

Dear VECCI member,

ANZAC Day 2010

We are writing to you to provide you with information to assist your business to manage ANZAC Day in 2010.

This operation of the entitlement to public holidays is now more complex as a consequence of the commencement of modern awards. Modern awards may contain terms that are ancillary or supplementary to the National Employment Standards (NES).

Please note that many modern awards interact with the legislation in such a way that an employee may be “entitled to the benefit of the substitute day”.

In 2010 – as announced by the Victorian Government in 2008 - Victorians will receive a substitute public holiday for ANZAC Day in 2010 **and** 2011. In 2010, the Victorian public holiday for ANZAC Day will be on Monday 26 April.

Modern awards and ANZAC Day 2010

As indicated above, your modern award may have the effect of expanding the entitlements of employees with regard to this public holiday, depending on the provisions of the applicable modern award.

A resource has been created for VECCI members that includes detail of the provisions of all 122 modern awards with respect to public holidays.

Members can go to the Workplace Relations Tools and Templates page at <http://www.vecci.org.au/TOOLS-AND-TEMPLATES/WR/Pages/default.aspx> to access this resource by following the link to “Modern Awards: Public Holiday Entitlements”. This is located in the “Useful Information” category.

Strategies for managing public holidays in your business

Where a public holiday is substituted by the operation of a modern award, an employee may refuse to work.

In determining whether a request (or a refusal of such a request) to work on a public holiday is reasonable, the following must be taken into account:

- the nature of the employer’s workplace (including its operational requirements) and the nature of the work performed by the employee
- the employee’s personal circumstances, including family responsibilities
- whether the employee could reasonably expect that the employer might request work on the public holiday

- whether the employee is entitled to receive overtime payments, penalty rates, additional remuneration or other compensation that reflects an expectation of work on the public holiday
- the type of employment (e.g. full-time, part-time, casual or shiftwork)
- the amount of notice in advance of the public holiday given by the employer when making the request
- the amount of notice in advance of the public holiday given by the employee in refusing the request; *and /or*
- any other relevant matter.

We encourage you to make careful plans for your workforce requirements on the public holiday, and to consult with your employees accordingly.

Future public holidays: Easter weekend 2010

Please note that the following public holidays are gazetted for the Easter weekend in 2010:

Good Friday	Friday 2 April
Easter Saturday	Saturday, 3 April
Easter Monday	Monday 5 April

Should you require further advice regarding public holidays, please contact the VECCI Industrial Relations-Workplace Relations Helpline on 03 8662 5333 [option 2].

Yours sincerely,



Alexandra Marriott
Manager – Workplace Relations Policy