



Employment Bulletin

Bulletin: 118

15th October 2007

INCREASED STATUTORY HOLIDAY ENTITLEMENT

The minimum wage and annual holiday entitlement were both raised on October 1st 2007, meaning an increased pay packet and more days off for millions of UK workers.

INCREASED STATUTORY HOLIDAY ENTITLEMENT

All workers now have the right to a minimum of 4.8 weeks' paid annual leave (equivalent to 24 days for a full-time employee) subject to certain exceptions. This increased from 20 days on 1 October 2007 and is due to increase to 5.6 weeks (equivalent to 28 days) on 1 April 2009.

Practical Tip

- Review your holiday entitlements to ensure workers are receiving their statutory entitlement as a minimum.
- Annual leave should always be agreed when an employee starts work.
- Since there is no statutory right to take paid leave on bank holidays, whether an employee can be required to work on a bank holiday is a matter of contract. Employers can count holidays granted for bank holidays towards the statutory minimum.
- There are no minimum periods of continuous service required to qualify for statutory annual leave and so the entitlement applies to all new employees.
- A worker whose employment begins part way through a leave year accrues their statutory holiday entitlement for that year on a pro-rata basis.
- Be specific about the rules governing holiday, e.g. how to book holidays, how much notice is needed and circumstances when a request will be refused.
- Under the Working Time Regulations (WTR) 1998 (as amended 1st October 2007), workers (including part timers and most agency and freelance workers) have the right to a payment for untaken statutory leave entitlement on termination of employment. However, the WTR do not provide for employers to recoup where an employee has taken in excess of their accrued entitlement at termination; employers will need an express contractual provision. So review your contracts and update if necessary.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Employment Law issues, please contact a member of the Employment Team on 0151 600 3000. If you no longer wish to receive the bulletin please let us know by return email.

This bulletin is for general guidance purposes only and should not be used for any other purpose.

Brabners Chaffe Street is listed in The Sunday Times 100 Best Companies to Work For

Brabners Chaffe Street is a Limited Liability Partnership

**LIVERPOOL** 0151 600 3000

Horton House, Exchange Flags, Liverpool L2 3YL
Fax: 0151 227 3185
MDX 14118 Liverpool
email: law@brabnerscs.com

MANCHESTER 0161 836 8800

55 King Street, Manchester M2 4LQ
Fax: 0161 836 8801
MDX 14431 Manchester
email: law@brabnerscs.com

PRESTON 01772 823921

7-8 Chapel Street, Preston PR1 8AN
Fax: 01772 201198
MDX 17118 Preston
email: law@brabnerscs.com