave; or2. A substitute day off is provided to the employee during the week in which the public holiday falls. Minimum payment – 4 hours | If the employee would have had ordinary hours that day, they must receive payment at their base rate of pay. However, where the day falls on their rostered RDO they must receive either: <ol style="list-style-type: none">1. An extra day's pay; or2. Be provided with an alternative day off within 28 days; or3. Be provided with an additional day's annual leave. |

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|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Part-time (wages)</p> | <p>Employee paid 225% penalty rate; or</p> <p>By agreement in writing, paid ordinary rate for the day plus 25% additional loading (125%) provided that:</p> <ol style="list-style-type: none"> 1. Equivalent time is added to annual leave; or 2. A substitute day off is provided to the employee during the week in which the public holiday falls. <p>Minimum payment – 4 hours</p> | <p>Where the day is part of the employee’s ordinary hours, they receive payment at their base rate of pay.</p> <p>No further entitlement if employee’s RDO falls on a public holiday.</p> |
| <p>Full-time ‘non-managerial’ annualised wage</p> <p>Clause 24</p> | <p>Where the day is part of the employee’s ordinary hours, they receive payment at their base rate of pay.</p> <p>However, the hours worked on the public holiday are to be counted towards the outer limits of:</p> <ol style="list-style-type: none"> 1. 18 penalty rate hours per week; or 2. 12 overtime hours per week, <p>The employee is paid the 225% penalty rate for those hours worked in excess of the outer limits.</p> | <p>If the employee would have had ordinary hours that day, they must receive payment at their base rate of pay.</p> <p>However, where the day falls on their rostered RDO they must receive either:</p> <ol style="list-style-type: none"> 1. An extra day’s pay; or 2. Be provided with an alternative day off within 28 days; or 3. Be provided with an additional day’s annual leave. <p>However, if the employee’s annual wage expressly compensates the employee when a public holiday falls on their rostered RDO, the employee has no further entitlement.</p> |
| <p>Managerial absorbed salary</p> <p>Clause 25</p> | <p>Employee not entitled to penalty rates.</p> <p>If an employee is required to work on a public holiday, they are entitled to paid time off that is of equal length to the time worked on the public holiday. This time off is to be taken within 28 days of accruing it.</p> | <p>Receive payment at their base rate of pay.</p> <p>No further entitlement if employee’s RDO falls on a public holiday.</p> |

Different entitlements apply for staff covered by different awards such as the:

- *Restaurant Industry Award 2020*;
- *Hotel and Tavern Workers Award*; and
- the *Restaurant, Tearoom and Catering Workers Award*.

Further Information

For further information or clarification regarding public holidays, please contact the Workplace Relations Team on (08) 9321 7701.

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