COVID-19
annual leave
When the situation changes

This booklet aims to answer any queries about annual leave and your entitlements during COVID-19.

What am I entitled to?

In most situations, you should use your paid holiday (‘statutory annual leave’) in your current leave year. This is 5.6 weeks in the UK.

This is important because taking holiday helps you get enough rest and keep healthy (physically and mentally).

Can I carry over my annual leave to next year?

The government has introduced a temporary new law allowing employees and workers to carry over up to 4 weeks’ paid holiday over a 2-year period.

This law applies for any holiday the employee does not take because of coronavirus, for example if:

- You have been self-isolating or too sick to take holiday before the end of your leave year
- You have been temporarily sent home as there’s no work (‘laid off’ or ‘put on furlough’)
- You have had to continue working and could not take paid holiday

Some employers will already have an agreement to carry over paid holiday. This law does not affect any agreements already in place.
If an employee or worker leaves their job or is dismissed during the 2-year period, any untaken paid holiday must be added to your final pay (‘paid in lieu’).

**How do I agree with my employer to carry extra holiday over?**

If your employer does not already have an agreement in place, they can decide whether they’ll allow extra holiday (more than the 4 weeks’ paid holiday) to be carried over.

*Extra holiday may include:*

- The remaining 1.6 weeks of statutory annual leave
- Holiday that’s more than the legal minimum

You should check your employment contract or talk to your employer to find out what you are entitled to. Your employer should involve Community in any agreed changes.

**What happens to bank holidays?**

Bank holidays are usually part of the legal minimum 5.6 weeks’ paid holiday. You must get your usual pay for bank holidays.

If you usually work on bank holidays but are currently furloughed, you should check with your employer to see if you have to take holiday on that day or if you can take the time off at a later date.
If you cannot take bank holidays off due to coronavirus, you should use the holiday at a later date in your leave year.

If this is not possible, bank holidays can be included in the 4 weeks’ paid holiday that can be carried over. This holiday can be taken at any time over a 2-year period.

**Am I entitled to cancel any planned annual leave?**

If your holiday has been cancelled or you no longer want to take time off you had previously booked, your employer may still ask you to take the time off. To change when you take your time off, you will need to get an agreement from your employer.

**Can my employer ask me to take or cancel annual leave?**

Employers have the right to tell employees and workers when to take holiday. An employer could, for example, shut for a week and tell everyone to use their holiday entitlement.

If the employer decides to do this, they must tell staff at least twice as many days before as the amount of days they need people to take.

Employers can also cancel pre-booked paid holiday. If they decide to do this, they must give staff at least the same number of days’ notice as the original holiday request.
This could affect holiday staff have already booked or planned. So employers should:

- Explain clearly why they need to do this
- Try and resolve anyone’s worries about how it will affect their holiday entitlement or plans

Can I take annual leave if I’m furloughed?

ACAS guidance suggests if you have been furloughed, you can still request and take your holiday in the usual way. This includes bank holidays.

Through the TUC we are seeking clarity on this in relation to the government’s job retention scheme, and if the annual leave will be paid at 100% or if furloughed at 80%.

We are also seeking clarity on whether an employer can instruct a worker to take annual leave as part of furlough, as well as if workers can accrue annual leave while on furlough. We will update the guidance as soon as this has been clarified.

Get in touch

If you’re having difficulty or problems at work during the Covid-19 pandemic, get in touch with our Member Service Centre by calling 0800 389 6332 or emailing servicecentre@community-tu.org.