

## Legal disclaimer

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While Derbyshire UNISON has sought to ensure the information is accurate and up to date, it is not responsible and will not be held liable for any inaccuracies and their

consequences, including any loss arising from relying on this information.

If you are a Derbyshire UNISON member with a legal problem, please contact the branch office or your steward as soon as possible for advice.

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# HOLIDAYS

## Entitlement

Almost all workers are legally entitled to 5.6 weeks' paid holiday per year (known as statutory leave entitlement or annual leave). An employer can include bank holidays as part of statutory annual leave.

## Working 5 days a week

Most workers who work a 5-day week must receive 28 days' paid annual leave per year. This is calculated by multiplying a normal week (5 days) by the annual entitlement of 5.6 weeks.

## Working part-time

Part-time workers are also entitled to a minimum of 5.6 weeks of paid holiday each year, although this may amount to fewer actual days of paid holiday than a full-time worker would get. For instance, a worker who works 3 days a week has their leave calculated by multiplying 3 by 5.6, which comes to 16.8 days of annual paid leave.

## Irregular hours

People working irregular hours - eg shift work or term-time work - need to calculate their leave entitlement for irregular hours. You can check this at [gov.uk/calculate-your-holiday-entitlement](https://www.gov.uk/calculate-your-holiday-entitlement)

## Limits on statutory leave

Statutory paid holiday entitlement is limited to 28 days. Staff working 6 days a week are only entitled to 28 days' paid holiday and not 33.6 days (5.6 multiplied by 6).

## Bank holidays

Bank or public holidays do not have to be given as paid leave. An employer can choose to include bank holidays as part of a worker's statutory annual leave.

These are minimum leave entitlements. UNISON has successfully negotiated better holiday arrangements for local authority workers and others.

## Other aspects of holiday entitlement

Workers have the right to:

- **get paid for leave**
- **build up ('accrue') holiday entitlement during maternity, paternity and adoption leave**
- **build up holiday entitlement while off work sick**
- **request holiday at the same time as sick leave**

For further details about these, you should contact Derbyshire UNISON.

## Booking time off

The general notice period for taking leave is at least twice as long as the amount of leave a worker wants to take (eg 2 days' notice for 1 day's leave), unless the contract says something different.

An employer can refuse a leave request but they must give as much notice as the amount of leave requested, eg 2 weeks' notice if the leave requested was 2 weeks.

Employers can:

- **tell their staff to take leave, eg bank holidays or Christmas**
- **restrict when leave can be taken, eg at certain busy periods**

There may be rules about this in the employment contract or it may be what normally happens in the workplace. The notice period for this is at least twice as long as the leave they want their staff to take.

## Payment in lieu

The only time someone can get paid in place of taking statutory leave (known as 'payment in lieu') is when they leave their job. Employers must pay for untaken statutory leave (even if the worker is dismissed for gross misconduct).

If an employer offers more than 5.6 weeks' annual leave, they can agree separate arrangements for the extra leave.