Queen Elizabeth II Memorial Day Bill rushed through Parliament

New Zealand will acknowledge the long and dedicated service of Her Majesty Queen Elizabeth II with a one-off day of commemoration on Monday 26 September 2022. The day is to be known as Queen Elizabeth II Memorial Day.

Legislation has been rushed through Parliament this week to legally recognise Queen Elizabeth II Memorial Day as a public holiday.

The Queen Elizabeth II Memorial Day Bill was introduced into Parliament on Monday, and received the Royal assent on Wednesday. It provides for all provisions in the Holidays Act 2003 relating to public holidays to apply to Queen Elizabeth II Memorial Day. This means that on Monday, employers will be legally required to abide by all of the usual public holiday rules.

Key public holiday rules to be aware of:

- An employer and employee can agree in writing that a public holiday is to be observed on another calendar day provided specified criteria are met.
- An employer must determine whether the public holiday falls on a day that would otherwise be a working day for an employee.
- An employer may only require an employee to work on a public holiday when it is specified in their employment agreement and it is an otherwise working day for that employee. Otherwise, they can ask the employee to work, but they don't have to agree.
- Where an employee works on a public holiday, they must get paid at least time and a half. If the public holiday falls on an otherwise working day, they also get an alternative holiday.
- Where an employee does not work on a public holiday, they are only entitled to be paid for that day if it falls on an otherwise working day. Note however, where a public holiday falls on a weekend, Mondayisation may occur.

The legislation also provides for any reference in any legislation to the Sovereign's birthday or the Queen's birthday to be treated as referring also to Queen Elizabeth II Memorial Day.

Monday will also not be considered a 'business' or 'working' day for the purposes of any requirement or obligation in any agreement, deed, notice or other document to perform an action within a specified number of business or working days.

Want to know more?

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