

The logo for Shore Stewart, featuring the words "shore" and "stewart" in a white, lowercase, sans-serif font, stacked vertically on a dark red square background.

employment & litigation
S O L I C I T O R S



Employment law expert Michelle Shore addresses the issue of time off for the jubilee

As a patriotic nation plan to celebrate the Queen's diamond Jubilee. We have been asked on several occasions whether employees are entitled to paid time off for the additional bank holiday.

Are Employer's obliged to provide time off?

Tuesday 5 June 2012 is officially an extra bank holiday in the year's calendar.....yet where does that leave businesses? Are Employers forced to give their staff an extra day off?

The Working Time Regulations (WTR) permit all 'workers' to a minimum of 5.6 weeks' holiday in any holiday year. So, for someone who works 5 days per week, that person is entitled to 28 days' holiday per year (i.e. 5 x 5.6).

Under the WTR, the maximum entitlement is for 28 days holiday per year. So, if someone works 6 days per week, his/ her entitlement is still 28 days. The statutory entitlement to annual leave includes bank holidays. Therefore, employees do not have the automatic right to a day off on the additional bank holiday. This is the statutory position, but employers can be more generous in their contracts of employment, if they wish.

When there is a contract of employment in place, whether or not employees are entitled to an additional day's holiday will depend on the wording of the employment contract. Employees do not have an automatic right to paid time off on a bank holiday.

If the employment contract states that the employee's annual leave entitlement is a certain number of days "**plus bank holidays**", he or she will be entitled to the additional day off.

However, if the contract states that the entitlement is to a certain number of days, and is silent on the issue of bank holidays, the employee will not be entitled to an additional day's leave. Neither will the employee be entitled to an extra day if entitlement is expressed as a certain number of days holiday "**plus eight bank holidays**", or if the contract specifies which bank holidays are included.

However, employers are encouraged to consider any negative affect that a refusal for leave may have on the workforce, even where the refusal is genuine. If this affects your business, you may wish to allow your employees to take the day off to join in the celebrations on the condition that the appropriate number of days will be deducted from the overall holiday entitlement. If you choose to do this the rule must be applied consistently.

To conclude, CHECK YOUR CONTRACT! It is important to look at the precise wording of the contract of employment before deciding on your policy. Further an open approach with employees may result in a boost of staff morale

For further information, assistance, or guidance please contact **Michelle Shore** of **Shore Stewart** Employment & Litigation Solicitors on 01302 260161 or michelle.shore@shorestewart.co.uk

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