

WBC Group Enterprise Agreement 2019

Source: Clause 16 Westpac Group Enterprise Agreement 2019

Note: the following applies only to Westpac, St George, BankSA and Bank of Melbourne employees

Working on Public Holidays

Public holidays give you the chance to take time out with friends and family, and while Westpac employees may be required to work on public holidays, there are processes in place to ensure that this is done fairly so that people who work on public holidays are compensated for working when others get to enjoy a day off.

Under the Westpac Group Enterprise Agreement 2019 the following process must be applied:

- At least 8 weeks before the public holiday, the Bank will either:
 - call for volunteers to work the public holiday in line with assessed staffing needs; or
 - confirm that the Bank's business and customer needs mean it is not appropriate to call for volunteers on the public holiday because standard staffing is required
- If 6 weeks before the public holiday:
 - the Bank does not have enough suitable volunteers in response to the Bank's call, you may be required to work; or
 - if the Bank has confirmed standard staffing is required, the Bank will notify you of your roster for the public holiday
- Less than 6 weeks before the public holiday - if there are unforeseen circumstances such as illness, system maintenance, resignation or emergencies, you may be required by the Bank to work.

When requiring employees to work on the public holiday where possible the Bank will consider individual employee needs, circumstances and preferences including the number of public holidays you have been required to work in the last 12 months.

Can I Be Directed to Work on a Public Holiday?

According to the National Employment Standards (NES), which are contained in the Fair Work Act, you are entitled to be absent from employment on public holiday.

However, under the Agreement the Bank can request that you work on public holiday if the request is reasonable. So, if you are required to work on a public holiday you may refuse if the requirement is not reasonable; or your refusal to work is reasonable.

Examples of the things that are taken into account when determining whether the requirement for you to work is reasonable, or whether your refusal to work is reasonable are:

- the operational requirements of the Bank and the nature of the work performed;
- your personal circumstances, including family responsibilities;
- whether you could reasonably expect that the Bank might request work on the public holiday;

- the amount of notice in advance of the public holiday given by the Bank when making the request;
- in relation to a refusal of a request - the amount of notice in advance of the public holiday given by you when refusing the request;
- your type of employment;
- any other relevant matter.

This means that the Bank's requirement that you work on a public holiday in many cases may be considered reasonable but if your personal or individual circumstances mean that a requirement to work on a public holiday would be unreasonable then call the Union for advice about your situation.

What Am I Paid If I Work on a Public Holiday?

Under the Westpac Group Enterprise Agreement 2019 if you work on a public holiday you will receive the following loading:

100% loading on top of your ordinary hourly rate for working on a National Public Holiday as listed below:

- New Year's Day
- Good Friday
- Easter Monday
- Christmas Day
- Australia Day
- Easter Saturday
- ANZAC Day
- Boxing Day

150% loading on top of your ordinary hourly rate for working on State and Territory public holidays as listed below:

All States and Territories	Queen's Birthday Eight Hour Day or Labour Day
ACT	August Bank Holiday
NSW	August Bank Holiday
NT	Picnic Day
QLD	Brisbane Royal National Show Day
SA	Adelaide Cup Day
TAS	Easter Bank Holiday
VIC	Melbourne Cup Day
WA	Foundation Day

100% loading on top of your ordinary hourly rate for working on Additional Public Holidays, which is any other day that is declared or prescribed as a public holiday or bank holiday in the State, Territory or locality in which you work.

Can I take a day off in lieu instead of receiving payment if I work on a public holiday?

If there is agreement between you and the Bank, instead of receiving the applicable public holiday loadings for working on a public holiday, you can take time off in lieu. If this is the case you will be paid your usual hourly rate of Fixed Pay for working on the public holiday.

Any time off in lieu must be taken within 12 months and will be on the basis of an hour off for an hour worked. Make sure to take any accrued time off in lieu because it won't be paid out on termination of employment.

What Will I Be Paid If I Don't Work On A Public Holiday?

If a public holiday falls on a day that you would have been scheduled to work but you are not required to attend work that day, you are entitled to be paid the ordinary hours that you would have worked.

Note: there are limited circumstances when a meal allowance may be payable when you work on a public holiday, for example, if you are not a shift work employee and you work more than 5 hours on a public holiday or a day you are rostered off duty you are entitled to a meal allowance.

Contact the FSU Member Rights Centre on 1300 366 378 if you are directed to work on a public holiday without the process under the Agreement being followed, you do not receive the correct loading or are not sure what other entitlements are payable.

Need more information?

For more information on your rights under the Westpac Group Enterprise Agreement 2019 contact your FSU Organiser or the FSU Member Rights Centre on 1300 366 378.

Not already an FSU Member?

Now is the time to join if you are not already an FSU member. When it comes to representation, the Union is only able to assist union members. You can join online today at <http://bit.ly/JoinFSU> or call 1300 366 378.