

Employment Fact Sheet: Holidays and holiday pay

Who has the right to take paid holidays from work?

Most workers have the right to take a minimum amount of paid holiday. This is called **statutory holiday**.

You have the right to take statutory paid holiday from work if you are a worker. This includes people who work full-time, part-time, agency workers and casual workers.

The rules about statutory holiday apply regardless of how long you have worked for your employer and regardless of how old you are. However, you don't have the right to statutory holiday if you're a child under school leaving age.

There are some people who don't have an automatic right to statutory paid holiday. These are people who are self-employed or who work in the **armed forces, police or civil protection services**. If you work in one of these jobs or are self-employed, some of the information in this fact sheet may not apply to you and you will need to check your contract of employment to see if you get paid holiday and how much you should get.

How much paid holiday can you take?

Your contract of employment may give you the right to take more than the statutory amount of paid holiday. However, it cannot give you less. If your contract gives you the right to take more than the statutory amount of paid holiday, this is called **contractual holiday**. The law doesn't say how much contractual holiday you should get, or whether or not it should be paid.

You are entitled to a minimum of 5.6 weeks' holiday a year. This is called **statutory holiday**. To work out how many days holiday you can take a year, you need to multiply 5.6 by the number of days you work in a week.

For example:

- if you work a five-day week, you are entitled to 28 days' paid holiday a year (5.6 X 5).
- if you work 2.5 days a week, you are entitled to 14 days' paid holiday a year (5.6 X 2.5).

The maximum amount of statutory paid holiday you can be entitled to is 28 days. This applies even if you work more than five days a week.

The exact amount of paid holiday you are entitled to also depends on when your leave year started. If your leave year includes time before 1 April 2009, you are entitled to less statutory holiday. To help you work out your exact entitlement, you can use the Ready Reckoner on the Department for Employment and Learning's website at www.delni.gov.uk.

Your contract of employment should tell you more about your rights to paid holiday. If you do not have a written contract of employment, you may still have rights which have been verbally agreed with your employer, or which have come about because of the way things are usually done in your workplace.

How much holiday pay should you get?

You should be paid at the same rate as you are normally paid when you are working.

Rolled up holiday pay

Some employers and employment agencies may say that your hourly rate of pay includes an amount for holiday pay, and that they expect you to save this part of your pay to cover your holidays. This is known as '**rolled up**' holiday pay. Rolled up holiday pay is against the law, unless your holiday pay is paid on top of your basic pay and it's clear what this amount is for, for example, it's clearly set out on your payslip.

If you think you are getting rolled up holiday pay, you should get advice.

When can you take holiday?

You can ask to take your holiday whenever you choose, as long as you give your employer the right notice (see below), and take into account any agreements between you and your employer about when you can take leave.

However, your employer does not have to agree to your request. If your employer wants to refuse your leave, they must give you the same amount of notice as the holiday that you wish to take. For example, if you have asked to take two weeks leave, your employer must tell you two weeks before your holiday is due to start that you cannot take leave.

Your employer can make you take all or any of your holiday at a particular time, as long as they give you the right amount of notice at the right time. This notice must be at least twice as long as the holiday they want you to take.

This means, for example, that as long as they give you the right notice, your employer could insist that you take every Friday off until you have used up all your holiday entitlement.

How much notice must you give your employer?

The notice you give your employer when you want to take leave must be twice as long as the holiday you want to take. For example, if you want to take 3 days leave, you must give your employer at least 6 days notice.

Am I entitled to take bank and public holidays off work?

You do not have a legal right to **bank holidays** or **public holidays**. Even if you get them, you do not have a legal right to be paid for them. If your employer does give you paid bank holidays or public holidays, they will be counted as part of your statutory holiday unless your employment contract says you get bank holidays and public holidays on top of your statutory entitlement.

If you are not sure whether you have the right to take bank holidays off work, you should check your contract of employment, or look at how things are usually done in your workplace.

Your employer refuses to let you take holiday

If your employer refuses to let you take holiday when you have given the proper notice, you could:

- try to get a written statement of the terms and conditions in your contract of employment. All employees have a right to this, and it should include details of your entitlement to paid holiday
- talk to your employer and try and reach an agreement which is acceptable to both of you
- get help to do this from a trade union representative, if you have one, or from an experienced adviser (see below)

If talking to your employer does not work, you should **raise a written grievance with your employer**, and if you need to take matters further, you can complain to an **industrial tribunal**. You should think carefully before doing either of these things as they might have a negative affect on your relationship with your employer, and could even put your job at risk. Always seek advice before complaining to an industrial tribunal. There are strict time limits for complaining to an industrial tribunal, and you should check that these do not run out before you make your complaint.

What is an industrial tribunal?

Industrial tribunals resolve disputes between employers and employees over employment rights. The Labour Relations Agency (LRA) offers a conciliation service in Industrial Tribunal complaints. If your complaint cannot be resolved through conciliation it will go on to a tribunal hearing. The tribunal hearing is made up of a panel of up to three people who will consider all the arguments, make a **legally-binding decision** and award **remedies**. For example it can **force your employer to give you any leave to which you are entitled by law**. It could also order your employer to **pay you compensation**.

You are dismissed for complaining when your leave is refused

If your employer refuses to let you take holiday you are entitled to and dismisses you when you complain, you should talk to an experienced adviser straight away (see below). The adviser may be able to persuade your employer to take you back. If this doesn't work, you may be able to make a complaint to an industrial tribunal for **unfair dismissal**. There are strict time limits for complaining to an industrial tribunal, and you should check that these do not run out before you make your complaint.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit www.citizensadvice.co.uk or look under C in your phone book.

LRA

The Labour Relations Agency (LRA) operates an Enquiry Helpline which provides information and advice about employment issues. Contact the Enquiry Helpline at **028 9032 1442**.

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