

## Holiday and leave during coronavirus

In most situations, employees and workers should use their paid holiday ('statutory annual leave') in their current leave year. This is 5.6 weeks in the UK.

This is important because taking holiday helps people:

- get enough rest
- keep healthy, both physically and mentally

## Being flexible about holiday during coronavirus

Employers, employees and workers should be as flexible as they can about holiday during the coronavirus (COVID-19) pandemic.

It's a good idea to:

- talk about any plans to use or cancel holiday during coronavirus as soon as possible
- discuss why holiday might need to be taken or cancelled
- listen to any concerns, either from staff or the employer
- welcome and suggest ideas for other options
- consider everyone's physical and mental wellbeing
- be aware that it's a difficult time for both employers and staff

## If you're a furloughed worker

Employees or workers who are temporarily sent home because there's no work ('furloughed workers'), can request and take their holiday in the usual way, if their employer agrees. This includes bank holidays.

Furloughed workers must get their usual pay in full, for any holiday they take.

## Carrying over holiday

During the coronavirus pandemic, it may not be possible for staff to take all their holiday entitlement during the current holiday year.

Employers should still be encouraging workers and employees to take their paid holiday. Employees and workers should also make requests for paid holiday throughout their holiday year, if possible.

[The government has introduced a new law](#) allowing employees and workers to carry over up to 4 weeks' paid holiday into their next 2 holiday leave years. This law applies for any holiday the employee or worker does not take because of coronavirus, for example if:

- they're self-isolating or too sick to take holiday before the end of their leave year
- they've had to continue working and could not take paid holiday

They may also be able to carry over holiday if they've been 'furloughed' and cannot reasonably use it in their holiday year.

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 and has carried over paid holiday because of coronavirus, any untaken paid holiday must be added to their final pay ('paid in lieu').

## **Bank holidays**

Bank holidays are usually part of the legal minimum 5.6 weeks' paid holiday.

Employers can still require employees and workers to take paid holiday on a bank holiday, unless they're off sick. They must give employees or workers notice.

Employees and workers can also ask to take a day's paid holiday on a bank holiday. If the employer agrees, they must get their usual pay in full.

If employees and workers are not sure if bank holidays need to be taken as paid holiday, they should:

- check their contract
- talk to their employer

If bank holidays cannot be taken off due to coronavirus, employees and workers should use the holiday at a later date in their 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 the next 2 holiday leave years.

## **Agreeing how extra holiday is carried over**

If employers do 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

Employees and workers should check their employment contract or talk to their employer to find out what they're entitled to.

## **Reaching an agreement**

If the workplace has a recognised trade union, or there are employee representatives who work with the employer on these matters, the employer should involve them in agreeing changes.

If any agreement is made, it's a good idea for it to be in writing.

Employers should get legal advice if they're not sure whether to allow extra holiday to be carried over.

## **Previously booked holidays**

An employee may no longer want to take time off they'd previously booked, for example because their hotel cancelled the booking. Their employer can insist they still take the time off, but it's good practice to get agreement from the employee.

If the employee wants to change when they take this time off, they'll need to get agreement from their employer.

## Requiring staff to take or cancel holiday

Employers have the right to tell employees and workers when to take holiday.

They cannot do this, however, for any employees or workers who are on:

- sick leave
- family leave, for example maternity leave

### If an employer needs to tell staff 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.

For example, if they want to close for 5 days, they should tell everyone at least 10 days before.

### Cancelling pre-booked holiday

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.

For example, if an employee has booked 5 days holiday, the employer must tell them at least 5 days before the holiday starts that it's cancelled.

This could affect holiday staff have already booked or planned and cause upset. 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