



Your Guide to Public Holidays



Introduction

Public Holidays: Overview

Employers across New Zealand are required to recognise the 11 public holidays provided for in the Holidays Act 2003.



The issue of public holiday pay is a tricky one, as it means keeping track of who is entitled to what rate, and how it impacts leave. Employers can get confused when it comes understanding accurate public holiday pay.

The key thing to remember for employers is that regardless of the length or type of employment, whether it is full-time, part-time, fixed-term or casual, your employees are entitled to any benefits that come from working on public holidays.

Part 1

Working on Public Holidays

Learn what to do when your employees are working on public holidays.

There are several industries and businesses that continue working on public holidays. What do you have to do if your employee is working on a public holiday?

First, an employee can be made to work on a public holiday if the public holiday is observed on a day the employee would normally work and their employment agreement says they have to work on the public holiday. We recommend creating an employment agreement that is fair, reasonable, and benefits both parties.

Did you know that Employsure helps business owners draft up employment agreements for all employees?

As an Employsure client, you get access to super service and our **24/7 free Advice line.**

Call 0800 568 012

Rate of Pay

If the employee is made to work, there is a public holiday rate of pay which is time and a half for each hour worked.

In certain circumstances, the employee will also get another paid day off later, otherwise known as a **day in lieu or an alternative holiday.**

**Public holiday
rate of pay is
time and a half**

Good Friday & Easter Monday

The public holidays for Easter are Good Friday and Easter Monday. Easter Sunday is different as it is not a public holiday itself, so if your employee works on Easter Sunday they are only entitled to their usual rate of pay.

If the employee does not work on Easter Sunday, they are not entitled to a paid day.

Please note that there are separate rules for shop employees.

If you have shop employees and want them to work on Easter Sunday, you must give them notice and the employee is allowed to refuse to work.

Part 2

Public Holidays on a Weekend

Do you know what to do if a public holiday falls on a weekend?



When public holidays are attached to specific dates, rather than days like the King's birthday which is always on a Monday, there can be confusion about the correct way to observe the public holiday. Do you pay the employee public holiday pay for that day?

Mondayisation

Mondayisation happens when an employee's public holiday which falls on a Saturday or Sunday is moved to the following Monday. Mondayisation only happens if the employee doesn't normally work on the calendar date of the holiday.

If an employee normally works on the day of the public holiday's calendar date, then there is no mondayisation for them and their public holiday benefits apply to the calendar date.

If an employee would normally work on both the calendar date of the public holiday and the possible mondayisation date, their public holiday is on the calendar date.

Ultimately, an employee will not get two public holidays for the same occasion.



Part 3

Public Holidays During Leave

What should you do if a public holiday falls during a period of leave for an employee?



Annual leave

During a period of annual leave that includes a public holiday, employees are entitled to a paid public holiday only if they would normally work on the day of the public holiday. In this case, the employee will be paid for the public holiday, and will not lose a day of annual leave.

Business close-down

This is also the case in instances of a business close-down, specifically when they fall over the Christmas and New Year period. Employees are entitled to a paid public holiday only if they would ordinarily work on the day of the public holiday.



Parental leave

If a public holiday falls and an employee is on parental leave, they will not be entitled to public holiday pay as they would not have normally worked that day. Also, when on parental leave the payment amount and the number of weeks of leave are not impacted by a public holiday falling within this leave period.

Family violence leave

Employees affected by family violence can take up to 10 days of paid family violence leave. If an employee would have worked, had they not been on leave, the day would be considered a paid unworked public holiday.

