Public Holiday Entitlements – Monday, 6th May 2024

Public Holiday entitlements are set out under the Organisation of Working Time Act, 1997.

Full time employees automatically qualify for public holiday benefits and no qualifying period applies.

Part-time or casual employees must have worked 40 hours in the previous 5 weeks to qualify for public holiday benefits.

The legislation sets down the entitlement as follows:

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

The employer may decide which of the above entitlements an employee may avail of within 2 weeks of the Public Holiday.

Employees are entitled to retain their public holiday benefits for the first 26 weeks of an ordinary absence due to illness and the first 52 weeks of an absence due to an occupational injury.

Where an employee ceases employment during the week before a public holiday and having worked the 4 weeks preceding that week the entitlement to the public holiday benefit is retained by the employee.

During a period of lay off or short-time working employees retain the right to benefit from any Public Holidays that fall during the first 13 weeks.

Pay for Public Holidays

Employees who work or are normally rostered to work on a public holiday are entitled to a day's pay for the public holiday. Employees who are not normally rostered to work on a public holiday are entitled to one-fifth of the normal weekly rate of pay for the public holiday.

Definition of a Day’s Pay

Fixed rate of Pay

Where the rate of pay does not vary in relation to the work done, then pay for a public holiday is equal to the amount paid to him/her in respect of the normal daily hours last worked by the employee before the public holiday (including any regular bonus or allowance, which does not vary, but excluding any pay for overtime).

Varying rate of Pay

Where the rate of pay does vary in relation to the work done (ie, where employees do not have normal weekly pay, such as employees paid on a commission basis, flexible bonus payments or productivity rates), then pay for a public holiday is equivalent to the average daily earnings (excluding overtime pay) for normal working hours calculated by reference to the earnings over the 13-week period ending on the day before the public holiday. Where no time was worked during these weeks, the reference period should be taken to be 13 weeks ending on the day on which time was last worked before the public holiday.