



WORKPLACE RELATIONS

QUEEN'S BIRTHDAY DAY 2022 FACT SHEET

RESTAURANT INDUSTRY 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 *Restaurant Industry Award 2020*.

	EMPLOYEE WORKS THE PUBLIC HOLIDAY	EMPLOYEE DOES NOT 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	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; or

	<p>week in which the public holiday falls.</p> <p>Minimum payment – 4 hours</p>	<p>3. Be provided with an additional day's annual leave.</p>
<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 annualised wage</p> <p>Clause 20</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.

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

- *Hospitality Industry (General) 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.

DISCLAIMER

It should be noted the information provided in this publication does not constitute formal legal advice and is provided for general and illustrative purposes only.

Whilst due care has been taken in preparing this document, no responsibility is accepted by the AHA (WA) for the accuracy of the information contained therein. All liability is expressly disclaimed for any damage which may arise from any person acting on any statement or information contained herein.