

ANZAC Day has been "Mondayised"

While we will still be remembering and celebrating the ANZACs on Saturday 25 April this year, for most employees the ANZAC day holiday will be observed on Monday 27 April. In future this will also apply to Waitangi Day when it falls on a Saturday or Sunday. This is due to an amendment to the Holidays Act which now treats ANZAC Day and Waitangi Day in much the same way as the public holidays at Christmas and New Year.

From now on, when ANZAC Day or Waitangi Day fall on a Saturday or Sunday, the public holiday for employees who would not normally work on that day will transfer to the following Monday. This ensures that those employees do not lose their entitlement to a paid day off work as they have in the past.

The holiday is not transferred to the following Monday for employees who would normally work on the Saturday or Sunday of ANZAC Day or Waitangi Day. These employees observe the holiday on the Saturday or Sunday on which it actually falls, which means they are entitled to the day off on pay but if they work instead they must be paid for the time they work plus at least half as much again (more if that is in their employment agreements), and later be allowed a whole working day off on pay in lieu of the holiday on which they worked.

Employees who would normally work on the Monday to which the holiday has been transferred (and who did not already qualify for the holiday over the weekend) have the same entitlement to a paid day off on the Monday, or additional pay and a paid day off in lieu if they work that day.

In determining whether any public holiday would "otherwise be a working day for the employee" (which is the precise wording used in the Act), the question is whether the employee would have worked that day had it not been a public holiday. That is a question of fact which can be difficult to determine, but in most cases will depend on which days the employee has worked recently or is rostered to work in future. If the employee has usually worked on a Monday, or is rostered to work Mondays, then in all probability the Monday of a public holiday would have been a working day for that employee but for the public holiday. There are other factors, and ultimately if the answer is not clear a Labour Inspector will decide the matter.

The rules around public holidays can be difficult to interpret; if you would like some guidance on how they work please give one of our specialist [Employment](#) team a call.