

WE KNOW

# HUMAN RESOURCES

## CHRISTMAS, NEW YEAR, ANZAC DAY & WAITANGI DAY PUBLIC HOLIDAYS

QUICK GUIDE

This Quick Guide provides summarised information on the transfer of certain public holidays **when they fall on a Saturday and/or Sunday**. For further information on holiday and leave entitlements please refer to our quick guides on annual holidays, public holidays, sick leave and bereavement leave.

### TRANSFER OF PUBLIC HOLIDAYS – THE GENERAL POSITION

The Holidays Act 2003 permits the transfer of public holidays by agreement, from the designated day to another subject to certain conditions. Additionally, night shift workers whose regular shift crosses midnight and where the shift commences or ends on a public holiday can agree, for example, that the holiday be observed from midday to midday so that only the first or second shift falling on a public holiday will be treated as the holiday. The observance of Christmas and New Year public holidays (25/26 December and 1/2 January), when some or all of these days fall on either a Saturday or Sunday (or both), has long been subject to special rules. These rules were extended to Waitangi Day and Anzac Day with the passing of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Bill in April 2013. This Quick Guide explains the specific rules set out in the Holidays Act applicable to such occasions.

### WHAT HAPPENS WHEN THE CHRISTMAS AND NEW YEAR PUBLIC HOLIDAYS FALL ON SATURDAY/SUNDAY?

Section 45 of the Holidays Act 2003 provides that if any of **Christmas Day, Boxing Day, New Years Day and 2 January** fall on a **Saturday or Sunday** then the respective holiday will be treated as either falling on the actual day or the following Monday or Tuesday *depending upon whether the actual day would otherwise have been a working day for the employee*.

This means that -

If any of the above public holidays fall on a **Saturday** and the day **would** ordinarily be a working day for the employee, then the holiday will be treated as falling on that day ie Saturday.

If the day **would not** ordinarily be a working day for the employee it will instead be treated as falling on the following Monday.

If any of the above public holidays fall on a **Sunday** and the day **would** ordinarily be a working day for the employee then the holiday will be treated as falling on that day i.e. Sunday

If the day **would not** ordinarily be a working day for the employee it will instead be treated as falling on the following Tuesday.

## EXAMPLES

In 2010 Christmas Day and New Years Day fall on Saturday with Boxing Day and 2 January being Sundays.

*Dave works Tuesday to Saturday inclusive. In Dave's case Christmas Day (and 1 January) will be treated as falling on Saturday – the actual day of the holiday - because Saturday would otherwise have been a working day for Dave. He will receive his relevant daily pay as payment for Christmas Day assuming he is not required to work. He will also be entitled to payment for Boxing Day and 2 January which are transferred to the following Tuesday (a normal working day) because Sunday (the actual holiday) would not otherwise be a working day.*

Aroha works Monday to Friday. Because Saturday and Sunday would not otherwise be working days for her, both Christmas Day and Boxing Day (and 1 and 2 January) will be treated as falling on the following Monday and Tuesday. She will receive her relevant daily pay for both Monday and Tuesday – assuming she is not required to work - because she would normally work on Monday and Tuesday.

*Grant works part-time, 2 days each week Wednesday and Thursday. Because neither Saturday nor Sunday are days which would otherwise be a working days for Grant the Christmas/New Year holidays will be treated as falling on the following Monday/Tuesday. However, because neither of these days would otherwise be working days for Grant he will not be entitled to any payment in respect of the Christmas/New Year public holidays.*

## WHAT HAPPENS WHEN ANZAC DAY OR WAITANGI DAY FALL ON SATURDAY/SUNDAY

From 1 January 2014, if either Waitangi Day or ANZAC Day –

- (a) Falls on a Saturday or Sunday and the day **would** otherwise be a working day for the employee, the public holiday will be treated as falling on that day
- (b) falls on a Saturday or Sunday and the day **would not** otherwise be a working day for the employee, the public holiday must be treated as falling on the following Monday.

The first practical effect of this change will be Anzac Day 2015, followed by Waitangi Day 2016 and will not then yield any further extra holiday until Anzac Day 2020.

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For further information regarding Christmas and New Year Public Holidays or other aspects of Employment Relations, please contact the Canterbury Employers' Chamber of Commerce, email [info@cecc.org.nz](mailto:info@cecc.org.nz) or phone 03 366 5096.