Determining whether employee is eligible for payment for public holiday not worked – Nursing Only

- Five day week employees:

1) Employees must always receive pay (including for time worked and for public holidays not worked) for at least contracted hours.

2) Determine whether the employee has an established pattern of work that would allow you to determine whether or not they would have worked the public holiday, had it not been a public holiday.

3) If there is no established pattern of work, review the number of times the employee has been paid for a shift over the previous 12 months on the day on the week that the public holiday falls. This should include periods of leave and paid public holidays.

4) To convert this number to a percentage, multiply this number by 100, then divide the resulting number by the number of times that day occurs in that year, 53 if it falls on a Tuesday, 52 for all other days (2019 only).

5) If the resulting percentage is less than 40%, the employee will not be entitled to a paid public holiday for time not worked.

- Seven day week employees:

1) Employees must always receive pay (including for time worked and for public holidays not worked) for at least contracted hours.

2) Determine whether the employee has an established pattern of work that would allow you to determine whether or not they would have worked the public holiday, had it not been a public holiday.

3) If there is no established pattern of work, review the number of times the employee has been paid for a shift over the previous 12 months on the day on the week that the public holiday falls. This should include periods of leave and paid public holidays.

4) To convert this number to a percentage, multiply this number by 100, then divide the resulting number by the number of times that day occurs in that year, 53 if it falls on a Tuesday, 52 for all other days (2019 only).

5) If the resulting percentage is less than 40%, the employee will not be entitled to a paid public holiday for time not worked.

6) Full-time employees will always receive payment for public holidays.