ARRANGEMENTS FOR WORK ON PUBLIC HOLIDAYS

The *Hospitality Industry (General) Award 2010* (“the Award”) provides employees with the following arrangements on public holidays:

**Full Time Employees (Non-Salaried and Non-Managerial)**
Where a full time employee works on a public holiday, they will be entitled to:

a) payment at the rate of double time and a half (250%) for all the time worked (with a minimum of four hours at that rate); or

b) by agreement, (see clause 32.2(b) of the Award) payment at the rate of time and a half (150%) and:
   i. have equivalent paid time to their annual leave; or
   ii. receive a paid day off in lieu within 28 days of the public holiday.

Where a full time employees’ rostered day off falls on a public holiday, they must:

a) be paid an extra day’s pay; or

b) be provided with an alternative day off within 28 days; or

c) receive an additional day of annual leave.

A full time employee is entitled to be absent from the workplace on a public holiday without loss of pay if it is a day which they would ordinarily work (sections 114 and 116 of the *Fair Work Act 2009* (“the FWA09)) however, an employer may reasonably request the employee to work on the public holiday.

**Annualised Salary Employees (Non-Managerial)**
Employees who are paid an annualised salary (see clause 27 of the Award) and work on a public holiday are entitled to a day off in lieu or a day added to their annual leave entitlement.

Where an annualised salary employees’ rostered day off falls on a public holiday they must:

a) be paid an extra day’s pay; or

b) be provided with an alternative day off within 28 days; or

c) receive an additional day of annual leave.

The exception to this is if the annualised salary employees’ contract of employment specifies that in the event that their rostered day off falls on a public holiday, the employer has chosen to provide them with an extra day’s pay and their annualised salary has already included and/or contemplated an amount for the extra day’s pay which the employee would otherwise be entitled to.

An employee who is paid an annualised salary is entitled to be absent from the workplace on a public holiday without loss of pay if it is a day which they would ordinarily work (sections 114 and 116 of the FWA09) however, an employer may reasonably request the employee to work on the public holiday.
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Regular Part Time Employees
Where a regular part time employee works on a public holiday, they will be entitled to:
   a) payment at the rate of double time and a half (250%) for all the time worked (with a minimum of four hours at that rate); or
   b) by agreement, (see clause 32.2(b) of the Award) payment at the rate of time and a half (150%) and:
      i. have equivalent paid time to their annual leave; or
      ii. receive a paid day off in lieu within 28 days of the public holiday.

A regular part time employee is entitled to be absent from the workplace on a public holiday without loss of pay if that day is a day which they would normally work (sections 114 and 116 of the FWA09) however, an employer may reasonably request the employee to work on the public holiday.

A regular part time employee who does not normally work on the day of the week which the public holiday falls is not entitled to receive any payment or other entitlements if they are not required to work on the public holiday (section 116 of the FWA09).

Casual Employees
Casual employees who work on a public holiday are to be paid at the rate of double time and three quarters (275%) of the ordinary/base rate of pay, with a minimum of two hours at that rate. Casual employees do not receive any payment or other entitlements if they are not required to work on a public holiday (section 116 of the FWA09).

Managerial Staff
Where a manager (who is paid the base annual salary under the Award) works on a public holiday, they will be entitled to:
   a) payment at the rate of double time and a half (250%) for all the time worked (with a minimum of four hours at that rate); or
   b) by agreement, (see clause 32.2(b) of the Award) payment at the rate of time and a half (150%) and:
      i. have equivalent paid time to their annual leave; or
      ii. receive a paid day off in lieu within 28 days of the public holiday.

Where a managers’ (who is paid the base annual salary under the Award) rostered day off falls on a public holiday they must:
   a) be paid an extra day’s pay; or
   b) be provided with an alternative day off within 28 days; or
   c) receive an additional day of annual leave.

Managers who are paid at least the salaries absorption rate under the Award (see clause 20.2 (b)) and who work on a public holiday are entitled to a day off in lieu.

Managers who are paid at least the salaries absorption rate under the Award are not entitled to any additional benefit if their rostered day off falls on a public holiday (see clause 20.2 (b) of the Award).
ARRANGEMENTS FOR WORK ON PUBLIC HOLIDAYS

A manager is entitled to be absent from the workplace on a public holiday without loss of pay if it is a day which they would ordinarily work (sections 114 and 116 of the FWA09) however, an employer may reasonably request the manager to work on the public holiday.

AWA or Collective Agreement Employees
Employees whose derive their entitlements from an AWA or collective agreement are subject to the public holidays conditions within that particular agreement and the provisions of the National Employment Standards.

Award/Agreement Free Employees
Employees who are deemed to be award or agreement free e.g. General Managers/Licensees, are subject to the provisions of the National Employment Standards and the public holiday conditions in their contracts of employment (if it refers to any) or any provisions in the hotel’s policies and/or handbook (if there is one).

Further Information
For further information or clarification on arrangements for employees on public holidays, please contact the AHA (NSW) Legal and Industrial Affairs Department on (02) 8218 1855.