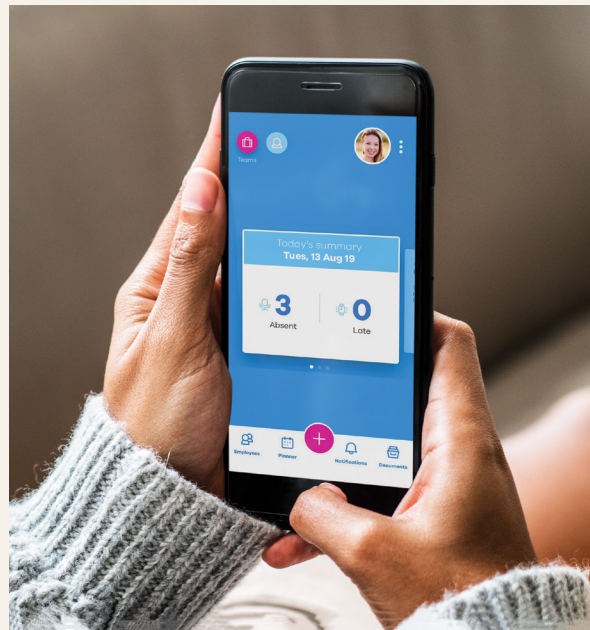
Sick/bereavement leave

If an employee is sick or suffers a bereavement on a public holiday, this day should be paid as an unworked public holiday and not counted as sick or bereavement leave.

Stay on top of Leave Management with BrightHR

Are you manually keeping track of staff leave? If you employ several staff and employees on different kinds of employment arrangements, it can be tricky to manage staff leave and entitlements. That's why we came up with BrightHR.

This award-winning HR software makes your employee management faster, easier and much more convenient.



Because keeping up with part-time, full-time or variable hour annual leave entitlements is confusing! But you also must get it right.

Employment clients get access to BrightHR, a software with the following features:

- ✓ Holiday calendar and annual leave planner
- ✓ Lateness and sickness log
- ✓ Rota planner
- ✓ TOIL tracker
- ✓ Unlimited document storage

Part 4

Alternative Holidays

Alternative holidays are also known as a day off in lieu or a lieu day.

Alternative holidays are days off at another time offered to employees if they work on a public holiday. To be eligible the employee has to work on a public holiday that would normally be a working day for them. The employee is entitled to a full paid day off, even if they only worked a small portion of the public holiday.

The alternative holiday rules may extend to those on call and will extend to those working only part of a shift. There are some restrictions around alternative holidays, meaning an employee can take the alternative holiday:

- ✓ on a mutually agreeable date
- ✓ on another day on which they would normally be working
- ✓ the day cannot be a public holiday

If an alternative day cannot be agreed on, the employer is entitled to choose a day, provided it is reasonable, and give the employee 14 days' notice.



Lacking stipulations

Unless a higher rate is provided for in the employment agreement, the alternative holiday is paid at the relevant daily pay or average daily pay depending on the situation.

Termination of employment

An employee who ceases employment, or whose employment is terminated, is entitled to be paid out any alternative days they have not utilised by the time they conclude their employment.

Payment for the alternative holiday is based on the rate of the pay the employee received on their last day of work. You will also be required to calculate if a public holiday would fall within the period after the employee's last day, if the employee had taken entitled leave.

12-month timeframe

Alternative holidays can also be paid out if the employee doesn't take the day within 12 months of it being earned. In this instance, the payment must be agreed by both the employer and the employee and the payment is to be made as soon as practicable after the agreement has been finalised.

Part 5

List of Public Holidays

The Holidays Act 2003 sets out the 11 public holidays to be observed across New Zealand.



Holiday Dates

1
January

New Year's Day

2
January

Day after
New Year's Day

6
February

Waitangi Day

Date varies

Good Friday

Date varies

Easter Monday

25
April

ANZAC Day

1st
Monday
in June

King's Birthday

Date varies

Matariki

4th
Monday in
October

Labour Day

25
December

Christmas Day

26
December

Boxing Day



Every business is unique and has different needs and requirements.

As an EmploySure client, you have access to our **24/7 Advice line**, where our team members are present to answer all your questions and concerns.

Call 0800 568 012

Disclaimer: Please note that this guide is written to offer employers general guidance and understanding of Public Holidays.

