

## Public Holidays

This fact sheet will provide workers and employers with general guidance on their rights and obligations in relation to public holidays.

### Entitlement to paid leave on public holiday

Effective from 1 July 2013, all full time and part time workers are entitled to paid leave on a public holiday, if the public holiday falls or is observed on a day that would otherwise be a normal working day for the worker.

### Working on a Public Holiday

The minimum employment terms & conditions in the Employment Relations Act 2012 provide that a worker who is required to work on a public holiday will be entitled to double the ordinary rate of pay (T2); or in addition to their ordinary rate of pay receive one of the following:

- an extra day of annual leave; or
- time off in lieu; or
- such other arrangement that is to equivalent or better than double the ordinary rate of pay

An employer and worker may agree to any other such reasonable arrangements that is equal to or no less than T2.

### What days are Public Holidays in the Cook Islands?

The Public Holidays Act 1999 sets out what days are public holidays. Currently, the Public Holidays Act 1999 provides that the following days are public holidays in the Cook Islands

- 1 January – New Years Day
- 2 January – The day following New Years
- Good Friday
- Easter Monday
- 25 April – ANZAC Day
- Queens birthday holiday
- Ra o te Ui Ariki (first Friday of July)
- 4 August – Constitution Day
- 26 October – Cook Islands National Gospel Day
- 25 December – Christmas Day
- 26 December – Boxing Day
- **Sunday\***

### Sundays – NOT A PUBLIC HOLIDAY

The Employment Relations Act 2012 states that a Public Holiday in relation to a worker, means a day, other than a Sunday, that the Public Holidays Act 1999 provides is to be observed as a public holiday at the location at which the worker is employed.

This means that, as of 1<sup>st</sup> July 2013, Sunday will no longer be a public holiday in relation to a worker and employer.

If a worker works on a Sunday they will be paid at their ordinary rate, unless the time worked on Sunday is in excess of 40 hours in a week in which the overtime rate would apply. *For more information on overtime rates refer to the Overtime fact sheet.*

However, if a public holiday falls on a Sunday and the worker would ordinarily work on Sunday they will be entitled to receive the public holiday entitlement or pay.

### Casual Workers

A casual worker is not entitled to paid leave from work on a public holiday. However, if a casual worker is required to work on a public holiday, they will be entitled to double their ordinary rate of pay for each hour worked on that day.

### How long do I have to work before I qualify for paid leave on a public holiday?

Under the Employment Relations Act 2012 you are entitled to paid leave on a public holiday from the day you start work.

### What are the changes?

*The Cook Islands Industrial & Labour Ordinance (Ordinance) stated that every worker was entitled to paid leave on a public holiday but only after having worked continuously for 1 month.*

*Under the Ordinance any person who worked on a public holiday was entitled to receive double the ordinary rate of pay for each hour worked and another paid day of leave.*

*A person who works on Sunday was only entitled to receive double the ordinary rate of pay for each hour worked.*

*There was no provision for a worker to receive time off in lieu or extra day of annual leave.*

### For more information contact the Ministry of Internal Affairs on:

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