



Public Holidays

Under “Workchoices” basic employment rights were slashed to a handful of minimum conditions.

The Fair Work Act has restored and improved public holiday entitlements for workers.

Overview

The NES provides you with the entitlement to be absent from work on a public holiday.

The NES provides you with a workplace right to reasonably refuse to work on a public holiday and also guaranteed payment where you are absent from work because of a public holiday.



What days are public holidays

Under the NES, the following days are public holidays:

- New Year's Day (1 January)
- Australia Day (26 January)
- Good Friday (varies)
- Easter Monday (varies)
- Anzac Day (25 April)
- Labour Day (varies)
- Queen's Birthday
- Royal Queensland Show Day (varies)
- Christmas Day (25 December)

- Boxing Day (26 December)

Can I substitute a public holiday for another day?

Dependent upon your Workplace Agreement or Award for your industry, you may be able to substitute a public holiday for another day.

Your employer must not pressure you into substituting a public holiday for another day.

What are reasonable grounds to refuse work on a public holiday?

When deciding whether your refusal to work on a public holiday is reasonable, the following will be considered:

- The nature of your workplace
- Your personal circumstances (family responsibilities)
- Whether you could reasonably expect your employer to ask you to work on the public holiday
- Operational requirements of your employer and the nature of work performed by you (your industry)
- Whether you are entitled to receive overtime payments, penalty rates, additional remuneration or other compensation that reflects an expectation of work on the public holiday
- Your current employment status (full-time, part-time, casual or shiftwork)
- The amount of notice in advance of the public holiday given by your employer when making the request
- The amount of notice in advance of the public holiday given by you in refusing the request
- Any other relevant matter.

Am I entitled to get paid when I'm not required to work?

If you are on a public holiday, your employer must pay you the base rate of pay for your ordinary hours of work on that day or part day (other than a casual employee). The base rate of pay excludes incentive



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based payments and bonuses, loadings, monetary allowances, overtime or penalty rates.

However, you are not entitled to payment if you do not have ordinary hours of work on the public holiday. For example, if you are a part-time employee, you will not be entitled to payment if your part-time hours do not include the day of the week on which the public holiday falls.

Note your award or agreement will provide the pay rate if you work on a public holiday. This is usually a higher rate.



Contact us

For more information on any of these topics, please see the other United Voice fact sheets. If you are unsure or require further advice, please contact your union delegate or call United Voice Member Assist on 3291 4600 or 1800 065 885 outside of the Brisbane area. Alternatively you can now lodge a request for information or assistance at www.memberassist.org.au

