



Know Your Rights: taking public holidays

Your right to a public holiday

Under the *Fair Work Act*, employees are entitled to be absent from work on public holidays. Full time and part-time employees are entitled to be paid for the day if it's a day they would normally be working.

While your employer can request that you work on a public holiday, you are entitled to refuse any such request if your refusal is reasonable, or if the request is unreasonable.

If your employer rosters you to work on a public holiday, it should be considered a request that you can reasonably refuse.

What's a reasonable refusal?

The reasonableness of a refusal is not limited to circumstances where you are 'unable to work'. It is evaluated by looking at a range of factors and is determined on a case-by-case basis.

These include:

- the nature of the workplace
- the role and type of work you do
- your personal circumstances (including caring responsibilities)
- your employment status (full-time, part-time or casual)
- an expectation that you might be asked to work on the public holiday
- any overtime, penalty rates or other payment you might receive
- the amount of notice provided
- any other relevant factor

What should I do?

If you are requested to work on a public holiday on a day you would prefer to be absent you should notify the relevant manager of your refusal.

The amount of notice you give is relevant to the reasonableness of your refusal, so you should inform them of your decision not to work as soon as possible.

Where relevant, you should also inform your manager of any personal circumstances, including (but not limited to) family responsibilities, which have informed your decision to refuse public holiday work.

For further assistance, contact MEAA Member Services Team at members@meaa.org or on 1300 65 65 13.

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