



# Factors to use to decide whether a day is an otherwise working day

## Principles

An otherwise working day is a day that the employee would otherwise have worked, but for the day being:

- a public holiday
- a day the employee was sick or bereaved
- taken as an alternative holiday
- taken as an annual holiday.

Working out whether a day is an otherwise working day is a practical exercise.

It is often obvious whether the day is an otherwise working day, if it isn't obvious, you should have a discussion in good faith with the employee.

If it isn't clear, the employee and employer must look at the relevant factors (in the chart shown) to try to reach agreement. If they can't agree, employers should be careful to correctly apply and comply with the Holidays Act 2003.

To get an outcome which complies with the Holidays Act 2003, you must think about all of the factors shown, not just one.



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