



Notes:

1. Section 8 of the Holidays Act is provided for under Section 60D(b) of the Employment Act 1955
2. Section 9 of the Holidays Act is NOT provided for in the Employment Act 1955. However, the Company must check to confirm if:
3. Are implied conditions like precedence where it has declared a holiday which was announced under Section 9 of the Holidays Act.
4. Is there a provision in the Contract of Service or Collective Agreement in which it is stated that the company observes "**All public holidays gazetted by the Federal or State Governments**". If there is, then the Company must observe all Public Holidays irrespective under which Section of the Holidays Act the day in question is declared.
5. Companies which by virtue of the Collective Agreements or terms and conditions of employment do **not observe all** the public holidays as gazetted by the Federal or State Government but observe only a specified number of public holidays, are not legally obliged to observe a public holiday declared under Section 9 of the Holidays Act.
6. In the event that the answers to **(3) and (4) are NO**, but would still want to observe the public holiday declared under Section 9 of the Holidays Act, it would be **recommended** that the Company include a provision in the declaration that the "**Company is not legally obliged to observe the public holiday in question and all future decisions will strictly be on a case to case basis**".