

## Working on public holidays

Employees get paid at least their base pay rate for all hours worked on public holidays.

Awards, enterprise agreements and other [www.fairwork.gov.au/Dictionary.aspx?TermID=2034](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) registered agreements ([www.fairwork.gov.au/Dictionary.aspx?TermID=2034](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034)) can provide entitlements for working public holidays, including:

- extra pay (eg. public holiday rates)
- an extra day off or extra annual leave
- minimum shift lengths on public holidays
- agreeing to substitute a public holiday for another day.

Find information about working on public holidays in your award by selecting from the list below.

Based on what you've told us, it looks like you're covered by the General Retail Industry Award [MA000004].

An employee has to be paid public holiday rates for all time worked on a public holiday.

To calculate public holiday pay rates, use our [Pay Calculator \(http://calculate.fairwork.gov.au/FindYourAward\)](http://calculate.fairwork.gov.au/FindYourAward) .

### Alternative public holiday payments

Each time a full-time or part-time employee works a public holiday, they can agree with their employer to get one of the following, instead of the public holiday penalty loading:

- a day (or equivalent time) off with no loss of pay or
- an extra day (or equivalent time) to add to their annual leave.

If they choose time off with no loss of pay, the time off must be taken within 4 weeks of the public holiday, otherwise the time will be paid instead.

An employee has to be paid the public holiday penalty rate when no other agreement is made.

### Minimum hours on public holidays

The Retail Award doesn't have specific minimum daily hours for public holidays.

For the minimum daily hours in this award, go to [Hours of work \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/default\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/default) .

### Substituting public holidays

An employer and an employees can agree to substitute a public holiday (or part-day public holiday) for another day.

If a public holiday is substituted, then the substitute day is regarded as the public holiday and penalty rates are paid on the substitute day.

If both days are worked, employees can elect to be paid public holiday rates for the actual public holiday or the substituted public holiday, but not both.

To find out more about who this award applies to, go to the [Retail Award summary \(www.fairwork.gov.au/awards-and-agreements/Awards/Award-summary/ma000004-summary\)](http://www.fairwork.gov.au/awards-and-agreements/Awards/Award-summary/ma000004-summary) .

Source reference: [General Retail Industry Award \[MA000004\] clause 22.1 \(b\) and 33](http://awardviewer.fwo.gov.au/award/show/MA000004) [☞ \(http://awardviewer.fwo.gov.au/award/show/MA000004\)](http://awardviewer.fwo.gov.au/award/show/MA000004)

