

Public Holidays Policy

For Australian Small & Medium Enterprises

Template Version 1.0 | December 2024

Important Notice

Public holidays and penalty rates vary by state/territory and modern award. This template provides general guidance based on the NES. Always check your applicable modern award or enterprise agreement for specific penalty rates and entitlements.

1. Purpose

This policy outlines employee entitlements relating to public holidays in accordance with the National Employment Standards (NES) and applicable modern awards.

2. Scope

This policy applies to:

- All employees, including full-time, part-time and casual staff
- All public holidays recognised under the NES and state/territory legislation
- Substitute days and additional state/territory public holidays

3. Public Holidays Under the NES

The National Employment Standards recognise the following public holidays:

- New Year's Day (1 January)
- Australia Day (26 January)
- Good Friday
- Easter Saturday
- Easter Monday
- Anzac Day (25 April)
- Queen's Birthday (varies by state)
- Christmas Day (25 December)
- Boxing Day (26 December)

Additional public holidays may apply in your state or territory.

4. State and Territory Holidays

State and territory-specific holidays include:

- Melbourne Cup Day (Victoria - metropolitan area)
- Adelaide Cup Day (South Australia)
- Canberra Day (ACT)
- Recreation Day (Tasmania - northern region)
- Royal Queensland Show (Brisbane area)
- Western Australia Day
- May Day (NT and QLD)
- Picnic Day (NT)

[Company Name] will advise which public holidays apply to your workplace.

5. Entitlement to Be Absent

5.1 General Entitlement

Under the NES, all employees are entitled to be absent from work on a public holiday.

5.2 Full-Time and Part-Time Employees

- Entitled to be absent without loss of pay
- Payment is for hours ordinarily worked on that day
- If the public holiday falls on a day ordinarily worked

5.3 Part-Time Employees - Days Not Ordinarily Worked

If a public holiday falls on a day a part-time employee does not ordinarily work:

- Generally no entitlement to payment
- Check modern award for specific provisions
- Some awards provide for substitute days or additional payment

5.4 Casual Employees

- Entitled to be absent on public holidays
- Not entitled to payment for absence
- Entitled to penalty rates if they work

6. Working on Public Holidays

6.1 Reasonable Requests

[Company Name] may request employees to work on a public holiday if the request is reasonable.

6.2 Factors Determining Reasonableness

Factors that determine whether a request is reasonable include:

- The nature of the workplace and work
- The nature of the employee's role
- The employee's personal circumstances (including family responsibilities)
- Whether the employee could reasonably expect to be asked to work
- Notice given by the employer
- Notice given by the employee if refusing
- Whether the employee is entitled to additional pay (penalty rates)

6.3 Employee Refusal

An employee may refuse to work on a public holiday if:

- The request is not reasonable, OR
- The refusal is reasonable

Refusal should be communicated as soon as practicable.

7. Penalty Rates

7.1 Award Penalty Rates

Penalty rates for working on public holidays are set by your applicable modern award:

- Rates vary significantly between awards
- Common rates range from 200% to 250% of ordinary hourly rate
- Some awards provide additional leave in lieu instead of or as well as penalty rates
- Check your specific award for applicable rates

7.2 Casual Loading

- Casual employees typically receive the casual loading in addition to penalty rates
- Check your award for specific provisions

8. Substitute Days

When a public holiday falls on a weekend:

- A substitute day may apply (typically the following Monday)
- This is determined by state/territory government announcements
- Modern awards may specify how substitute days apply
- [Company Name] will advise of any substitute arrangements

9. Public Holidays During Other Leave

9.1 Annual Leave

- Public holidays during annual leave are not counted as annual leave

- Employee is paid for the public holiday at normal rates
- One day of annual leave is effectively saved

9.2 Personal Leave

- Public holidays during sick leave are generally treated as public holiday
- Personal leave is not deducted for the public holiday

9.3 Long Service Leave

- Treatment varies by state/territory legislation
- Check applicable legislation

10. Rostering

[Company Name] will endeavour to:

- Roster public holiday work fairly across the team
- Consider employee preferences where operationally possible
- Give reasonable notice of public holiday rosters
- Apply roster changes consistently

11. Close-Down Periods

If [Company Name] closes during a period containing public holidays:

- Employees will be paid for public holidays as normal
- Other closure days may be taken as annual leave
- At least 28 days' notice will be given for close-down periods

12. Record Keeping

[Company Name] maintains records of:

- Public holidays worked
- Penalty rates paid
- Requests to work and any refusals
- Public holiday payments

13. Responsibilities

13.1 Employees

- Notify [Company Name] if unable or unwilling to work when requested
- Provide reasonable notice of refusal
- Work as rostered unless refusal is reasonable

13.2 Management

- Make reasonable requests to work

- Apply penalty rates correctly
- Roster fairly
- Maintain accurate records

14. Review

This policy will be reviewed:

- At least annually
- When NES or award changes occur
- When public holiday arrangements change

Employee Acknowledgement

I acknowledge that I have read and understood [Company Name]'s Public Holidays Policy. I understand my entitlements and responsibilities regarding public holidays.

Employee Name: _____

Signature: _____

Date: _____