

If an employee does not work on a public holiday

Permanent employees whose roster includes the public holiday as a working day but do not work, receive the benefit of the public holiday by having the day off and being paid the ordinary single hourly rate of pay for the hours they are normally rostered to work.

WHAT IF MY ROSTER DOES NOT INCLUDE A PUBLIC HOLIDAY?

Permanent team members whose usual roster does not include the public holiday as a working day do not receive a benefit for the day.

Casual team members do not receive a benefit for a public holiday on which they do not to work.

CONTACT THE UNION

If you have any questions about your public holiday entitlements or trading arrangements over the Christmas/New Year period, please speak to your Delegate, contact your Organiser or phone the SDA on 1300 SDA HELP (that's 1300 732 4357).



A MESSAGE FROM YOUR SECRETARY, BARBARA NEBART

The SDA has worked hard over many years to ensure that our members get time off work to spend with their families on special occasions such as Christmas and over the New Year.

This leaflet explains the public holiday entitlements that apply to you over this Christmas/New Year period.

If you have any questions about your public holiday entitlements or trading arrangements over this period, please speak to your Delegate, contact your Organiser or phone the SDA Newcastle & Northern Branch Office on 1300 SDA HELP (1300 732 4357).

Newcastle & Northern Branch

PO Box 2211, Dangar, NSW 2309

T: 1300 SDA HELP (1300 732 4357)

W: www.sdan.org.au

E: secretary@sdan.org.au

 @SDANewcastle

 @SDANewcastle

Authorised by Barbara Nebart, Branch Secretary-Treasurer, Shop Distributive and Allied Employees' Association, Newcastle & Northern Branch, Level 1, 710 Hunter Street, Newcastle West, NSW 2302



PUBLIC HOLIDAYS & TRADING HOURS MCDONALDS

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This leaflet explains the public holiday entitlements and trading hour arrangements specifically for **McDonalds members working in NSW** over this Christmas and New Year period.

CHRISTMAS DAY, SATURDAY 25 DECEMBER

Christmas Day, Saturday 25 December is a **public holiday** in New South Wales. The company has informed the SDA that stores in NSW will be closed on the day. Full-time or part-time employees normally rostered to work on this day will be paid at the ordinary base rate of pay for the day.

BOXING DAY, SUNDAY 26 DECEMBER

Boxing Day, Sunday 26 December is a **public holiday** in NSW. Stores can open on Boxing Day **on the strict condition that team members have freely elected to work** on the day. As Boxing Day is both a public holiday and a conditionally restricted trading day, a team member may agree to, but cannot be required to, work on the day.

Team members who are rostered on and agree to work on Sunday 26 December are entitled to public holiday benefits for the day.

ADDITIONAL PUBLIC HOLIDAY, MONDAY 27 DECEMBER

Monday 27 December is a **public holiday** in New South Wales. Team members who are rostered and agree to work on Monday, 27 December are entitled to public holiday benefits for the day.

ADDITIONAL PUBLIC HOLIDAY, TUESDAY 28 DECEMBER

Tuesday 28 December is a **public holiday** in New South Wales. Team members who are rostered and agree to work on Tuesday, 28 December are entitled to public holiday benefits for the day.

NEW YEAR'S DAY, SATURDAY 1 JANUARY

New Year's Day, Saturday 1 January is a **public holiday** in NSW. Team members who are rostered on and agree to work on Saturday 1 January are entitled to public holiday benefits for the day.

ADDITIONAL PUBLIC HOLIDAY, MONDAY 3 JANUARY

Monday 3 January is a **public holiday** in New South Wales. Team members who are rostered and agree to work on Monday 3 January are entitled to public holiday benefits for the day.

AUSTRALIA DAY PUBLIC HOLIDAY, WEDNESDAY 26 JANUARY

Wednesday 26 January is the Australia Day **public holiday** in NSW. Team members who are rostered on and agree to work on Wednesday 26 January are entitled to public holiday benefits for the day.

DO I HAVE TO WORK ON A PUBLIC HOLIDAY?

The right to refuse to work on a public holiday is covered by the National Employment Standards ('NES'). Under the NES, an employee is entitled to be absent on a public holiday, however, McDonald's may request that an employee work on a public holiday if the request is reasonable. An employee may refuse McDonald's request to work on a public holiday if McDonald's request is unreasonable. In determining if a request, or a refusal of a request, to work on a public holiday is reasonable, the following matters must be taken into account:

- the nature of the workplace and the nature of the work performed by an employee;
- the employee's personal circumstances, including family responsibilities;
- whether the employee could reasonably expect that McDonald's might request that they work on the public holiday;
- whether the employee is entitled to receive overtime, penalty rates or other compensation for work on the public holiday;
- the type of employment (full-time, part-time or casual);
- the amount of advance notice given by McDonald's when they make the request;
- the amount of advance notice given by the employee when refusing the request;
- any other relevant matter.

If you have any questions about your right to reasonably refuse to work on a public holiday, you should contact the Union on 1300 732 4357. Team members are encouraged to speak to their Line Manager in the event of any concern about their pay or roster.

In New South Wales, the right to refuse work on Christmas Day and Boxing Day is also covered by the Retail Trading Act 2008, which provides that any work performed on a restricted trading day can only be performed by employees who have freely elected to work.

Christmas Day and Boxing Day are restricted trading days in New South Wales. Therefore, work on Christmas Day and Boxing Day is strictly voluntary.

WHAT DO I GET PAID IF I WORK ON A PUBLIC HOLIDAY?

If an employee works on a public holiday

Permanent (full-time and part-time) employees who work on the day receive payment at the rate of double time and a quarter (225%) of their ordinary hourly rate.

Casual employees who work on the day receive payment at the rate of double time and a half (250%) of their ordinary hourly rate, which includes the casual loading.

continued overleaf

EVENT/DAY	PUBLIC HOLIDAY	PUBLIC HOLIDAY PENALTY RATES	IS WORK VOLUNTARY?
Christmas Eve Friday 24 December 2021	No	No	No
Christmas Day Saturday 25 December 2021	Public Holiday	Yes	Yes (employee must freely elect to work)
Boxing Day Sunday 26 December 2021	Public Holiday	Yes	Yes (employee must freely elect to work)
Additional Public Holiday Monday 27 December 2021	Public Holiday	Yes	Yes (NES reasonable right to refuse)
Additional Public Holiday Tuesday 28 December 2021	Public Holiday	Yes	Yes (NES reasonable right to refuse)
New Year's Eve Friday 31 December 2021	No	No	No
New Year's Day Saturday 1 January 2022	Public Holiday	Yes	Yes (NES reasonable right to refuse)
Additional Public Holiday Monday 3 January 2022	Public Holiday	Yes	Yes (NES reasonable right to refuse)
Australia Day Wednesday 26 January 2022	Public Holiday	Yes	Yes (NES reasonable right to refuse)