

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

What happens to holidays if I am furloughed?

If you have been placed on furlough you can continue to accrue statutory holiday payments, and any additional holiday provided for under your employment contract. Use the <u>government holiday entitlement calculator</u> to calculate your statutory holiday entitlement.

Can I take annual leave If I'm furloughed?

Workers on furlough can take holiday without disrupting their furlough. The notice requirements for their employer requiring a worker to take leave or to refuse a request for leave continue to apply. Employers should engage with their workforce and explain reasons for wanting them to take leave before requiring them to do so.

If an employer requires a worker to take holiday while on furlough, the employer should consider whether any restrictions the worker is under, such as the need to socially distance or self-isolate, would prevent the worker from resting, relaxing and enjoying leisure time, which is the fundamental purpose of holiday.

Furloughed workers must get their usual pay in full, for any holiday they take. As taking holiday does not break the furlough period, the employer can continue to claim the 80% grant from the government to cover most of the cost of holiday pay.

What happens to bank holidays if I am furloughed?

Where a bank holiday falls inside a worker's period of furlough and the worker would have usually worked the bank holiday, their furlough will be unaffected by the bank holiday.

However, if the worker would usually have had the bank holiday as annual leave, there are 2 options.

The bank holiday is taken as annual leave

If the employer and the worker agree that the bank holiday can be taken as annual leave while on furlough, the employer must pay the correct holiday pay for the worker. Employers may also require workers to take the bank holiday as annual leave with the correct notice periods.

The bank holiday is deferred

If the employer and the worker agree that the bank holiday will not be taken as annual leave at that time, the worker must still receive the day of annual leave that they would have received. This holiday can be deferred till a later date, but the worker should still receive their full holiday entitlement.

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**.

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