

Public Holiday Entitlement



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1. How many public holidays are there in Ireland?

2023 will see the introduction of Ireland's 10th public holiday. The public holidays are now as follows:

- A. New Year's Day
- B. The first Monday in February, except where the 1st of February is a Friday, in which case it will be that Friday
- C. St. Patrick's Day
- D. Easter Monday
- E. The first Monday in May
- F. The first Monday in June
- G. The first Monday in August
- H. The last Monday in October
- I. Christmas Day
- J. St Stephen's Day

2. Is Good Friday a public holiday in Ireland?

No, Good Friday is not a public holiday.

3. What are the public holiday entitlements for employees?

The following entitlement applies to **all full-time employees** in respect of public holidays:

- A. **Employee works:** If an employee works on the public holiday, they are entitled to be paid for the hours they worked on that day **and** receive either an additional day's pay OR an additional day's paid annual leave.
- B. **Business is closed:** If the business is closed on the public holiday, and the employee would normally be rostered to work on that day, they are entitled to receive a day's pay OR an additional day's paid annual leave.
- C. **Not normally rostered:** i.e. The employee normally work on Tuesday, Wednesday and Thursday and the public holiday is falling on a Monday. If the employee is not normally rostered to work on the day of the public holiday, they will be entitled to one fifth of their normal working week in either payment OR time in lieu.

The manner in which employees receive the public holiday entitlement is at the discretion of the employer.

4. Do part-time workers have a public holiday entitlement?

Part-time/casual employees who have worked a total of at least 40 hours in the five weeks leading up to the public holiday are entitled to the same public holiday benefits as full time employees as outlined above.

If a part time/casual employee has NOT worked 40 hours in the five weeks leading up to the public holiday, they do not receive any public holiday entitlement.

5. Although the manner in which employees receive the public holiday entitlement is at the discretion of the employer, is there a certain timeframe in which an employer must inform an employee/employees of their decision?

Normally, the manner in which an employee received the public holiday entitlement is written in the employee's contract of employment and/or Company Handbook.

If this is not outlined in the contract of employment and/or Company Handbook, an employee may request to be informed of which option the employer intends to apply at least 21 days in advance of the public holiday.

If the employer fails to give this information at least 14 days before the holiday, then the employee will be entitled by default to a paid day off on the day.

Although employers are only obliged to give notification within this timeframe where requested to do so by the employee, it is good practice to give as much notice as practicable of the option that the employer intends to apply.

6. If a public holidays lands on a weekend day, does an employee have an automatic legal entitlement to have the next working day off work?

No.

This will occur in 2022 when Christmas Day falls on a Sunday and St. Stephen's Day falls on the Monday.

This does not automatically entitle employees to treat the Tuesday as the public holiday. Tuesday is a normal working day. The employer can require employees to attend work on those days.

When such a situation happens, employees are entitled to one of the following:

- A paid day off within a month of the public holiday
- An additional day of annual leave
- An additional day's pay

Some employers will choose to close their business on the Tuesday and elect that day as the employee's additional paid day off but there is not automatic entitlement to this.

7. If an employee is out on carer's leave, are they entitled to benefit from any public holiday that may fall during the period of their leave?

An employee that is absent due to approved carer's leave is entitled to public holiday entitlement for the first 13 weeks of the carer's leave. After the first 13 weeks of Carer's Leave, the employee has no public holiday entitlements.

8. What is a full-time employee's entitlement to public holidays if they are out on sick leave due to illness/an accident?

An employee receives 26 weeks of public holiday entitlement due to illness or accident. For example, if a full-time employee and falls ill on the 1st January of a given year, they are entitled to any public holiday entitlement that falls between the 1st January and the 1st July of that same year. If the employee is still on sick leave at that time, after 26 weeks the employee is not entitled to any public holiday entitlement whilst the employee is on sick leave until they return to work. If the employee is absent due to an occupational accident, this entitlement extends to 52 weeks.

9. If an employee is out on maternity leave, additional maternity leave (16 weeks unpaid leave) or paternity leave, do they benefit from the public holiday entitlement?

Yes. Maternity leave, additional maternity leave and paternity leave are considered as being 'protected' leave and therefore, an employee who is out on maternity leave, additional maternity leave or paternity leave should receive their public holiday entitlement for the duration of their absence.

Other types of leave that are considered as being 'protected leave' include the following:

- Parent's leave
- Parental leave
- Force majeure leave
- Adoptive leave