

## Factsheet – Public Holidays

Public holidays represent significant religious, national, state and local occasions, and provide people with family and leisure time to celebrate the occasion.

### Why It Matters

Breaking down and understanding the information in modern awards and the National Employment Standards (NES) can be a tricky business and it is sometimes difficult to understand exactly what is required of you as an employer.

Understanding public holiday entitlements makes it easier to ensure you are meeting your obligations — leading to happier, more productive employees.

### What is a public holiday?

A public holiday is a holiday generally established by law and is usually a non-working day during the year.

Public holidays in Australia are determined by a combination of:

- statutes, with specific gazetting of public holidays
- industrial awards and agreements

Our National Public Holidays are New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Christmas Day and Boxing Day. Other public holidays such as Queen's Birthday and Labour Day are individually declared by the state and territory governments. Some states have their own public holidays, such as Melbourne Cup Day and Canberra Day.

Traditionally, employees have had the right to take a public holiday off work with regular pay. In recent years this tradition has changed somewhat. For example, businesses that normally open on a public holiday may request employees to work on that day.

### National Employment Standards

Public holidays form part of the National Employment Standards (NES). The NES provide an entitlement for employees to be absent from work on a day or part-day that is a public holiday and provides for payment where an employee is absent from work because of a public holiday. It also provides an employee with the right to reasonably refuse to work on a public holiday.

The NES applies to all employees covered by the national workplace relations system, regardless of any award, agreement or contract.

## What are the public holidays?

Public holidays can be different depending on the state or territory you're in.

You can find out what the public holidays are in your location by selecting from the list below:

- [Australian Capital Territory](#)
- [New South Wales](#)
- [Northern Territory](#)
- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)

## Minimum entitlements

Under the NES all employees are entitled to be absent from work on a day or part-day that is a public holiday.

### Full-time/part-time employees

Generally, a full-time or part-time employee who would have worked their ordinary hours on a day a public holiday falls will be paid their base pay rate for the ordinary hours they would have worked if they had not been away because of the public holiday.

An employee's base pay rate doesn't include:

- any incentive-based payments
- bonuses
- loadings
- monetary allowances
- overtime or
- penalty rates.

### Casual employees

Casual employees don't get paid for public holidays not worked.

## Award specific entitlements

### Road Transport and Distribution Award 2020

The Public Holiday provisions in the Transport and Distribution Award refer the reader to the NES.

#### *Full-time/part-time employees (other than shiftworkers)*

A full-time or part-time employee who is absent from work on a public holiday is to be paid their base pay rate for the ordinary hours they would have worked if they had not been away because of the public holiday.

A full-time or part-time employee who works on a public holiday must be paid for at the following rates:

	% of the ordinary hourly rate
Good Friday and Christmas Day	200
Public holiday other than Good Friday and Christmas Day	150

A full-time or part-time employee working on a public holiday must be paid for a minimum of 4 hours work, whether they worked for 4 hours or a shorter period.

Payment for work on a public holiday is in addition to any amount payable in respect of the weekly rate.

For the avoidance of doubt, an employee doesn't get paid for a public holiday if they don't normally work their ordinary hours on the day that the public holiday falls.

#### *Casual employees*

A casual employee who is performing work on a public holiday is to be paid, in addition to the casual loading, as follows:

	% of the ordinary hourly rate
Good Friday and Christmas Day	300
Public holiday other than Good Friday and Christmas Day	250

A casual employee working on a public holiday must be paid for a minimum of 4 hours work, whether they worked for 4 hours or a shorter period.

## Road Transport (Long Distance Operations) Award 2020

The Public Holiday provisions in the Long-Distance Award are different to most awards.

### *Full-time/part-time employees*

A full-time or part-time employee who is absent from work because it is a public holiday is to be paid 20% of the minimum weekly rate specified at cl.16.1(a).

A full-time or part-time employee who is performing work on a public holiday is to be paid as follows:

- for Good Friday or the Christmas Day holiday – 30% of the minimum weekly rate specified at cl.16.1(a), plus the appropriate payment for any work performed on the public holiday in accordance with the agreed method of payment (i.e. the cents per kilometre (CPK) or hourly driving).
- for all other public holidays – 20% of the minimum weekly rate specified at cl.16.1(a), plus the appropriate payment for any work performed on the public holiday in accordance with the agreed method of payment (i.e. the cents per kilometre (CPK) or hourly driving).

A full-time or part-time employee working on a public holiday must be paid for a minimum of 4 hours work, whether they worked for four hours or a shorter period.

### *Casual employees*

A casual employee who is performing work on a public holiday is to be paid as follows:

- for Good Friday or the Christmas Day holiday – 30% of the minimum weekly rate specified at cl.16.1(a), plus the appropriate payment for any work performed on the public holiday in accordance with the agreed method of payment (i.e. the cents per kilometre (CPK) or hourly driving).
- for all other public holidays – 20% of the minimum weekly rate specified at cl.16.1(a), plus the appropriate payment for any work performed on the public holiday in accordance with the agreed method of payment (i.e. the cents per kilometre (CPK) or hourly driving).

A casual employee will only be entitled to the payment specified above where the majority of the work undertaken on a particular journey is undertaken on a public holiday.

A casual employee working on a public holiday must be paid as follows:

- if paid by the cents per kilometre (CPK) method – minimum payment as for 500 km
- if paid by the hourly driving method – minimum payment of 8 hours work, whether they worked for 8 hours or a shorter period.

## Clerks—Private Sector Award 2020

### *Full-time/part-time employees*

A full-time or part-time employee who is absent from work on a public holiday is to be paid their base pay rate for the ordinary hours they would have worked if they had not been away because of the public holiday.

A full-time or part-time employee who is performing work on a public holiday or a substituted day is paid as follows:

- for all public holidays – double time and a half (250%).
- if both a public holiday and the substitute day are worked – the penalty rates are only payable on one of those days at the election of the employee.

### *Casual employees*

A casual employee who is performing work on a public holiday is to be paid at the rate of time and a half (150%) in addition to the casual loading.

A casual employee working on a public holiday must be paid for a minimum of 4 hours work, whether they worked for 4 hours or a shorter period.

## Substitution for another day

If, under the law of a State or Territory, a day or part-day is substituted for any of the above days or part-days, then the substituted day or part-day is the public holiday.

The provisions in many awards whereby an employer and employee can agree to substitute another day are currently under review by the Fair Work Commission.

## What are reasonable grounds for requesting or refusing to work on a public holiday?

The NES provides that an employee can refuse to work on a public holiday if the request from the employer is not reasonable, or the refusal by the employee is reasonable.

In deciding whether an employee's refusal is reasonable, you need to take into account:

- the nature of your workplace (including its operational requirements) and the nature of the work performed by the employee
- the employee's personal circumstances, including family responsibilities
- whether the employee could reasonably expect that you might request him or her to work on the public holiday

- whether the employee is entitled to receive overtime payments, penalty rates, additional remuneration or other compensation that reflects an expectation of work on the public holiday
- the type of employment (e.g. full-time, part-time, casual or shift work)
- the amount of notice in advance of the public holiday given by you when making the request
- the amount of notice in advance of the public holiday given by the employee in refusing the request, and
- any other relevant matter.

## Need more

NatRoad's advisors have substantial experience in advising on all types of leave, the development of human resource policy, contracts of employment and enterprise bargaining/agreements. For more information and advice about public holidays, contact a NatRoad advisor on (02) 6295 3000 or [info@natroad.com.au](mailto:info@natroad.com.au).