

**KEY POINTS OF THE HOLIDAYS ACT 2003**  
*(by Stewart Perkins, Business Advisor, McIntyre Dick & Partners)*

**Annual Holidays**

Employees are entitled to a minimum of three weeks paid annual holidays after the first year of employment.

From 1 April 2007, this increases to a minimum of four weeks per year.

**Public Holidays**

From 1 April 2004 employees are entitled to a paid day off on a public holiday if it would otherwise be a working day for them.

If an employee works on any public holiday, that work now attracts a minimum payment of time and a half for the time actually worked on that day based on the employee's "relevant daily pay" for public holidays, alternative holidays, sick leave and bereavement leave. The payment represents the amount the employee would otherwise have earned on that day and includes:-

- Productivity or incentive payments.
- Overtime payments that would normally be received if the employee worked on that day.
- The cash value of board and lodgings provided.

If an employee works on a public holiday, and it would otherwise be a working day for the employee, they are entitled to a whole days alternative holiday at a later stage.

The alternative holiday can be taken at any time mutually agreeable to the employer and employee, and is paid at the employee's relevant daily pay for the day taken off. Where the employee has not taken the alternative day after 12 months, the employer and employee can agree to replace the holiday with a payment.

**Sick Leave**

From 1 April 2004 most employees are entitled to a minimum of five days paid sick leave per year after the first six months of employment.

Sick leave can be used when an employee is sick or injured, or when the employee's spouse or a dependent person (such as a child or elderly parent) is sick or injured and needs care.

Unused sick leave is retained and can accumulate to 20 days.

## **Bereavement Leave**

From 1 April 2004 most employees become entitled to two types of bereavement leave after six months employment:

- Up to three days paid leave on the death of an immediate family member.
- Up to one days paid leave in the event of a death outside the immediate family that causes a person to suffer a bereavement.

Both types of bereavement leave can be taken at any time and for any purpose genuinely relating to the death. They do not need to be taken immediately or on consecutive days.

**ALL EMPLOYERS ARE STRONGLY ADVISED TO REVIEW ALL EXISTING  
EMPLOYMENT AGREEMENTS AND DISCUSS WITH EMPLOYEES ANY CHANGES  
REQUIRED TO MEET THE PROVISIONS OF THE HOLIDAYS ACT 2003.**