

How to.....manage bank holidays.

With the May long weekends looming, here are some of the common issues that arise for employers

Statutory and contractual holiday rights

Workers have a statutory right to at least 28 days' paid holiday each year under the Working Time Regulations 1998 (WTR), with an equivalent pro-rated entitlement for part-time workers. Employers may count paid bank holidays as part of this entitlement.

Some workers may have more favourable contractual rights to holiday under their employment contracts or as a result of the established custom and practice of their employers.

Are workers entitled to time off on bank holidays?

There is no statutory right to paid time off work on bank holidays. Any entitlement to take bank holidays off will therefore depend on whether the worker's contract or the employer's custom and practice provides for it. For example, a contract may provide that a worker has an annual holiday entitlement of 28 days plus bank holidays, in which case the worker is entitled to paid time off on bank holidays.

Even if there is no contractual right to bank holidays, a worker may still request to take annual leave on a bank holiday as part of their holiday entitlement and an employer should deal with any such request in the normal way.

Can workers be required to work on bank holidays?

Yes, unless the terms of the contract provide otherwise. For example, where the contract specifies that a worker is entitled to take bank holidays as annual leave or where the bank holiday falls outside a worker's normal working days, they would not be required to work on that day.

Where an employer does not have the right to require a worker to work on a bank holiday, they can still seek the worker's agreement to work and offer an incentive to do so, such as extra pay or additional time off (see below).

Can workers be required to take annual leave on a bank holiday?

Yes, under the WTR an employer can give the requisite notice to workers to take a bank holiday as annual leave and count this as part of their holiday entitlement. An employer may also have an express contractual right to do so under the terms of a worker's contract.

Are workers who work on bank holidays entitled to time off in lieu?

Where bank holidays are usually counted as part of a worker's 28 days statutory annual leave entitlement, a worker should be given another day off in lieu for any bank holiday worked to ensure they receive their full annual holiday entitlement.

Any other entitlement to time off in lieu or additional leave for bank holidays worked will depend on the terms of the worker's contract.

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Are workers who work on bank holidays entitled to additional pay?

There is no statutory right to receive additional pay for working on bank holidays. Any entitlement to extra pay will therefore depend on whether the terms of the worker's contract provides for this or whether there is a custom and practice of paying extra for bank holidays worked (eg, time-and-a-half or double pay). In the absence of any contractual right, workers should receive their normal pay for any bank holidays they work.

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For further advice and help on dealing with bank holiday entitlements, please contact us on 07899 665506 or email tracy@crafnantconsulting.co.uk