

Public holidays

Many collective agreements have additional clarification and entitlements regarding public holidays. Please check to see if your employment agreement gives better entitlements than the general guidelines outlined below.

Otherwise working day

Your entitlements on a public holiday whether you are working or off duty, will depend on whether the public holiday would “otherwise be a working day”.

This can be difficult to determine if you work on a rostered and rotating basis. For this reason, many NZNO collective agreements have guidelines to help determine if you are entitled to a public holiday on a particular day. Reference should be made to your collective agreement in the first instance.

General guidelines

If your employment agreement has no guidelines to help determine what would “otherwise be a working day” then the following issues should be considered:

- > your usual work patterns;
- > your employer’s rosters or other similar systems;
- > the reasonable expectations of the employer and yourself as to whether you would normally work on that day;
- > whether you work for your employer only when work is available - for example, you are a casual employee;
- > whether or not you would have normally worked on the day concerned whether it falls on an annual leave day;
- > any other relevant factors.

After considering these issues if you are still unclear whether the public holiday falls on a day that would “otherwise be a working day” please contact NZNO for assistance.

Relevant daily pay

“Relevant daily pay” is used to determine how much you should be paid on a public holiday. (It is also used to determine pay for sick leave and bereavement leave.)

Your relevant daily pay is what you would normally have been paid for working on the day in question including:

- > regular allowances or regular penal rates such as weekend rates;
- > payments for overtime if you would have received them had you worked on the day concerned, including usual rostered and unrostered overtime;
- > the cash value of any board or lodgings provided by the employer to you.

But excluding:

- > any payment of any employer contribution to your superannuation scheme;
- > the additional payment you would have received for working on a public holiday.

If it is not possible to find out what your relevant daily pay would have been for a particular day then your employer may use average daily pay.

Average daily pay

Average daily pay is generally calculated by dividing your gross earnings for the past 52 weeks by the number of days, or part days, you worked during that time.

Minimum entitlements

Once you have determined if the day would “otherwise be a working day” see the table below for your minimum entitlements. Always check your employment agreement as you may be entitled to additional provisions.

	Otherwise working day	Not otherwise working day
Worked	Alternative holiday if any part of the public holiday has been worked Paid at least time and a half for time actually worked on the day	Paid at least time and a half for the time actually worked on the day
Not worked	Paid relevant daily pay or average daily pay	No pay

Public holidays which fall on weekends

Be aware that public holidays that can fall on weekends (Christmas Day, New Year’s Day, ANZAC Day, Waitangi Day) are transferred to the next Monday or Tuesday if you do not work weekends.

Alternative holidays

You will receive an alternative holiday if you are not casual and you work on a public holiday that would otherwise be a working day. An alternative holiday should be paid at relevant daily pay or average daily pay for the day you take it.

You may request that your employer pay out the alternative holiday at a rate that you both agree on. This request may only be made if more than 12 months have passed since you became entitled to the alternative holiday.

Your employer may require you to take the alternative holiday

You can be required to take an alternative holiday by your employer. In the first instance, the alternative holiday should be taken on a day agreed by you and your employer. If agreement cannot be reached, your employer may require you to take the alternative holiday on a day that would otherwise be a working day with 14 days notice.

Casual employees

If you are a casual employee you are not entitled to alternative holidays for working on public holidays. You are also not entitled to be paid for the public holiday if you don't work on a public holiday. This is because there is no expectation of ongoing employment in a casual employment agreement.

If you are casual and work on a public holiday you must still be paid at least time and a half for the time actually worked on the day.

Where can I find out more?

- > Speak to the NZNO delegate at your workplace
- > NZNO member support centre 0800 28 38 48
- > Ministry of Business, Innovation and Employment Labour information
- > Holidays Act 2003

Material referred to in this document is sourced from the Ministry of Business, Innovation and Employment Labour information and the Holidays Act 2003.

Date adopted: January 2014

Review date: January 2016

Principal author: Industrial resources group

Correspondence to: nurses@nzno.org.nz

Mission statement

NZNO is committed to the representation of members and the promotion of nursing and midwifery. NZNO embraces Te Tiriti o Waitangi and works to improve the health status of all peoples of Aotearoa/ New Zealand through participation in health and social policy development.

© 2014 This material is copyright to the New Zealand Nurses Organisation.

Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part of this publication may be reproduced by any process, stored in a retrieval system or transmitted in any form without the written permission of the Chief Executive of the New Zealand Nurses Organisation (NZNO), PO Box 2128, Wellington 6140.