

Christmas is fast approaching and that means staff on leave

With Christmas fast approaching business and farm owners will have the usual requests from staff for leave, they will have to sort out having staff available to cover statutory days and all this raises questions around holiday pay, and the rules and regulations around granting leave, days in lieu etc.

The following table will tell you which day is the actual Statutory Holiday for your employees.

NORMAL WORK DAYS	WHAT DAY IS EMPLOYEE ENTITLED TO TAKE AS A STAT DAY OR BE COMPENSATED (<i>time and a half and day in lieu</i>) FOR WORKING ON
7 days a week or a shorter week that encompasses Sunday and Monday	Sunday 25, Monday 26 Sunday 1, Monday 2
Monday to Friday (or part of) only (<i>does not work weekends</i>)	Monday 26, Tuesday 27 Monday 2, Tuesday 3
Monday (or later) to Saturday only (<i>does not work Sundays</i>)	Monday 26, Tuesday 27 Monday 2, Tuesday 3
Sunday to Friday (or earlier) only (<i>does not work Saturdays</i>)	Sunday 25, Monday 26 Sunday 1, Monday 2

Firstly the most important point to note is staffs have to apply for leave, but the application and approval is not the same thing. If it really does not suit the employer they can decline a leave request.

Obviously the employer must try to be as fair and reasonable as they can, but they still have to run a business and sometimes that means that leave is not convenient. Generally the owner and worker will usually sit down and work out something between them, but at the end of the day it is the bosses call on whether leave is approved or not.

Workers should be encouraged to plan things and give as much notice as possible of when they would like to take leave. Employers should raise the issue early with their employees so they know who wants time off and when. This can avoid the situation of an employee asking for leave the day before they want it.

As an employee if you work a statutory day (Christmas, Boxing Day, January 1st & 2nd or the transferable days) then you are entitled to be paid at time and a half.

With regards to relief /casual staff that may be needed these staff all need employment agreements - Yes, even casual staff need a casual employment agreement. Relief staff do not get a day in lieu for a statutory day as it is not a regular working day for that employee

for you, so that is problem one eliminated. But they do get paid time and a half and as a genuine casual employee they also get paid holiday pay at 8% on top of what they earn as they go or at their finish date if it was a short term contract.

For Farmers

However what often happens on farm is that just the basics get done during this time – the things that have to be done each day – milking, shed clean, cows in pasture, fed and checked. Often this is only a half days work .What the employer usually does in this instance is “nothing” just leave the days pay unchanged. Why? Two thirds of a days work x 1.5 = a full days pay. So there is no need for a change in the usual pay.

The employee does also get another day in lieu, which they can take at another time – with the employer’s agreement.”

For more information contact - John Brosnan, Business Advisor for CooperAitken 07 889 7153