



## Government Sector Labour Relations

Shaping a contemporary government sector workforce

Circular

### Circular 1/2022 – Easter Sunday Public Holiday

#### Introduction

Easter Sunday became a public holiday in Western Australia through amendments to the *Public and Bank Holidays Act 1972* (PBH Act) commencing on 12 February 2022. Under the new PBH Act provisions:

- all State awards and industrial agreements immediately recognise Easter Sunday as a public holiday, so penalty rates are payable for work performed on that day; and
- substitution provisions in industrial instruments do not apply to the Easter Sunday public holiday just because it falls on a weekend, so another day can only be substituted if there is an entitlement to substitute for another reason, for instance if the public holiday falls on an employee's rostered day off.

The new provisions have the effect that some public sector industrial instruments contain inconsistent or inferior entitlements. Those entitlements will need to be amended when instruments are renegotiated. Government Sector Labour Relations has reviewed all instruments to identify where changes are needed and will advise agencies at the commencement of bargaining if their agreements are affected.

This circular provides guidance on the implementation of the Easter Sunday public holiday in the public sector while inconsistencies between the PBH Act and industrial instruments remain.

#### Operation of PBH Act amendments

1. Under section 3(3) of the PBH Act, any provision in an industrial award or agreement that allows for the substitution of a public holiday to another day for the sole reason that the public holiday falls on a weekend does not apply to the Easter Sunday public holiday.
2. The statutory Easter Sunday public holiday operates independently from, and does not replace, the additional day of leave in lieu of Easter Sunday in public sector industrial agreements.

#### Payment of penalties before instruments are amended

3. Except as provided in item 5 of this Circular, public sector employers are to pay penalty rates to employees required to work on Easter Sunday in 2022 and any following year.
4. The applicable penalty rate is the public holiday penalty or any Sunday penalty prescribed in the applicable industrial instrument, whichever is higher.
5. In early April 2022, Government Sector Labour Relations will separately contact agencies whose employees are covered by industrial agreements containing composite or annualised salaries reflecting public holidays, or lump sum payments in lieu of public holidays, to advise how payment for the Easter Sunday public holiday should be administered.

#### Further advice

Please contact your [Labour Relations Adviser](#) if you require further information.

Jane Hammond | **Executive Director**  
**Government Sector Labour Relations**  
Issue date: 7 April 2022