



## 2011 THA – Restaurants Bulletin 12

10 May 2011

### QUEEN'S BIRTHDAY PUBLIC HOLIDAY

MONDAY 13 June 2011

**PLEASE NOTE THAT THE 2011 QUEEN'S BIRTHDAY PUBLIC HOLIDAY FOR TASMANIA IS MONDAY 13 JUNE 2011.**

The Restaurant Industry Award 2010 provides the following arrangements for the holiday listed above:

#### **Rates where employees are required to work on such holiday:**

1. Full-Time and Regular Part-Time Employees who work on this day shall be reimbursed as follows:
  - a. Double Time and a Half (250%) for all the time worked (with a minimum of four hours at Double Time and a Half); OR
  - b. By agreement, (clause 34.4) employees may work at ordinary rates plus Half Time (150%) and:
    - i. have equivalent paid time to their annual leave, or
    - ii. receive an additional day off in lieu of such public holiday during the same week,provided that such holiday may be allowed to the employee within 28 days after the holiday falls due.
  - c. By agreement between the employer and the majority of employees in the relevant enterprise, an alternative public holiday may be taken as the public holiday in lieu of the prescribed public holiday day (clause 38.1 of the Award).
2. Employees who are paid an ANNUALISED SALARY (per clause 28 of the Award) and who work on this day are entitled to a day off in lieu of this holiday or a day added to their annual leave entitlement.

3. Casual employees who work on this day shall be reimbursed at a rate of Double Time and One Half (250%) of a Full-Time employee's minimum hourly rate (clause 20) for the same classification with a minimum of two hours at this rate.

#### **Rates of pay where employees are not required to work on such holiday:**

1. If a Full-time employee, a Regular Part-Time employee (who normally works on the day of the week of the public holiday) or an employee who is paid an ANNUALISED SALARY (per clause 28 of the Award on this public holiday) is not required to work on the above holiday, such employee is entitled to take such day as a holiday without loss of pay (clause 56 under the National Employment Standards);
2. Casuals and Regular Part-Time employees (who do not normally work on the day of the week of the public holiday) do not receive any payment or other entitlements if they are not required to work on this holiday (clause 56 under NES);
3. For part timers working *rotating* shifts, to determine if they are eligible for a paid day off, we suggest their rosters be reviewed to see how many Mondays they have worked in the last 12 months or since commencement; whichever is shorter. If they have worked at least 50% of the Mondays in the period you may wish to consider giving them a paid day off as part of good HR practice.

#### **Rostered day off coinciding with the above holiday**

A Full-Time employee (not a Regular Part-Time employee) whose rostered day off falls on a public holiday must:

- be paid an extra day's pay; OR
- be provided with an alternative day off within 28 days, OR
- receive an additional day's annual leave.

**Employees working under an AWA or Collective Agreements are subject to the Public Holiday conditions within that particular agreement.**



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