

# PUBLIC HOLIDAY ENTITLEMENTS DURING THE COVID-19 PANDEMIC

9 April 2020

With many public holidays coming up within the next month, employers will need to know how to treat public holidays, in light of changed working arrangements they may have in place with their employees. In this article, we set out how public holidays are treated under the various arrangements that employers may have in place.

## When are the public holidays?

Friday 10 April	Good Friday	All states/territories
Saturday 11 April	Easter Saturday	All states/territories except TAS & WA
Sunday 12 April	Easter Sunday	QLD, NSW, VIC & ACT only
Monday 13 April	Easter Monday	All states/territories
Tuesday 14 April	Easter Tuesday	TAS only
Saturday 25 April	ANZAC Day	All states/territories except WA
Monday 27 April	ANZAC Day <i>observed</i>	WA only
Monday 27 April	ANZAC Day <i>additional</i>	ACT
Monday 4 May	Labour Day	QLD
Monday 4 May	May Day	NT

## What are employees entitled to on a public holiday?

Under the National Employment Standards (NES), if a public holiday falls on a day which is the employee's normal day of work, or if the employee is rostered to work on that day, they are entitled to the day off, on full pay.

Awards and enterprise agreements also set out penalty rates and time off in lieu arrangements that apply for employees who work on a public holiday.

## What if a public holiday falls during a period where the employee is on unpaid leave?

The employee is not entitled to be paid for the public holiday.

## What if a public holiday falls during a period where the employee is on annual leave?

The employee is entitled to be paid for the public holiday. That day will not count as annual leave and instead will be treated as a public holiday.

**What if a public holiday falls during a period where the employee is on long service leave?**

This will depend on the state or territory the employee works in and whether the employee is full-time, part-time or casual.

In NSW, Victoria, Queensland, Tasmania, Western Australia and the ACT, if a public holiday falls on a day that a full-time or part-time employee would have ordinary hours of work, their long service leave is extended by one day.

If the employee would not ordinarily have worked on the day that is a public holiday, they will not have their long service leave extended. For instance, if a full-time employee works Monday to Friday, they would not get the benefit of the Easter Saturday and Easter Sunday public holidays, but would get the benefit of the Good Friday and Easter Monday public holidays. Likewise, if a part-time employee works on Wednesday, Thursday and Friday, they would only get the benefit of the Good Friday public holiday and not any of the other Easter public holidays.

Casual employees do not get the benefit of public holidays while they are taking long service leave. This is because the Fair Work Act states that a casual employee who is not rostered on for a public holiday is not entitled to payment and by their nature casual employees do not have ordinary rostered hours.

Employees in South Australia and the Northern Territory are not entitled to have their long service leave extended if a public holiday occurs while they are taking long service leave.

**What if a public holiday falls during a period when the employee is on personal/carer's leave?**

The employee is entitled to be paid for the public holiday. The day would not be counted as personal/carer's leave and would instead be treated as a public holiday.

**What if a public holiday falls during a period where the employee has been stood down?**

The employee is entitled to be paid for the public holiday.

**What if a public holiday falls during the consultation phase of a redundancy process?**

The employee is entitled to be absent and paid for the public holiday.

**The employee has agreed to reduce their rate of pay, due to the COVID-19 pandemic. Do they get paid for the public holiday at the new, reduced rate of pay?**

The employee will be paid for the public holiday at the new reduced rate of pay.

**The employee has agreed to reduce their hours of work, and the public holiday falls on their non-working day. Is the employee entitled to the public holiday?**

If the public holiday falls on a day that the employee no longer works, the employee will not be entitled to a public holiday for that day.

### **Need help?**

We are able to help you manage your workforce during this difficult time. Contact [Sean Melbourne](#) if your business needs legal or HR assistance.

Check out other COVID-19 resources on the Source website:  
<https://www.sourcelegal.com.au/covid-19-response/>