

## Easter Public Holidays

The National Employment Standards ("NES") prescribe various days as public holidays. In addition to the days prescribed in the NES, any other day declared or prescribed by a law of a State or Territory<sup>1</sup> is deemed to be a public holiday.

The following table assumes that your employees' public holiday entitlements are covered by the NES.

State/Territory	Good Friday 6 April 2012	Easter Saturday 7 April 2012	Easter Sunday 8 April 2012	Easter Monday 9 April 2012	Easter Tuesday 10 April 2012
Australian Capital Territory	Yes	Yes	No	Yes	No
New South Wales	Yes	Yes	Yes	Yes	No
Northern Territory	Yes	Yes	No	Yes	No
Queensland	Yes	Yes	No	Yes	No
South Australia	Yes	Yes	No	Yes	No
Tasmania	Yes	No	No	Yes	Note 1
Victoria	Yes	Yes	No	Yes	No
Western Australia	Yes	No	No	Yes	No

**Note 1:** In Tasmania, Easter Tuesday, Tuesday 10 April 2012, is a restricted public holiday that is observed by certain awards and the State Public Service.

If an enterprise agreement, that covers your organisation, is more beneficial to employees when compared to the NES, that more beneficial provision would apply.

The NES provides that if "an employee is absent from his or her employment on a ... public holiday, the employer must pay the employee at the employee's base rate of pay for the employee's ordinary hours of work on the public holiday".<sup>2</sup> However, if the employee does not usually have ordinary hours of work on the day that has been declared a public holiday, the employee is not entitled to payment for the public holiday.<sup>3</sup>

Where the request is *reasonable*<sup>4</sup> an employer may request that an employee work the public holiday. The employer may refuse the request if the request is not reasonable or the refusal is reasonable.

### Require further information/assistance?

Employers who wish to know more about public holidays should contact their EMA Consultant.

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<sup>1</sup> Section 115(1)(b) of the *Fair Work Act 2009* (Cth).

<sup>2</sup> Section 116 of the *Fair Work Act 2009* (Cth).

<sup>3</sup> Note to section 116.

<sup>4</sup> Section 114(4) of the *Fair Work Act 2009*.

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