



# **PUBLIC HOLIDAY ENTITLEMENTS**

## Public Holiday Entitlements – Monday, 5<sup>th</sup> August 2024

Public Holiday entitlements are set out under the Organisation of Working Time Act, 1997.

- Full time employees automatically qualify for public holiday benefits and no qualifying period applies.
- Part-time employees must have worked 40 hours in the previous 5 weeks to qualify for public holiday benefits.
- An employee on lay-off is entitled to benefit from the public holiday if it falls within the first 13 weeks of lay off.
- Where an employee ceases employment during the week before a public holiday and having worked the 4 weeks preceding that week the entitlement to the public holiday benefit is retained by the employee.
- Employees are entitled to retain their public holiday benefits for the first 26 weeks of an ordinary absence due to illness and the first 52 weeks of an absence due to an occupational injury.
- Employees who are already on statutory protective leave, annual leave or jury service leave when a public holiday falls, will accrue their public holiday entitlement as normal. An employee on health and safety leave has no entitlement to a public holiday. Employees on carer's leave accrue public holiday benefit/s for the initial 13 weeks of absence on carer's leave.

### Entitlement to Public Holiday Benefits:

The legislation sets down the entitlement as follows:

- a paid day off on the public holiday
- a paid day off within a month
- an extra day's annual leave
- an extra day's pay

The employer may decide which of the above entitlements an employee may avail of within 2 weeks of the Public Holiday.

### Pay for Public Holidays:

- Employees who work or are normally rostered to work on a public holiday are entitled to a day's pay for the public holiday.
- Employees who are not normally rostered to work on a public holiday are entitled to one-fifth of the normal weekly rate of pay for the public holiday.

August 2024 - *This memo is not intended as a statement of the law on any topic and any member with a particular query should contact [gep@ihf.ie](mailto:gep@ihf.ie) for further advice.*

**Relevant daily rate of pay:****Fixed rate of pay:**

Where the rate of pay does not vary in relation to the work done, then pay for a public holiday is equal to the amount paid to him/her in respect of the normal daily hours last worked by the employee before the public holiday (including any regular bonus or allowance, which does not vary, but excluding any pay for overtime).

**Varying rate of pay:**

Where the rate of pay does vary in relation to the work done (i.e.: where employees do not have normal weekly pay, such as employees paid on a commission basis, flexible bonus payments or productivity rates), then pay for a public holiday is equivalent to the average daily earnings (excluding overtime pay) for normal working hours calculated by reference to the earnings over the 13-week period ending on the day before the public holiday. Where no time was worked during these weeks, the reference period should be taken to be 13 weeks ending on the day on which time was last worked before the public holiday.