

## Checking holiday entitlement

You have the right to paid holiday ('statutory annual leave') whether you work:

- full time
- part time
- under a zero-hours contract

The amount of days you get depends on:

- how many days or hours you work
- any extra agreements you have with your employer

You build up ('accrue') holiday from the day you start working, including when you're on:

- a probationary period
- sick leave
- maternity, paternity, adoption or shared parental leave

Your employer can choose to give you more holiday than the statutory entitlement. Your employment contract should say how much holiday you get.

[Find out more about employment contracts.](#)

### 1. Statutory annual leave

You're entitled to 5.6 weeks' paid holiday (statutory annual leave) a year.

Your 5.6 weeks' legal minimum holiday is usually made up of:

20 days = 4 weeks

+ 8 days (which can be the year's bank holidays) = 1.6 weeks

Your 5.6 weeks' statutory annual leave entitlement might include bank holidays, depending on your contract.

#### Part time

If you work part time, you're still entitled to 5.6 weeks' paid holiday, just in proportion to the hours you work ('pro rata').

You can work this out by the number of days you work a week x 5.6.

For example, if you work 3 days a week, you're entitled to 16.8 days' paid holiday (3 x 5.6) a year.

If your employer gives full-time employees more than the statutory annual leave (for example, 6 weeks), then part-time employees must get the same, calculated pro rata.

### **Shift, term-time and zero-hours workers**

You must still get 5.6 weeks' holiday as a minimum if you work irregular hours, such as:

- shifts
- term-time work
- zero-hours contracts

If you're self-employed (run your own business), you're not usually entitled to paid holiday but it could depend if you've been employed on a contract. It's a good idea to check your [employment status](#) to see what your entitlement is.

## **Holiday calculator**

You can work out how much holiday you should get with the [holiday calculator on GOV.UK](#).

## **Maternity leave**

You still accrue your holiday entitlement while on:

- maternity leave
- paternity leave
- adoption leave
- shared parental leave

For example, if you take a year of maternity leave, you'll return with a whole year's accrued holiday.

It's best to talk to your employer to arrange whether you're going to take this holiday before or after your maternity leave.

If your employer gives more holiday than the statutory amount, you should check your contract to see how you need to book that time off.

# If you're not sure how much holiday you should get

If you're still not sure what your holiday entitlement is, you can:

- talk with your manager, someone in HR or your employer
- check your [written terms](#) ('written statement of employment particulars')
- [get legal advice](#), for example from Citizens Advice or your trade union

When an employee or worker takes holiday, they should get the same pay when they're on holiday as when they're at work – whatever their working pattern.

Some employers might offer better holiday pay schemes. You should check your contract.

Holiday pay calculations can be based on:

- days or hours worked per week
- casual or irregular hours
- shifts

## 2. How a week's pay is calculated

For calculating holiday pay, a week usually starts on a Sunday and ends on a Saturday.

You should calculate your holiday pay from the last full week that you worked. This can end on or before the first day of your holiday.

You should only use another 7-day period if that's how your pay is calculated. For example if your pay is calculated by a week ending on a Wednesday, then you should treat a week as starting on a Thursday and ending on a Wednesday.

## Your working pattern

### Fixed hours

If your working hours do not vary (part time or full time) your holiday pay will be calculated using your usual pay rate.

For example, if you work 37 hours every week and get paid £400 a week, when you take a week's holiday, you must get paid £400.

[Work out holiday pay if you're paid monthly on GOV.UK.](#)

### No fixed hours

If your work has no fixed or regular hours, your holiday pay will be based on the average pay you got over the previous 52 weeks. For example, if you do casual work on a zero-hours contract or shifts that change without a fixed pattern.

If for any of the 52 weeks you got no pay at all, use an earlier week in its place for calculating holiday.

If you get a small amount of pay for a week, for example Statutory Sick Pay, you should use another week where you received your usual pay for calculating holiday. This is because you should get paid the same when you're on holiday as when you're at work.

