

Holiday Leave and Public Holidays Factsheet

The current minimum annual or holiday leave entitlement is 5.6 weeks, 28 days, and employers can count bank holidays towards the entitlement. Some employers give the 28 day entitlement in addition to bank or public holidays, but they are not obliged to do this.

Public and Bank Holidays

Many workers do not realise that there is no statutory right to paid leave on bank or public holidays. It is dependent upon what is provided in your contract of employment and many workers will be entitled to pay on bank and public holidays as a result of implied or express contractual terms.

Time off for bank holidays can be counted against a worker's annual holiday entitlement or can be provided in addition depending upon what is agreed between the employer and employee.

Some employers do agree to give extra pay, for example, time and a half, when an employee works on a bank holiday. However, there is no right for employees to be paid a higher rate than normal for working on a bank holiday unless this is provided for in the written statement, or contract of employment. Any right to time off or extra pay for working on a bank holiday depends on the terms of the contract of employment.

Part Time Working

Part time workers are entitled to the same level of holiday pro-rata (on a proportional basis) – 5.6 times your usual working week. For example if you work 4 days a week you can calculate your holiday entitlement by:

$$5.6 \text{ weeks} \times 4 \text{ days} = 22.4 \text{ days}$$

This is based on the number of days a week worked, regardless of whether they work on days on which bank holidays fall.

Part Time Working and Bank Holidays

The position concerning holidays, bank holidays and part-time workers can be complicated.

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 give part-time workers the basic right not to be treated any less favourably than a comparable full-time worker. This means that a part-time worker is entitled to the same paid holidays on a pro-rata basis as a full-time worker. This includes entitlement to bank holidays.

It is important that you check the terms of your contract regarding holiday entitlement and public holidays, as there are a number of approaches an employer may take to bank holidays. As there is no statutory right to bank holidays, some employers may not give paid leave on public or bank holidays.

However, many employers pro-rata the public and bank holiday leave for part time employees across the year. For example a part time worker who works 3 out 5 days should therefore be entitled to receive three fifths of the bank holiday entitlement.

Things to remember about holiday entitlement

- You start building up holiday as soon as you start work
- An employer can control when you take your holiday. Some employers may require workers to take holiday during a particular time such as a shutdown period.
- You get paid normal pay for holiday
- Requesting leave - you are required to give notice to your employer if you wish to take holiday. Check the terms of your contract, but the notice period should be twice as long as the period of leave requested. For example, if you wish to take one week's holiday, then you should give two weeks' notice. An employer can refuse permission for your holiday but must give you notice that is at least as long as the holiday requested. To refuse a week's leave, your employer would have to let you know a week in advance.
- When you finish a job, you get paid for any holiday you have not taken.

Further Information

For more information on Time off and Holiday entitlements visit www.gov.uk

Visit ACAS www.acas.org.uk and take a look at their 'holidays and holiday pay' advice leaflet



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