

Aged Care Sector

Public Holidays

Factsheet 2021-2022



The summer holidays are coming up, know what your rights are at work.

If your employment is covered by a Collective Agreement, your entitlements will be set out under the Public Holidays clause. Below are the minimum legal requirements for 2021-2022 Holiday period:

Christmas Day	Will be recognised on Saturday 25 December or recognition will be transferred to Monday 27 December (refer to following detail)
Boxing Day	Will be recognised on Sunday 26 December or recognition will be transferred to Tuesday 28 December (refer to following detail)
New Year's Day	Will be recognised on Saturday 1 January or recognition will be transferred to Monday 3 January (refer to following detail)
Day after New Year's Day	Will be recognised on Sunday 2 January or recognition will be transferred to Tuesday 4 January (refer to following detail)

If you work both the actual day of the Public Holiday and the transferred day, only one of those days will be recognised as the Public Holiday. You are entitled to no more than four Public Holidays over the Christmas and New Year period, regardless of your work pattern.

Requirement to work a Public Holiday

In order to maintain services your employer may require you to work on a Public Holiday which falls on a day which would, but for it being a Public Holiday, be your working day.

You are deemed to have been required to work if you are rostered on duty or on-call and actually called into work. You are deemed NOT to have been required to work if you were not rostered on duty or were on-call but not called back to work. Refer to your On-Call/ Call-Back/ Call-Outs clause in your Collective Agreement for specific payment details.

Observance and Payment

If you are rostered on duty on the Public Holiday Saturday or Sunday but do not work, you will be paid relevant daily pay for the day and transfer of the observance will not occur.

If you work on a Public Holiday which would otherwise be a working day, you will be paid a minimum of time and a half and shall receive an alternative holiday. Please refer to your Employment Agreement on payment for working a Public Holiday and/or the transferred day. Only one alternative holiday will be granted in respect of each Public Holiday.



Aged Care Sector

Public Holidays

Factsheet 2021-2022



Night Duty

If you work a night shift that straddles a Public Holiday you shall be paid the Public Holiday rates for those hours which occur on the Public Holiday and the applicable rates for the remainder of the shift. One alternative holiday shall apply in respect of each Public Holiday worked or part worked.

Shut down Periods

Employers can require employees to take annual holidays during a close-down period, providing they give at least 14 days' notice. If a business has a customary 'close-down' or 'shut-down' period that includes public holidays (as can happen over the Christmas and New Year period) then the employee is entitled to those public holidays and they are not to be treated as annual leave, subject to the general provisions above.

If you are not yet entitled to annual leave the employer must pay you 8% of your total gross earnings since you began work, or mutually agree for you to take annual leave in advance.

If you have any questions, please speak with your NZNO Delegate or call the Member Support Centre on 0800 28 38 48.

Have a happy and safe festive season!

Lesley Harry
Industrial Advisor, Aged Care Sector

