

Guidance Notes: How to Handle Bank Holidays – Diamond Jubilee

1. Introduction

- 1.1 If an extra Bank or Public Holiday is announced in order to mark a particular occasion, such as the Diamond Jubilee in 2012, the employer needs to look at the wording of the employment contract in order to determine the employee's entitlement to time off or extra pay on that extra Bank or Public Holiday.
- 1.2 Employees do not have an automatic entitlement to paid time off or extra pay for work done on a Bank or Public Holiday.

2. Statutory Holiday Entitlement

- 2.1 All employees have a statutory entitlement to 5.6 weeks of paid leave a year.
- 2.2 For an employee working 5 days a week, the holiday entitlement would be 28 days (5 x 5.6). Paid holiday entitlement depends on the number of days worked per week (e.g. 2 days a week = 2 x 5.6 = 11.2 days' holiday).
- 2.3 It depends on the wording of the employment contract as to whether any bank or public holidays are included in the statutory holiday entitlement.

3. The Employment Contract

- 3.1 An employer is obliged to specify in the contract or written particulars of employment within 14 days of the employee starting work.
- 3.2 In respect of holiday entitlement, the contract of employment needs to state:
 - 3.2.1 the right to time off for bank holidays;
 - 3.2.2 whether the employee will be paid; and
 - 3.2.3 the rate of pay on public or bank holiday.
- 3.3 Even if your employee does not have a written contract of employment, the employer must still give the employee a written statement if you have given such a privilege.
- 3.4 You will have to give an employee time off or pay to an employee working on an extra Bank or Public Holiday (e.g. Diamond Jubilee) if the contract does not explicitly exclude the extra day as a bank holiday (i.e. if the employment contract states that the employee is entitled to a certain number of days plus bank holidays).
- 3.5 However, you do not have to give an employee time off or provide pay for work on the Diamond Jubilee Bank Holiday if the contract of employment is worded in such a way that this extra day is included (i.e. if the annual leave entitlement is expressed as a certain number of days 'plus eight Bank Holidays' or if the contract states that the employee is entitled to a certain number of days plus bank holidays).

4. **Diamond Jubilee**

- 4.1 In 2012, there is a Bank Holiday to celebrate the Queen's Diamond Jubilee. The 2012 Bank Holiday has been moved to Monday 4 June 2012 and an additional Bank Holiday will be on Tuesday 5 June 2012.
- 4.2 There is no statutory requirement for employers to pay for work on such days. This can only be determined by the terms of the employment contract and any applicable award or collective agreement.
- 4.3 If a special Bank Holiday is observed (the Diamond Jubilee), employers need to advise staff in advance to avoid any misunderstanding about the day.
- 4.4 If you require your staff to work on the Diamond Jubilee special Bank Holiday on 5 June, you must have a contractual basis for this and ensure that staff are paid for the time worked.

5. **Recommendations**

- 5.1 Even where employees do not have an actual right to paid time off on the Diamond Jubilee Bank Holiday, employers should consider providing this as a gesture of goodwill if employees are required to work on that day.
- 5.2 If employees' contractual terms state that the Diamond Jubilee Bank Holiday is not recognised as a day of entitlement, it is up to the employer to decide if the staffs get paid or unpaid time off or extra pay for work done on that day.
- 5.3 Ignoring this special day could have a negative effect on staff morale and on the reputation of the organisation.