



Explanatory Note on Easter Public Holiday 18 April 2022

Easter Monday 18 April 2022 is a public holiday and applies to all eligible¹ public health service employees. In accordance with section 21 of the Organisation of Working Time Act 1997 (“the OWT Act”), part-time employees qualify for the public holiday entitlement provided they have worked for their employer at least 40 hours during the period of 5 weeks ending on the day before that public holiday.

Please note that managers are responsible for granting the public holiday entitlements, as provided for under section 21 of the OWT Act, to employees within their area of responsibility, having regard to service requirements, and notifying employees of their entitlements in advance of the relevant public holidays.

21.—(1) Subject to the provisions of this section, an employee shall, in respect of a public holiday, be entitled to whichever one of the following his or her employer determines, namely—

- (a) a paid day off on that day,*
- (b) a paid day off within a month of that day,*
- (c) an additional day of annual leave,*
- (d) an additional day’s pay:*

Provided that if the day on which the public holiday falls is a day on which the employee would, apart from this subsection, be entitled to a paid day off this subsection shall have effect as if paragraph (a) were omitted therefrom.

Easter Monday will be subject to the national collective agreements and contractual public holiday entitlements that apply to public health service employees in respect of all public holidays.

Employees who work a ‘5 over 7’ roster

Payment for public holidays is governed by the *Organisation of Working Time (Determination of Pay for Holidays) Regulations, 1997* [here](#). In addition, the nationally

¹ Section 21 (5) of the Act provides that an employee who is **absent from work** immediately before the relevant public holiday does not have an entitlement in respect of the public holiday if the absence exceeds the following time limits:

- 1. an absence, in excess of 52 consecutive weeks, by reason of an injury sustained by the employee in an occupational accident (within the meaning of Chapter 10 of Part II of the Social Welfare (Consolidation) Act, 1993),*
- 2. an absence, in excess of 26 consecutive weeks, by reason of an injury sustained by the employee in any accident (not being an accident referred to in paragraph 1) or by reason of any disease from which the employee suffers or suffered,*
- 3. an absence, in excess of 13 consecutive weeks, caused by any reason not referred to in paragraph 1 or 2 but being an absence authorised by the employer, including a lay-off,*
- 4. an absence by reason of a strike in the business or industry in which the employee is employed.*



approved public holiday premium rates of pay will apply to eligible employees (including public holiday on-call rates and public holiday overtime rates² where applicable) if they are rostered to work on the day the public holiday falls.

Nursing/Midwifery staff who work a '5 over 7' roster

In the case of nursing/midwifery staff who work a '5 over 7' roster and have a contractual entitlement to additional leave in lieu of their liability to be rostered on public holidays, this is now an additional ten days' leave (pro-rated for part-time staff)³. In addition, nursing/midwifery staff who are rostered to work on the public holiday are entitled to payment plus single time extra for each hour worked as per existing contractual arrangements.

NCHDs who work a '5 over 7' roster

NCHDs who work a 5 over 7' roster are now entitled to a total of 10 working days (7.8 hours per day) in lieu of their liability to be rostered on a public holiday. In terms of the practical implementation of this entitlement, 5 days fall due in respect of the period from the second Monday in January 2022 to the second Monday in July 2022 and 5 days apply in respect of the period from the second Monday in July 2022 to the second Monday in January 2023⁴.

Medical Laboratory Scientists, Radiographers and Radiotherapists

Medical Laboratory Scientists, Radiographers and Radiotherapists who are required to provide on-call on Easter Monday 18 April will receive the public holiday on-call rate.

Employees who work a Monday to Friday attendance regime

Employees who are required to work on the public holiday and are granted their public holiday entitlement under option (d) of section 21 ("an additional day's pay") are entitled to receive public health service premium rates of pay including public holiday overtime rates for eligible staff as set out in HSE Circular 31/2021 [here](#).

In the case of employees who do not work on the public holiday, the following provisions generally apply⁵:

- *Employees who work or who are normally required to work on the day on which the public holiday falls*
An employee who normally works on the day on which the public holiday falls but has the day off by virtue of the fact that it is a public holiday is entitled to their normal day's pay.

² National overtime rates are set out in [HSE HR Circular 31/2021](#)

³ This was communicated in HSE HR Circular 06/2022 [here](#).

⁴ A revised version of the NCHD contract will be issued to reflect the new public holiday entitlements arising from the Regulations.

⁵ Please refer to the employee's contractual arrangements.



- *Employees not normally required to work on the day on which the public holiday falls*

An employee who is not normally required to work on the day on which the public holiday falls, (e.g. part-time employees who are scheduled to work on particular days only), is entitled one-fifth of their normal weekly pay or an additional day's leave based on one-fifth of their standard working week, as the employer may decide.

- *Job-Sharers*

Job-sharers who work Monday to Friday and do not work or are not normally required to work on the day on which the public holiday falls are entitled to receive one-tenth of the amount that is paid in respect of the last two weeks of normal working hours worked by the employee before that public holiday or an additional day's leave based on one-tenth of their fortnightly working hours, as the employer may decide.