

Public Holidays

There are nine public holidays provided for in the Organisation of Working Time Act, as follows:

- Christmas Day
- St Stephen's Day
- St Patrick's Day
- Easter Monday
- The first Monday in May
- The first Monday in June
- The first Monday in August
- The last Monday in October
- The first of January

In respect of each public holiday, an employee's entitlement is as follows:

- a paid day off on the public holiday; or
- a paid day off within a month; or
- an extra day's annual leave; or
- an extra day's pay

as the employer may decide.

Health service employees who work a '5 over 7' roster usually receive nine additional days annual leave in lieu of their liability to work on public holidays.

Qualifying Conditions

All permanent and temporary employees who work on a full-time basis have an immediate entitlement to public holiday benefits. Employees who work on a casual/part-time basis must have worked at least 40 hours during the 5-week period ending on the day before the public holiday to qualify for the public holiday.

Employee Absent from Work Prior to a Public Holiday

An employee is not entitled to a public holiday if s/he is absent from work immediately before the public holiday for one of the following reasons:

- Absence in excess of 52 consecutive weeks by reason of an occupational injury
- Absence in excess of 26 consecutive weeks by reason of an illness or injury (not occupational)
- Absences in excess of 13 consecutive weeks caused by a reason not including injury or illness.
- Absence by reason of a strike
- Absences due to carer's leave (after the first 13 weeks of the leave has elapsed)
- Absences due to health and safety leave under the Maternity Protection Act 1994 and 2004 i.e. an employee **will not** accrue an extra day in lieu of the public holiday to be taken at the end of the health and safety leave period.

Payment and Compensation for Public Holidays

Payment for public holidays is governed by the Organisation of Working Time (Determination of Pay for Holidays) Regulations, 1997. Payment in respect of a public holiday includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime. Additionally many employees in the health service receive premium payments in excess of the statutory requirements.

Public holiday entitlements are implemented in the health service in light of both statutory and contractual provisions as follows:

A) Employees who work or who are normally required to work on the day on which the public holiday falls

An employee who normally works on the day on which the public falls but has the day off by virtue of the fact that it is a public holiday is entitled to his/her normal day's pay.

An employee who works a '5 over 7' roster and is scheduled to work on the day on which the public holiday falls is entitled to payment for hours worked plus single time extra for each of those hours. S/he is also entitled to an additional day's annual leave² **or** an additional day's pay based on 1/5 of his/her standard working week in respect of his/her statutory entitlement for the public holiday³.

An employee who works a '5 over 7' roster and whose scheduled day off is the day on which the public holiday falls is entitled to an additional day's leave based on 1/5 of his/her standard working week in respect of his/her statutory entitlement to a public holiday.

B) Employees not normally required to work on the day on which the public holiday falls

An employee who is not normally required to work on the day on which the public holiday falls, (e.g. part-time employees who are only rostered to work on particular days), is entitled one-fifth of his/her normal weekly pay. (Such employees must however have worked 40 hours in the 5 weeks ending on the day before the public holiday to qualify for this entitlement.)

C) Job-Sharers – Monday to Friday

Job-sharers who work Monday to Friday and do not work or are not normally required to work on the day on which the public holiday falls, the appropriate rate in respect of the public holiday is the sum that is equal to one-tenth of the sum that is paid in respect of the last 2 weeks of normal working hours worked by the employee before that public holiday.

Public Holidays and Sick Leave

Where an employee is scheduled to work but absent due to illness or injury on a day on which the public holiday falls, the day in question should be recorded as a public holiday and the payment for the public holiday* should not be offset against the employee's total sick pay entitlement.

Health service employees who have a liability to work on public holidays (e.g. nurses who work a '5 over 7' roster) but who are ill on the day continue to receive an additional nine days' annual leave in lieu of this liability.

Note

- An employee who is absent on statutory maternity, additional maternity leave, adoptive leave, additional adoptive leave or parental leave continues to accrue an entitlement to public holidays.
- Payment is the number of hours the employee would have worked had the day not been a public holiday.
- In the health service public holiday work is normally defined as any roster which commences between midnight on the eve of the public holiday and midnight on the public holiday.
- Payment in respect of a public holiday includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime.

Termination of Employment

Where the employment terminates during the week ending on the day before a public holiday and the employee has worked during the 4 weeks preceding that week, the employee is entitled to be paid in respect of that holiday.

e.g. if Christmas Day (25th December) falls on a Friday and the employee terminated his/her employment on the previous Friday (18th December), or any time within that period, then s/he would still be entitled to payment for the public holiday provided s/he also worked during the four weeks preceding the week commencing the 18th December.

² Employees who work a '5 over 7' roster normally receive an additional nine days' annual leave in lieu of their liability to be rostered on public holidays.

³ As an exception to the above in some locations the public holiday entitlement for psychiatric nurses and ambulance personnel reflects their normal working day.