



Department of Consumer
and Employment Protection
Government of Western Australia

Labour Relations

Labour Relations Newsletter

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Christmas considerations

The *Public and Bank Holidays Act 1972* provides for the following public holidays over the Christmas/New Year period:

Christmas Day	Monday 25 December 2006
Boxing Day	Tuesday 26 December 2006
New Years Day	Monday 1 January 2007

It is important for employers to consider whether employees are entitled to time off or extra pay on a public holiday under an applicable award or registered agreement. To determine what public holidays apply to a particular workplace during the Christmas/New Year period, the provisions of any relevant award or registered agreement need to be checked.

Businesses will be trading on Sundays and evenings during the Christmas/New Year period. State awards and registered agreements may also provide additional rates of pay for working during these times.

Christmas closedown

Many businesses elect to close down over the Christmas/New Year period. Owners need to be familiar with any award or registered agreement provisions to ensure correct procedures are followed.

This simple checklist will assist in protecting both employers and employees.

- Does the relevant award or registered agreement contain a specific clause relating to closedowns?
- Do the closedown provisions require employees to be given notice?
- Was it a condition of employment (usually stipulated in a contract) for the employee to take paid or unpaid leave during a Christmas closedown?
- Is it common practice for the business to close down over the festive period?
- Is there an agreement between the employer and employee to take paid or unpaid leave during a Christmas closedown?

Understanding each person's rights and responsibilities will minimise disputes during the festive season.

Public holidays and annual leave

State awards and registered agreements make different provisions for managing public holidays that coincide with an employee taking annual leave. With Christmas approaching, employers need to understand these obligations.

For example, the *Clerks (Commercial, Social and Professional Services) Award 1972* provides an employee with an additional ordinary day off work if a public holiday falls during a period of annual leave.

A different arrangement applies in the *Shop and Warehouse (Wholesale and Retail Establishments) Award 1977*, where an additional day is added to the annual leave entitlement. Consequently, leave loading may also be payable for the additional day.

Meanwhile, businesses covered solely by the *Minimum Conditions of Employment Act 1993* are not obliged to provide any additional entitlement.

Further questions?

We can assist employers and employees in understanding their relevant award and agreement provisions over the Christmas period. For further information, call Wageline on 1300 655 266.

Public holiday dates for 2007

The public holiday dates for Western Australia for 2007 are as follows:

New Years Day	Monday 1 January 2007
Australia Day	Friday 26 January
Labour Day	Monday 5 March
Good Friday	Friday 6 April
Easter Monday	Monday 9 April
Anzac Day	Wednesday 25 April
Foundation Day	Monday 4 June
Queen's Birthday*	Monday 1 October
Christmas Day	Tuesday 25 December
Boxing Day	Wednesday 26 December

* Non-metropolitan local authorities may seek approval to celebrate the Queen's Birthday on an alternative date.

The public holiday dates for this year and for 2007 and 2008 are also available on our website via the following link.

http://www.docep.wa.gov.au/lr/LabourRelations/Content/Wages and Conditions/Public_Holidays/Public_Holidays.html

School term dates are available on the Department of Education and Training website at <http://www.eddept.wa.edu.au/termdates/>

Daylight saving and recording working hours

The introduction of daylight saving in Western Australia may have affected the recording of hours for employees who worked at 2.00 am on 3 December 2006.

Industries involved include health and aged care, cleaning, security, hospitality, metals manufacturing, clothing manufacturing, road construction and any businesses that operate 24/7.

In the absence of specific provisions relating to daylight saving, employers need to consider pay arrangements for these employees. Parties to awards and registered agreements may wish to adopt industry standards or develop their own procedures to deal fairly with employees.

Daylight saving concludes at 2.00 am on 25 March 2007. Employers should also consider arrangements for this event, given employees may work an additional unrecorded hour.

Whatever arrangements are put in place, it is important that employers communicate with their employees to limit any confusion. For more information, contact Wageline on 1300 655 266.

Wageline online enquiry service

Wageline has enhanced its online enquiry service, providing information about wages and employment conditions to State employees and employers via email.

The online enquiry form guides users through a series of questions that allows Wageline to obtain accurate information. If Wageline cannot assist with a particular matter, the user will be referred to the appropriate Government department.

Wageline endeavours to respond to email enquiries within five working days. You can use this service by visiting www.docep.wa.gov.au/wageline

Changes to the Labour Relations Newsletter

To correct a recent programming fault, we will be using a new system to distribute the Labour Relations Newsletter.

Consequently, **all current subscriptions will be cancelled.**

You will receive instructions on how to re-subscribe to this service in the next few weeks.