

KNOW YOUR RIGHTS

2010 CHRISTMAS & NEW YEAR HOLIDAYS

With Christmas and New Years quickly approaching it is important to know what your entitlements are through this period.

If you work on any public holiday, you should always be paid at least time and a half for the time you actually work.

You are entitled to the greater of:

- relevant daily pay less any penal rates plus half that amount again (time-and-a-half)
- or relevant daily pay including any penal rates

Penal rates are additional amounts detailed in an employment agreement to compensate an employee working on a particular day of the week (usually Saturdays or Sundays) or a public

Day/Date	Example 1	Example 2
Saturday 27th November	Working	Working
Saturday 4th December	Not Working	Not Working
Saturday 11th December	Working	Working
Saturday 18th December	Working	Not Working
Is Saturday 25th December [Christmas day] a 'normal working day'?	Yes (3 days out of 4)	No (2 days out of 4)

NB: The above example is the standard criteria for otherwise working day but may vary in your particular employment agreement.

holiday.

You are entitled to a paid day off on a public holiday if it would otherwise be a working day for you.

The concept of what would otherwise be a working day is important for working out your entitlement regarding public holidays.

The Department of Labour advises employers that the best formula to establish what is an employee's otherwise working days is if they worked 3 out of 4 of the previous same day of the week as the public holiday falls on. The table on the left shows an example for working this out for Christmas day.

Where the working week or roster is constant then it is usually easy to work out if you would normally be working.

If your working week is not constant (such as rostered work) then check your

employment agreement first and if there is no reference to how that employer establishes an 'otherwise working day' then refer to chart above to calculate your entitlements.

2010-11 Christmas and New Years holidays fall on Saturdays and Sundays. The minimum entitlements are as listed in the table to the left.

Note that, even if you aren't rostered or normally

rostered to work on Boxing day or January 2nd but are working on December 28th or January 4th, then you are entitled to at least time-and-a-half and another day in lieu.

If you normally work on a Friday and/or Saturday but don't actually work on the holidays on these days you are entitled to your "relevant daily pay" for the holiday.

There are special provisions if your shift starts one day and finishes on another. For more information on that, to calculate relevant daily pay or other holiday entitlements you can visit <http://www.ers.dol.govt.nz/holidays-online-tool/> or contact your Unite organiser.

Your Christmas & New Year Entitlements	Saturday 25th December [Christmas Day] and Saturday 1st January [New Years Day]	Sunday 26th December [Boxing day] and Sunday 2nd January	Monday 27th December and Monday 3rd January	Tuesday 28th December and Tuesday 4th January
If you are working on this day and normally work on this day of the week	"Paid at the rate of time and a half of normal rate for each hour worked" and an Alternative Holiday/Day in Lieu	"Paid at the rate of time and a half of normal rate for each hour worked" and an Alternative Holiday/Day in Lieu	If Saturday is not a normal working day but you usually work Monday then you get the same entitlements as if you worked on the Saturday.	If Sunday is not a normal working day but you usually work on Monday then you get the same entitlements as if you worked on the Sunday.
If you are working on this day and don't normally work on this day of the week	"Paid at the rate of time and a half of normal rate for each hour worked"	"Paid at the rate of time and a half of normal rate for each hour worked"	Observed as a Public Holiday (time and a half but no day in lieu) unless if you worked Saturday.	Observed as a Public Holiday (time and a half but no day in lieu) unless you worked Sunday.
If you aren't working on this day but normally work on this day of the week	You will be paid the hours you would normally work on a Saturday (i.e. Relevant Daily Pay)	You will be paid the hours you would normally work on a Sunday (i.e. Relevant Daily Pay).	You will be paid the hours you normally work on a Monday except if Saturday was observed as a Public Holiday.	You will be paid the hours you normally work on a Tuesday except if Sunday was observed as a Public Holiday.
If you aren't working on this day and don't normally work on this day of the week	none	none	none	none