### Requesting and refusing to work on public holidays

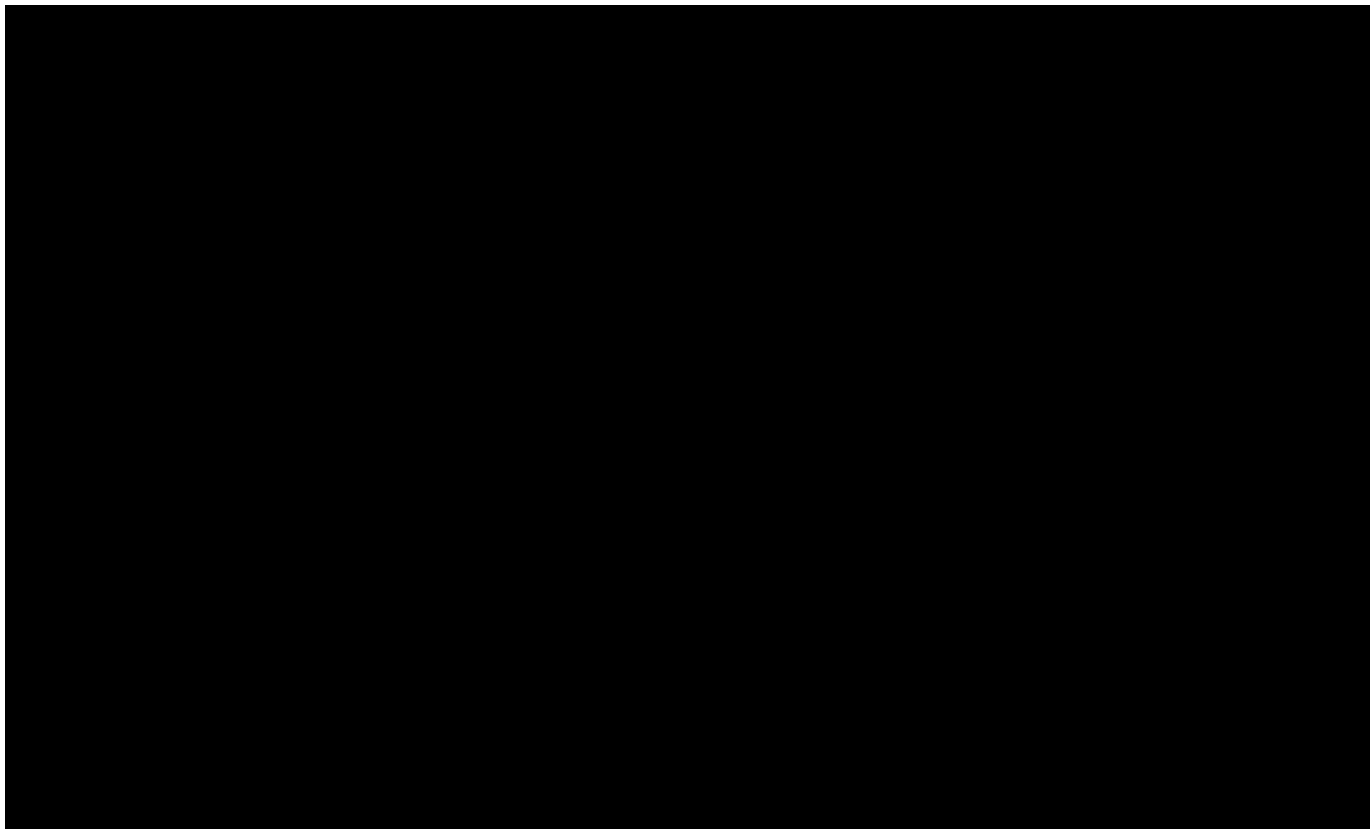
Employees don't have to work on a public holiday.

However, an employer can ask an employee to work on a public holiday, if the request is reasonable. An employee may refuse a request to work if they have reasonable grounds.

The following need to be taken into account when deciding if a request is reasonable:

- the employee's personal circumstances, (eg. family responsibilities)
- whether the employee will get more pay (eg. penalty rates)
- the needs of the workplace
- the type of work the employee does
- whether the employee's salary includes work on a public holiday
- whether the employee is full-time, part-time, casual or a shiftworker
- how much notice the employee was given about working
- the amount of notice the employee gives that they refuse to work.

When requesting that an employee work on a public holiday, employers need to consider all relevant circumstances, including the ones listed above.



Source reference: Fair Work Act 2009 s.114 -116 [☞ \(http://www.comlaw.gov.au/Series/C2009A00028\)](http://www.comlaw.gov.au/Series/C2009A00028)

## **Think a mistake might have been made?**

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

## **What to do next**

- Use our [Pay Calculator \(http://calculate.fairwork.gov.au/FindYourAward\)](http://calculate.fairwork.gov.au/FindYourAward) to find public holiday pay rates
- Find the [List of public holidays \(www.fairwork.gov.au/Leave/Public-holidays/List-of-public-holidays/default\)](http://www.fairwork.gov.au/Leave/Public-holidays/List-of-public-holidays/default) in your state or territory

## **Help for small business**

- Find tools, resources and information you might need on our [Small business page \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](http://www.fairwork.gov.au/Find-help-for/Small-business/default) .

## You might also be interested in

- [Not working on public holidays \(www.fairwork.gov.au/Leave/Public-holidays/not-working-on-public-holidays\)](http://www.fairwork.gov.au/Leave/Public-holidays/not-working-on-public-holidays)
- [Hours of work \(www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/default\)](http://www.fairwork.gov.au/Employee-entitlements/hours-of-work-breaks-and-rosters/Hours-of-work/default)

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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