

Statutory Holiday Entitlement



Introduction

The second phase of a two part increase in the statutory minimum holiday entitlement takes effect from 1 April 2009. Outlined below are the details of the change and some important factors which should be considered when dealing with holiday issues.

The Increase

From 1 April 2009 entitlement to statutory paid holiday is being increased from 4.8 weeks to 5.6 weeks. For someone who works 5 days a week this equates to 28 days ($5 \times 5.6 = 28$). The entitlement is capped at 28 days so a worker who works 6 days a week ($6 \times 5.6 = 33.6$) is still only entitled to 28 days. Part time workers holiday entitlement is calculated on a pro rata basis. Any days off for public or bank holidays can be counted towards the statutory entitlement as long as they are with pay.

If the holiday year does not begin on 1 April, it will be necessary to make pro rata amendments to holiday entitlements. For example, if the leave year runs from 1 January to 31 December 2009, staff would be entitled to 9 months of the additional leave. It is important that this calculation is done correctly and our consultants here at HR Insight are fully appraised in this area, so please contact us if you need any help with this.

It should be remembered that this is the minimum amount of holiday that should be given and many workers already get contractual holiday which is more than the statutory amount; their entitlement therefore does not need to change.

Payment of holiday pay

Entitlement to paid holiday begins on a worker's first day of employment and is not subject to a minimum period of service. In the first year of employment holiday accrues monthly at one twelfth of the annual entitlement. Employees should receive their holiday pay at the time it is taken as it is unlawful to pay an allowance that is spread out over the year.

Holiday in the notice period

If a worker wishes to take holiday during their notice period it should be treated in the same way as any other holiday request in that it can be granted or refused. You can also require a worker to take holiday during the notice period, if this is stated in the contract.

What to do?

If any of your employees are affected, you will need to inform them of the increase by letter or as an addendum to the contract of employment. If you would like further advice on this or you have some other employment issue that you would like to discuss, please do call us. Simply telephone us on 01708 758958 or visit us at www.hrinsight.co.uk.

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