

Public holidays

Overview

Public holidays are part of the National Employment Standards (NES). The NES apply to all employees covered by the national workplace relations system, regardless of any award, registered agreement or employment contract.

Employees have the right to be absent from work on a day or part-day that is a public holiday. Employees are protected from adverse action for reasonably refusing to work on a public holiday.

What days are public holidays?

The following days are public holidays under the NES:

- 1 January (New Year's Day)
- 26 January (Australia Day)
- Good Friday
- Easter Monday
- 25 April (Anzac Day)
- King's birthday holiday (the day on which it is celebrated in a State or Territory or a region of a State or Territory)
- 25 December (Christmas Day)
- 26 December (Boxing Day)
- any other day or part-day declared as a public holiday within a State or Territory.

You can find a full list of public holidays for each State and Territory on our [Public holidays page](https://www.fairwork.gov.au/public-holidays) at [fairwork.gov.au/public-holidays](https://www.fairwork.gov.au/public-holidays)

Can a public holiday be substituted for another day?

Sometimes a State or Territory law may substitute a public holiday for a different day. For example, if Christmas Day falls on a weekend an additional or substitute public holiday may be declared on the following Monday.

An award or registered agreement may also include provisions which allow an employer and employee to agree to substitute a public holiday for another day.

What are reasonable grounds for requesting or refusing to work on a public holiday?

In determining whether an employer's request or an employee's refusal to work on a public holiday is reasonable, the following must be taken into account:

- the nature of the employer's workplace (including its operational requirements) and the nature of the work performed by the employee
- the employee's personal circumstances, including family responsibilities
- whether the employee could reasonably expect that the employer might request work on the public holiday
- whether the employee is entitled to receive overtime payments, penalty rates or other extra payments
- the type of employment (for example, full-time, part-time, casual or shiftworker)
- the amount of notice in advance of the public holiday given by the employer when making the request
- the amount of notice in advance of the public holiday given by the employee in refusing the request
- any other relevant matter.

What payment is required for not working on a public holiday?

Full-time and part-time employees are entitled to be paid their base pay rate for their ordinary hours if they are absent from work because of a public holiday. The base rate of pay excludes incentive-based payments and bonuses, loadings, monetary allowances, overtime or penalty rates, or any other separately identifiable amounts.

An employee is not entitled to payment if they do not have ordinary hours of work on the public holiday.

For example, a part-time employee is not entitled to payment if their part-time hours do not include the day of the week on which the public holiday falls.

Example

Stephanie is a full-time employee who usually works overtime in addition to her ordinary hours of work on Mondays. She receives overtime rates for these overtime hours under her award.

Stephanie's company is closed on Easter Monday, so Stephanie gets the day off. She is entitled to her base rate for her ordinary hours. She is not entitled to payment for the overtime hours she would have usually worked had it not been a public holiday.

Stephanie's colleague John is a part-time employee who is rostered to work Wednesday to Friday each week. As John's ordinary hours of work do not include Mondays, he is not entitled to payment for the public holiday.

Further information

For more information about which days are public holidays in your State or Territory, or for more details about the payment required for working or not working on a public holiday, see our [Public holidays page](https://www.fairwork.gov.au/public-holidays) at [fairwork.gov.au/public-holidays](https://www.fairwork.gov.au/public-holidays)

CONTACT US

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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**

The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this fact sheet is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

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