



New Zealand  
Payroll Practitioners  
Association

Developing and Supporting  
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# Holidays Act 2003

## Public Holidays



## Section 44. Days that are public holidays—

(1) The following days are public holidays:

- (a) Christmas Day:
- (b) Boxing Day:
- (c) New Year's Day:
- (d) 2 January:
- (e) Waitangi Day:
- (f) Good Friday:
- (g) Easter Monday:
- (h) ANZAC Day:
- (i) the birthday of the reigning Sovereign (observed on the first Monday in June):
- (j) Labour Day (being the fourth Monday in October):
- (k) the day of the anniversary of a province or the day locally observed as that day.

(4) If 2 or more of the public holidays specified in subsection (1) fall on the same day, the public holidays must, for the purposes of this subpart, be treated as 1 day.



## Section 50. Employer must pay employee at least time and a half for working on public holiday—

- (1) If an employee works (in accordance with his or her employment agreement) on any part of a public holiday, the employer must pay the employee the greater of—
  - (a) the portion of the employee's relevant daily pay (less any penal rates) that relates to the time actually worked on the day plus half that amount again; or
  - (b) the portion of the employee's relevant daily pay that relates to the time actually worked on the day.
- (2) In subsection (1)(a), “penal rates”—
  - (a) means an identifiable additional amount that is payable to compensate the employee for working on a particular day of the week or a public holiday; but
  - (b) does not include, for example, any additional payment for a sixth or seventh day of work.
- (3) This section is subject to section 51.]



# Sickness, Injury, bereavement, or family violence on Public Holiday

## Section 61A. Sickness, injury, bereavement, or family violence on public holiday

(1) This section applies to an employee who is required, or has agreed, to work on a public holiday but who does not work on the day because—

(a) the employee—

(i) becomes or remains sick or injured; or

(ii) has a spouse or dependant who becomes or remains sick or injured; or

(b) the employee suffers or has suffered a bereavement as described in section 69(2); or

(c) the employee becomes entitled to take family violence leave under section 72C.

(2) If this section applies,—

(a) the public holiday must continue to be treated as a public holiday and not as sick leave, bereavement leave, or family violence leave for the employee; and

(b) to avoid doubt, the employee—

(i) must be paid for the day in accordance with section [49](#) and is not entitled to be paid at time and a half in accordance with section [50\(1\)\(a\)](#); and

(ii) is not entitled to an alternative holiday under section [56](#).