

Our Ref: 507/88
Enquiries: Labour Relations Adviser
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CIRCULAR TO DEPARTMENTS AND AUTHORITIES NO. 2 OF 1989

PAYMENT FOR PUBLIC HOLIDAYS DURING PERIODS OF LEAVE

This Circular supersedes Circular no. 16 of 1988 on the same matter.

Where awards are silent, this Circular clarifies Government policy for wages employees in regard to payment for public holidays during periods of sick leave, leave without pay, workers compensation and strikes.

Where a public holiday falls before, during or after a period of authorised paid sick leave, a day employee should be debited sick leave for all days except the public holiday. i.e. the public holiday is paid.

For a shift worker who is rostered to work on a public holiday, but is unable to attend due to sickness, he/she should be paid the value of the ordinary hours of the rostered shift (i.e. at double time and a half), and be debited the number of ordinary hours (usually 8 hours) from sick leave entitlements.

Where a public holiday falls during a period of leave without pay, sick leave without pay, workers compensation or strikes, the employee is not entitled to be paid for the public holiday. However, in cases of (sick) leave without pay, where an employee is on leave without pay either before or after a public holiday but is available for work or on duty immediately following or preceding the public holiday respectively, then the public holiday is paid.

Eg. Public Holiday Monday – Australia Day January 30.
Employee on LWOP Friday January 27 and returns to work Tuesday January 31.
Public holiday is paid.

Or Employee at work Friday January 27 and on LWOP Tuesday January 31. Public Holiday is paid.

It must be noted that these provisions only apply where the award makes no specific mention in regard to these matters.

BRENDA ROBBINS
EXECUTIVE DIRECTOR

February 10, 1989

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