

Public Holidays

Under current legislation there are nine public holidays.

1st January (New Year'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
Christmas Day
St. Stephen's Day

Note: Good Friday and Christmas Eve, although bank holidays are not public holidays. The Act refers to “public holidays” not “bank holidays”.

- Employees who work or who are normally required to work on a public holiday will be entitled to an additional day's pay for the holiday.
- Employees who are not normally required to work on a public holiday will be entitled to one fifth of the normal weekly rate of remuneration for the public holiday.
- If the employee ceases to be employed during the week ending on the day before the public holiday, having worked at least 40 hours during the five weeks preceding that week, the employee will be entitled to receive payment for the public holiday.

Conditions for qualifying for a Public Holiday benefit

Employees, other than part-time/casual, have an immediate entitlement to public holiday benefits.

Part-time/casual employees must have worked at least 40 hours in the 5 weeks ending on the day before the public holiday to qualify for the public holiday benefits.

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

- a. A paid day off on the public holiday, or
- b. A paid day off within a month: or
- c. An extra day's annual leave; or
- d. An extra day's pay

As the employer may decide.

Note: If a public holiday falls on a Saturday, and the employee does not normally work Saturdays, options **(b), (c), or (d)** apply as the employer decides.

Note: If a Public Holiday falls on a day on which the employee would be off, with pay, e.g. sick pay, then options (b),(c) or (d) will apply.

Note: If the employee ceases to be employed during the week ending on the day before a public holiday, having worked during the 4 weeks preceding that week, he/she is entitled to receive pay for the public holiday.

Employees 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 holiday for one of the following reasons:

- Absence in excess of 52 consecutive weeks by reason of an occupational injury.
- An absence in excess of 26 weeks by reason of illness or injury.
- An absence in excess of 13 weeks by reason not referred to above but being an absence authorised by the employer, including lay off.
- An absence by reason of a strike.

Note: Employees on maternity or adoptive leave maintain their public holiday entitlement for the duration of their absence.

Disputes

Any dispute arising from the application of the Act concerning public holidays can be dealt with through the Workplace Relations Commission. The decision can be appealed to the Labour Court where the determination is binding.