

PUBLIC HOLIDAYS OVER THE CHRISTMAS/NEW YEAR PERIOD 2021/2022

As we near the end of the year, it is important to be aware of the upcoming public holidays

Not only that, but you need to be aware of how they may impact your business and employees.

PUBLIC HOLIDAY ENTITLEMENTS

Entitlement to be absent

The National Employment Standards provide all employees with the right to not work on a public holiday.

While an employer can reasonably request that an employee work on a declared public holiday if the request is reasonable, the employee may refuse to work if they have reasonable grounds.

Payment for absence

Employees (except casual employees) who normally work on a day that a public holiday falls will be paid for the ordinary hours they would have worked on that day at the base rate of pay (ie. excludes incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates, or any other separately identifiable amounts).

Employees generally don't get paid for a public holiday if they do not normally work on the day that the public holiday falls.

For example, if a part-time employee only works Monday to Thursday each week but the public holiday falls on a Friday, the employee does not get paid for the public holiday because they do not normally work the Friday.

Note, a roster can't be changed to deliberately avoid public holiday pay.



Payment for working on a public holiday

Generally, employees will be paid public holiday rates for time worked on a public holiday. The applicable public holiday rates will depend on the workplace instrument that covers the employee.

Substitute day

An employer and an employee can agree to substitute a public holiday (or part-day public holiday) for another day.

If a public holiday is substituted, then the substitute day is regarded as the public holiday and penalty rates are only paid on the substitute day.

Rostered day off

If employers have a rostered day off (RDO) system in place with any of their employees, they should refer to the applicable award for specific information. Some awards may provide for an alternative paid day off where an RDO falls on a public holiday.

Checking Your Conditions

The information provided in this publication is necessarily general. Different arrangements for their public holidays may apply depending on the applicable workplace instrument. Before this holiday season, it is important to check what conditions and penalty rates apply to your employees.

This article is intended for information purposes only and should not be regarded as legal advice. Please contact Employer Assist for advice. Individual liability limited by a scheme approved under professional standards legislation.

WHAT DATES ARE PUBLIC HOLIDAYS?

The following days have been declared Public Holidays for the 2021/2022 Christmas/New Year period:

DATE	NSW	VIC	QLD	SA	WA	TAS	ACT	NT
Friday 24 December			X (from 6pm to midnight)	X (from 7pm to midnight)				X (from 7pm to midnight)
Saturday 25 December	X	X	X		X	X	X	X
Sunday 26 December	X	X	X	X	X		X	
Monday 27 December	X	X	X	X	X	X	X	X
Tuesday 28 December	X	X	X	X	X	X	X	X
Friday 31 December				X (from 7pm to midnight)				X (from 7pm to midnight)
Saturday 1 January	X	X	X		X		X	X
Monday 3 January	X	X	X	X	X	X	X	X

AAAA Member Benefits

Employer Assist provides all AAAA members with advice regarding all aspects of your workplace and employment law. Employer Assist can assist you in understanding your employment obligations in relation to public holidays and applicable penalty rates.

Please contact Employer Assist on 1300 735 306 or aaaa@employerassist.com.au if you require any assistance.