You should only count back as far as needed to get 52 weeks of your usual pay. If necessary, you can look at the pay you got over the previous 104 weeks, but no further.

### **If you have not yet been employed for 52 weeks**

If you have not yet been employed for 52 weeks, your employer should look at how many full weeks you've been employed for.

For example, if you've been with your employer for 26 full weeks, your employer should look at the average pay you got during those weeks to calculate your holiday pay.

[Find examples for working out holiday pay where there's no fixed hours or pay on GOV.UK.](#)

## **Taking holiday before you've built it up**

If your employer agrees, you may be able to take paid holiday before you've built up ('accrued') enough holiday entitlement. For example, your employer might agree for you to take holiday soon after you start a new job.

They will not be able to calculate pay in the usual way, looking at your average pay from previous weeks. Instead, you should get an amount that fairly represents your pay for the agreed time off.

To work out what's fair, your employer should consider:

- the amount you're paid for the job
- the pay you've already received, if any
- what others who do a similar job are paid for their holiday

## **Overtime, commission and bonus**

If you regularly get paid overtime, commission or bonuses, your employer must include these payments in at least 4 weeks of your paid holiday.

Some employers might include overtime, commission and bonus payments in your full 5.6 weeks' paid holiday (statutory annual leave), but they do not have to. This is because the law on overtime, commission and bonus payments being included in holiday pay is based on the EU Working Time Directive, which is 4 weeks' holiday only.

## **Rolled-up holiday pay**

You must get paid for your holiday when you take it. If your employer is spreading your holiday pay over the year by adding an amount on top of your hourly rate, this is known as 'rolled-up' holiday pay and your employer should not do this.

## Holiday that's less than a full day

If you've built up ('accrued') less than half a day of holiday, your employer must round this up to half a day.

If you've built up between half a day and a full day of holiday, your employer must round this up to a full day.

## If you think your holiday pay should be different

If you think you're not getting as much paid holiday as you're entitled to or are not sure how it's being calculated, you should [talk with your employer](#).

Some employers might offer a better holiday pay scheme. You should check your contract.

Remember, if you believe your holiday pay is incorrect, you have 3 months less 1 day from the date you received the last incorrect payment to take your claim to an [employment tribunal](#). So it's a good idea to talk to your employer as soon as possible.

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It's a good idea to ask for your holiday dates as far in advance as possible so that your employer can make arrangements.

You should ask for holiday at least twice the amount of time beforehand as the amount you want to take off, unless your employment contract says otherwise.

For example, if you want 10 days off you'll need to ask at least 20 days before.

Your employer can:

- refuse holiday at certain times, for example during busy periods, but they cannot refuse to let you take any holiday at all
- make you take holiday at certain times, such as [Christmas or bank holidays](#)
- say how much holiday you can take at one time

## 3. If your employer says you cannot take holiday

An employer can refuse or cancel holiday, but they must let you know beforehand by at least the same amount of time as the amount you requested.

### Example

You've asked your employer for 7 days off. They later realise they'll be too short-staffed that week so they need you to work. They must tell you they need to cancel your time off at least 7 days before it was due to start.

They should give good reason for refusing or cancelling holiday and might suggest other dates, so it's a good idea to [talk to your employer](#) about it.

## If your employer makes you take days off

Your employer can make you take:

- your holiday days when they want, for example they might shut down over [Christmas](#)
- unpaid leave at times, if it's in your contract

If your employer needs you to take your holiday on certain dates, they should tell you at least twice as many days before as the number of days they need you to take.

For example, your employer needs you to take 5 days of holiday while they're closed over Christmas. They should tell you this at least 10 days before the holiday starts.

## When you should take your holiday by

Your employer will have a start and end date when you should take your holiday by – called the 'leave year'.

Your employer should tell you when your workplace's leave year runs from and to.

You should take your legal minimum 5.6 weeks' leave during the leave year.

## Carrying over holiday

You can only carry over some of your legal minimum 5.6 weeks' holiday if there's a 'workforce agreement' that allows it. For example, between your employer and your workplace's trade union. Your contract should say if there are any workforce agreements.

