

IMPORTANT. These notes are an interpretation of the regulations and are designed to introduce interested parties to the topic. They should not be taken as a definition of the law or proposed laws. Whilst every care has been taken in the compilation of these notes, the ADF can accept no liability for any event arising from their use.

INTRODUCTION.

Since 1 October 2007 all workers have had a statutory right to at least 4.8 weeks paid annual leave (that's 24 days paid holiday if you work five days a week).

From 1 April 2009 this entitlement will increase to 5.6 weeks (28 days).

The Basics of holiday rights

Employees have a minimum right to paid holiday, but employers may offer more if they wish.

The main points about holiday rights are:

- Employees are entitled to a minimum of 4.8 weeks times their usual working week (from 1 October 2007)
- That entitlement will increase to 5.6 weeks from 1 April 2009
- Part-time workers are entitled to the same level of holiday pro rata (so currently 4.8 times their usual working week)
- Employees start building up holiday entitlement as soon as they start work
- Employers can stipulate when holiday is taken
- Employees should receive normal pay for their holiday
- When an employee leaves a job, any holiday entitlement not taken should be paid.
- Bank and public holidays can be included in the minimum entitlement
- Employees continue to be entitled to holiday leave throughout any ordinary and additional maternity leave and paternity and adoption leave

In order to qualify for the right to annual leave an individual needs to be classed as a worker. Someone who is self-employed has no statutory right to paid annual leave.

Contractual holiday rights

Employers may give more than the minimum 4.8 weeks leave as part of their terms of employment. Employees can check how much leave they are allowed by referring to their contract or company handbook.

Employees have no right to additional holiday, even if it's unpaid, unless their contract provides for it. Employers can set their own rules on any holidays they give over and above the legal minimum. Employers are not allowed to give less than the legal minimum.

Public and bank holidays

Employees do not have a statutory right to paid leave on bank and public holidays. If an employer gives paid leave on a bank or public holiday, this can count towards the minimum holiday entitlement. There are eight permanent bank and public holidays in England and Wales (nine in Scotland and ten in Northern Ireland).

If an employee works on a bank or public holiday, there is no automatic right to an enhanced pay rate. What is paid depends on the terms in the contract of employment.

If an employer gives workers additional time off on bank holidays, this should be given pro rata to part-time workers as well, even if the bank holiday does not fall on their usual work day.

Useful Information Sources

<http://www.direct.gov.uk/en/Employment/Employees/Timeoffandholidays>