

Public Holidays and DHB Employees

A Dogs Breakfast?



Why?

Public holiday's legislation has been designed to meet the needs of the typical kiwi employee who works 9-5 Monday-Friday and does not work on a public holiday.

For these employees it works, for DHB employees it usually doesn't!



HEY YOU PEOPLE

**TELL ME AGAIN HOW WORKING ON
PUBLIC HOLIDAYS IS RUINING YOU**

Some of you thanks to your APEX SECA/ MECA will have clear provisions that give you better entitlements than the Holidays Act.

In the absence of clear provisions that stipulate your entitlements, some DHBs/ management will apply what they understand to be fair and reasonable or what they feel they need to do to get employees to work public holidays.

**Unfortunately not all DHBs/ management are
fair and reasonable.
Some are downright evil!**



THE APEX GUIDE TO HOW NOT TO BE SCREWED OVER WHEN YOU WORK A PUBLIC HOLIDAY

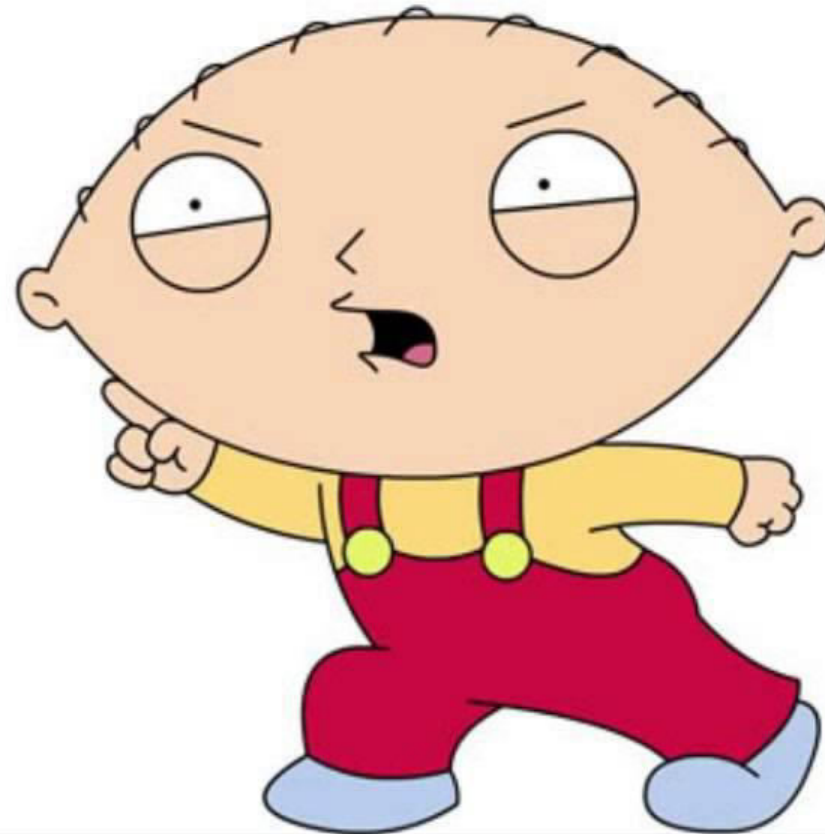


SCENARIO 1

An employee who works on-call on a public holiday that would have been an ordinary day of work

- Reasonable and fair DHBs will pay you for the 8 hours (ordinary pay) in addition to a day in lieu and on-call payments.
- Evil DHBs will apply the worst case scenario: That you get paid less than you would have if you had been rostered off on the holiday.
- If an employee is not called back they might not get paid for the 8 hours and only receive a day in lieu. They might get paid less than their colleagues who are rostered off on the public holiday and enjoying it with their loved ones.
- Or if they are called back and the call back payments are equivalent to their daily pay, then they might only get paid what they would have if they had taken the holiday. So it feels that you have done a few call backs and you don't get paid anything for them.

**WHERE IS MY MONEY MAN?!!
WHERE IS MY MONEY?!**



So what are your options?

Before the public holiday

Clarify with management before you work on-call on the holiday ,what you will get paid.

If you are informed that you will not be paid your ordinary daily pay and just receive on-call payments then:

Option 1: Refuse to work it unless they agree to pay you for the ordinary day of work + on-call payments.

Option 2: Say you will only agree to work your ordinary hours of work. This will mean you get paid 8 hours at T2 and a day in lieu.

Option 3: Change your contract to stipulate clearly what you should get.

After the public holiday

If you are paid less than your 40 hours:

APEX can raise this as a breach of your employment agreement, as you shouldn't be paid less than your contracted hours of work.

If your on-call payments equal your ordinary weekly pay or more then this is more difficult to address 😞

The Dreaded Mondayisation of Holidays!



What happens if I work both the day in which the holiday's falls in the weekend and the Monday or Tuesday (transferred day)?

There is a strong possibility that this will not work to your advantage and you will be screwed.

Under the holidays act you will only be entitled to the public holiday penal rate on the Saturday. What this means is the holiday penal rate overrides your weekend penal rate, so you will not be much better off (usually just an extra .5 on the hour until noon)

You will also receive a day in lieu only for working the Saturday.

On the Monday or Tuesday (the transferred day)

You will only receive your ordinary pay (T1).

So you will feel, I have just worked the Saturday and the Monday when all my colleagues are off spending time with their families and I haven't got much for it (only a day in lieu). Those evil bastards have screwed me!

What can you do about this?

Option 1: Take control and plan your own roster or insist that you only work either the weekend day or the transferred day.

This will ensure that two employees get the following:

- T2 for hours worked
 - A day in lieu

Option 2: Change your SECA/MECA so either the public holiday (best option) penal rates or the weekend penal rate apply on the transferred day (Monday or Tuesday). At least then you will get paid more for also working the transferred day.

Scenario 3: What happens if I work the weekend day and my employer rostered me off on the Monday?

In some circumstances evil DHBs have not paid for the Monday or Tuesday (very rare) or have deducted the day in lieu for the transferred public holiday (Monday, Tuesday).

What can I do?

If they do not pay you for the Monday. As it is an ordinary day of work, you need to get paid for your contracted hours.

Contact your delegate or your APEX advocate!

What is more common though is they deduct your day in lieu for the Monday.

The good news: They cannot deduct a day in lieu without your consent.

Contact your delegate or your APEX advocate and we will get your day in lieu back!

An evil DHB trick!

What if they ask me prior to the holiday to consent to taking the day in lieu on the Monday or Tuesday?

Do not agree!

Inform them that you want to work that day. If they then decide to roster you off they need to pay you for the day.

THE END!