If there's no workforce agreement, you must take your legal minimum 5.6 weeks' holiday during the leave year.

Because of coronavirus, you may have longer to carry over your holiday. [Find out more about using holiday during the coronavirus pandemic.](#)

If you get more than the legal minimum 5.6 weeks, your contract should say if you can carry over holiday and how much.

When you're not able to use your paid holiday, for example if you're on maternity leave, you must be allowed to carry it over to the next leave year. It's a good idea to arrange this with your employer as early as possible.

### **If you're on long-term sick leave**

If you're on long-term sick leave, you can carry over a maximum of 4 weeks' paid holiday and it must be used within 18 months of the date it carried over from.

[Find out more about sick pay and holiday pay.](#)

### **If you cannot take all your holiday**

If you cannot take your full paid holiday for any other reason and you're worried about losing it, [talk to your employer](#) and try to reach an agreement.

## **Holiday when starting a job**

You start to build up ('accrue') holiday as soon as you start a job.

In the first year of a job your employer might use an 'accrual system' where holiday is calculated as you go along.

For example, you build up one twelfth of your holiday each month, so that by the start of the third month you can take a quarter of your holiday.

## **Holiday when leaving a job**

You may be able to take any accrued paid holiday you have left during your notice period before leaving a job, or your employer might want you to.

How much you get depends on how far through the leave year you end the job.

If you have any accrued holiday left when you leave your job, your employer must add this holiday pay to your final pay ('payment in lieu').

If you've taken more holiday than your entitlement by the time your job ends, your employer can take money from your [final pay](#), if agreed beforehand in writing. This is sometimes known as a 'payback clause'.

## **Unpaid leave**

If you have run out or do not want to use your paid holiday for some time off, you can ask your employer for unpaid leave.

It's up to your employer whether to agree or not, but you can explain the reason for your request and try to come to the best agreement together.

Unpaid leave and how you can request it might be set out in your contract.

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Your employer does not have to give you time off on a bank holiday or at Christmas if they're not included in your [holiday entitlement](#). This is the same whether you work full time or part time.

Your employer can also make you take your holiday on bank holidays or at Christmas. For example, the business might shut for these days.

Remember bank holidays might be included in your paid holiday entitlement – you can check your employment contract to find out.

See which days are [bank holidays on GOV.UK](#).

It's a good idea to arrange your holiday dates with your employer as early as possible.

## 4. If your employer changes when they open or close

Your employer has the right to make changes to when you take holiday if they need to.

For example, they can decide to shut over Christmas and force their employees to take their paid holiday, even if in previous years the business was open over Christmas.

If your employer needs you to take holiday, they should tell you at least twice as many days before as the amount of days they need you to take.



For example, if they need you to take 2 days of holiday, they should tell you at least 4 days before.

Before making a change to the way staff take holidays, your employer might need to consider whether there has been [custom and practice](#).

If your employer is making significant, long-term changes, for example to the amount of holiday days or pay they give, they must follow the process for [changing a contract](#).

## If you do not want to take a bank holiday

If a bank holiday falls on one of your normal working days and you do not want to take the day off, you could ask your employer if you can work the bank holiday and take another day off instead.

This is taking a day's holiday 'in lieu'. Your employer does not have to agree to this.

You can only get paid in lieu of bank holidays if they're part of untaken holiday entitlement when you leave your job.

If you work on a bank holiday, you must still get your full 5.6 weeks (pro rata if you're part time) of statutory annual leave as paid time off.

## Bank holidays while on sick or maternity leave

If they're included in your holiday entitlement, you still build up paid days off for bank holidays while on:

- sick leave
- maternity, paternity, adoption or shared parental leave

[Find out more about sick pay and holiday pay](#).

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You still build up (accrue) holiday while on sick leave.

See our [sick pay and holiday pay guide](#) for advice on:

- taking holiday while off sick
- if you get sick while on holiday
- accruing holiday while off sick