

Holiday entitlement and pay

rwk
goodman

Holiday – Regular workers

Entitlement

- 5.6 weeks
- 4 weeks WTD / 1.6 weeks WTR
- Holiday based on time elapsed under contract rather than actual work and calculated in weeks

Pay:

- A week's pay for a week's leave
- Normal working hours
- No normal working hours – 52-week average
- Includes overtime and other payments (e.g. sleep-in payments) regularly paid in the previous 52 weeks



Holiday – Regular workers

Example

- Hannah works fixed hours.
- 30 hours per week, Monday – Friday @ £15ph
- 2 sleep-in shifts @ £60 per shift
- Week's pay for a week's leave = £570 holiday pay per week of holiday



Irregular hours / part - year workers

Entitlement

- Accrual method: 12.07% of hours worked.
- $12.07\% \times \text{no of working hours}$
- Calculated in hours not weeks.

Pay

- Paid leave: 52-week average
- Rolled-up holiday: Uplift pay (normal remuneration over 52-week period) by 12.07%.
- Includes sleep-in allowance.



Sleep-ins

National Minimum Wage – Mencap

Working Time Regulations – Reg 2 WTR

Regulation 2 of the WTR provides that working time means the following:

- (a) any period during which he is working, at his employer's disposal and carrying out his activity or duties,
- (b) any period during which he is receiving relevant training, and
- (c) any additional period which is to be treated as working time for the purpose of these Regulations under a relevant agreement;



Case law guidance

Place determined by employer

Time spent on-call or on standby at a place or narrowly defined places (for example, within a small geographical area) determined by the employer is likely to be working time in its entirety, even if the chance of being called upon to perform duties is slight.

Constraints on time

Time spent on-call or on standby where the employer does not determine the place where it is spent but in relation to which constraints imposed on the worker have an objective and very significant impact on their opportunity to pursue personal and social interests is also likely to be working time in its entirety



HR & employment law advice



HR & Employment

- Specialist HR & employment law advice tailored to the care sector
- Bespoke HR documents and correspondence with staff
- Access to Employment Resource Centre
- Staff contracts, policies & handbook
- 'Stay compliant' update service, newsletters and events
- In-house training for managers and HR teams

Legal Protection

Legal expenses insurance to give you peace of mind that you are protected against:

- Employment Tribunal legal defence costs
- Tribunal awards
- Settlement payments

Why helpo?

- Manage your workforce in a fair, consistent and proactive way
- Create a positive, high performance and caring culture
- Improve staff retention
- Save management time and cost

Our promise to you

- Cost effective advice with fixed fee options
- Practical, commercial and decisive advice to help you achieve your goals
- Excellent service and prompt response times
- Relationship manager and dedicated adviser who becomes part of your team



To get helpo please contact James Sage; james.sage@rwkgoodman.com or call 07508 297 597

Questions

rwk
goodman