



National Employment Standards (NES)

Fact Sheet Series

Public Holidays

As of 1 January 2010, the National Employment Standards will apply to all staff of the University of Adelaide. This fact sheet provides an outline of the Public Holiday standard and how that applies to staff of the University of Adelaide.

What is provided for in the NES?

Under the NES the following days are public holidays:

- 1 January (New Year's Day)
- 26 January (Australia Day)
- Good Friday
- Easter Monday
- 25 April (Anzac Day)
- Queen's Birthday (the day on which it is celebrated in a State or Territory)
- 25 December (Christmas Day)
- 26 December (Boxing Day)
- Any other day or part-day declared or prescribed by or under a law of a State or Territory to be observed generally within the State or Territory as a public holiday

The NES protects a staff member's right to be absent from work on a public holiday without loss of pay for not presenting for work if that staff member was rostered to work on a public holiday.

Staff can be asked by their supervisors or managers to work on a public holiday so long as that request is 'reasonable'. Equally, a staff member might 'reasonably' refuse to work a public holiday.

What constitutes a reasonable request, or reasonable refusal to work a public holiday?

The follow factors contribute to a reasonable request, or a reasonable refusal by a staff member to work on a public holiday:

- The nature of the staff member's workplace and the nature of the work performed,
- The staff member's personal circumstances, including family responsibilities,
- Whether the staff member could reasonably be expected to be asked to work on a public holiday,
- Whether overtime or penalty rates are payable to the staff member,
- The amount of notice received by the staff member to work on a public holiday,
- Any other relevant matter.

What public holiday entitlement is provided for under the University's Collective Agreement?

The University of Adelaide Collective Agreement 2006–2008 (Agreement) provides for the same public holidays as those outlined in the NES.

Supervisors and managers should continue to use the Agreement to provide staff entitlements as they relate to absences or work performed on public holidays.

What has changed?

Nothing will change in respect of public holiday entitlements for staff.

Managers and supervisors should continue to provide public holiday entitlements in accordance with the provisions of the Agreement.

What if I need more information?

If you have any questions about your entitlement to Public Holidays, please contact the HR Service Centre at: hrrservicecentre@adelaide.edu.au or 8313 1111.