



Irish Nurses and Midwives Organisation
Working Together

Public Holiday Entitlements

**The largest Professional Union
for Nurses and Midwives in Ireland
representing over 45,000 members**

1 Introduction

This leaflet sets out guidelines on public holiday entitlements, based on the provisions of the Organisation of Working Time Act, 1997 and arrangements which apply in the public health service. It is not a legal interpretation of the Act.

2. Public Holidays

The Organisation of Working Time Act, 1997 provides statutory minimum entitlements for all employees to holidays and public holidays (except members of An Garda Síochána and Defence Forces).

From 2023 there will be a new permanent public holiday established in celebration of Imbolc/St Brigid's Day. This will be the first Monday in every February, except where St. Brigid's Day, the 1st day of February, happens to fall on a Friday, in which case that Friday 1 February will be a public holiday.

There are 10 public holidays as follows:

- 1st of January
- First Monday in February, or 1 February if the date falls on a Friday (St Brigid's Day)
- St Patrick's Day
- Easter Monday
- First Monday in May
- First Monday in June
- First Monday in August
- Last Monday in October
- Christmas Day
- St Stephen's Day

3. Who Qualifies for Public Holiday Benefit

Employees, other than those employed on a part-time/casual basis, have an immediate entitlement to public holiday benefits. Part-time/casual employees qualify for public holiday entitlement provided they have worked at least 40 hours in the 5 weeks ending on the day before a public holiday.

4. Minimum Legal Public Holiday Entitlements

Under the Act, an employee is entitled to any one of the following alternatives as decided by the employer:

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

Payment in respect of a public holiday includes any regular bonus or allowance normally paid to the employee but excludes payment for overtime.

5. Public Holiday Entitlements applicable in the Public Health Service

Nurses/midwives employed in the public health service who work a '5 over 7' (7-day week) roster receive additional annual leave in lieu of their liability to work on public holidays, i.e. 10 days in the case of full-time nurses/midwives and 5 days in the case of job-sharing nurses/midwives. In addition, they also receive double pay in respect of any public holiday on which they are required to work.

6. Public Holiday Entitlements for Job-Sharers and Part-timers

The following public holiday entitlements apply to nurses/midwives who work a Monday to Friday part-time/job-share arrangement:

- Job-sharing nurses/midwives who work Monday to Friday and who are not scheduled to work on the day on which the public holiday falls are entitled to one tenth of their normal fortnightly pay for the public holiday.
- Part-time nurses/midwives who work Monday to Friday and who are not scheduled to work on the day on which the public holiday falls are entitled to one-fifth of their normal weekly pay for the public holiday.

7. Employee absent from Work Prior to a Public Holiday

Employees absent from work immediately before the public holiday will not be entitled to benefit from the public holiday in the following circumstances:

- (i) an absence in excess of 52 consecutive weeks by reason of an occupational injury,
- (ii) an absence in excess of 26 consecutive weeks by reason of an illness or injury (not occupational),
- (iii) an absence in excess of 13 consecutive

- weeks caused by a reason not including injury or illness but being an absence authorised by the employer, including lay off,
- (iv) an absence by reason of a strike,
 - (v) an absence due to carer's leave (after the first 13 weeks of the leave has elapsed)
 - (vi) an absence due to health and safety leave under the Maternity Protection Act 1994 and 2004

Employees on maternity leave, additional maternity leave, parental leave, force majeure leave, or adoptive leave maintain their public holiday entitlement for the duration of their absence.

8. Public Holidays and Sick Leave

With effect from 14th April 2010, the following arrangements apply to nurses/midwives employed in the public health service. Where the public holiday occurs during a period of medically certified sick leave, the employee will be entitled to a paid day off in lieu of the public holiday following their return to work. The public holiday will be recorded as sick leave and the normal sick pay arrangements will apply. These arrangements, however, only apply to nurses/midwives who work Monday to Friday and who normally receive a paid day off on the public holiday (HSE HR Circular 004/2012).

9. Further Information

The provisions of Organisation of Working Time Act, 1997 regarding public holiday entitlements can be quite complex, particularly for those who are employed in a temporary/part-time or job-sharing capacity. Should you have any queries in relation to

your public holiday entitlements, please contact the Information Office.

This leaflet is not a legal interpretation of the Organisation of Working Time Act, 1997. It aims to set out guidelines on public holiday entitlements based on the provisions of the Act and arrangements which apply in the Public Health Service (errors and omissions excepted).

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