

IR POLICY AND GOVERNANCE UPDATE



QUEEN'S MEMORIAL PUBLIC HOLIDAY ANNOUNCED

Over the weekend, the Federal Government announced **Thursday, 22 September 2022 will be gazetted as a national public holiday in Australia**. The public holiday will be a one off, and not occur in future years.

Remaining open on the day

This means if your business remains open on that day, you will need to pay your employees in accordance with their relevant modern award for working on a public holiday:

- > Employees under the Graphic Arts, Printing and Publishing Award 2020, will be entitled to 250% for all hours worked, and with a minimum 4 hours' pay.
- > Employees under the Clerks – Private Sector Award 2020, will be entitled to 250% for all hours worked, and with a minimum of 4 hours' pay.
- > Members with enterprise agreements or IFA's should refer to the relevantly specific terms.

Please note, employees are entitled to be absent from work on a public holiday however employers can reasonably request that an employee performs work. Factors that determine reasonableness of such a request include the personal circumstances of the employee (such as any caring responsibilities if schools/childcare centres are closed), whether the employee is paid at a higher rate for the public holiday and the amount of notice given to the employee about working on the public holiday.

Closing for the day

If you decide to close your business on that day, permanent employees are entitled to be paid at their base rate of pay for all ordinary hours they would have worked that day had the business not been closed. Casual employees will not be entitled to any payment for that day if the business is closed.

Other considerations.

- > As the public holiday falls on a Thursday, it may be the case that employees request leave on the following day (Friday, 23 September) to make a four-day weekend.
- > Friday, 23 September is also a public holiday in Victoria for AFL Grand Final Weekend. Therefore, in all states and territories other than Victoria, employers should look at their annual leave policy to ensure all leave requests for the Friday are managed fairly.
- > If an employee applies to take personal/carer's leave on Friday, 23 September, it would be reasonable to request a medical certificate from that employee for that absence.

CONTACT

Any Industrial Relations Member who has a related query should contact Charles Watson, GM – IR, Policy and Governance at The Real Media Collective via email charles@thermc.com.au or mobile: +61 428 568 032.

DISCLAIMER

The content of this update, current at the date of publication, is intended to provide general guidance and consideration for TRMC Members only. The content does not constitute advice and should not be relied upon as such. Specific advice about your circumstances should be sought separately before taking any action. TRMC recommends Members ensure any related decisions are made on current and up to date information.

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