

# PRIVATE MEDICAL PRACTICE BULLETIN

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## PUBLIC HOLIDAYS - CHRISTMAS 2014

With Christmas fast approaching, there can be confusion about the obligations of employers with respect to the observance of, and the payment for, public holidays.

The Christmas public holidays are as follows:-

- 25 December (Christmas day)
- 26 December (Boxing Day)
- 1 January (New Year's Day)

The general principle is that employees are entitled to have the public holiday off without loss of pay.

This means that, where the employee is not required to work on that day purely because of the fact that the day is a public holiday (eg the Practice is closing for the day), the employee is entitled to be paid their **ordinary hours of work** for the public holiday. The employee is not, however, entitled to penalty rates or overtime payments for the day, but rather ordinary rates of pay for the hours they would have worked had the day not been a public holiday.

For example, an employee who would have worked the full day at 7.6 hours, will be paid 7.6 hours at their ordinary rate of pay. A part time employee who would otherwise have been rostered for a part day shift of 4 hours, will be paid ordinary rates for 4 hours.

A Part time employee who is not usually rostered to work on the public holiday, is consequently not entitled to be paid for the day. Similarly, casual employees are not entitled to be paid for public holidays not worked.

If an employee is required to work on the public holiday, the applicable penalty rates are generally set out in awards, industrial agreements or contracts of employment.

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The applicable award will depend on whether you are a State or Federal System employer, and the penalty rates for ordinary hours worked on public holidays are as set out in the table below:

FEDERAL SYSTEM EMPLOYERS		STATE SYSTEM EMPLOYERS	
Health Professionals and Support Services Award	Nurses Award 2010	Clerks (Social, Commercial and Professional) Services Award	Nurses (Doctors' Surgeries) Award
250%	200%	250%	250%

For further information please contact Josephine Auerbach on [josephineauerbach@amawa.com.au](mailto:josephineauerbach@amawa.com.au) or telephone 09273 3023.