



## Hot employment topics during the summer holidays



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The Legal 500

### Holiday Entitlement

As a minimum, under the Working Time Regulations 1998 most workers (including those who are part-time) are entitled to 5.6 weeks' paid leave in each leave year. This can include bank holidays, as there is no statutory right to paid bank or public holidays.

There is nothing to stop an employer agreeing more leave, and any additional leave granted above the statutory minimum can be reflected in an employee's contract of employment.

### Can a request for leave be refused?

Yes. Although an employee has the right to annual leave, unless the employment contract provides otherwise employers can dictate when holiday can or cannot be taken and this includes during the busy summer months.

### Unauthorised time off

If an employee takes time off despite having their holiday request refused, an employee should carry out an investigation to ascertain whether the absence was for genuine reasons. If it turns out that there is no credible explanation, the employer should follow their disciplinary policy and procedure.

### How much time off can be granted in the school holidays?

If the employer agrees to it, then an employee could in theory take off as much time during the holidays as they wish. In practice, however, employers will want to ensure that the business is adequately staffed and that requests for leave are dealt with fairly.

Employers should have a policy setting out how many people can be off at one time, when leave can be taken, notice provisions and any limits on how much holiday can be taken in one go. It is also important for all requests to be considered in a consistent and fair manner.

### What if an employee has childcare issues during the school holidays?

Employees have a legal right to take unpaid "time off for dependents", which can be used for emergencies. An employee could use this leave if they had childcare issues, and it would usually be expected to last one to two days (or whatever is considered reasonable) so that the employee can make alternative childcare arrangements. In this situation employers can also suggest that the employee uses annual leave or that they can agree for the employee to use special leave, with (or without) pay.

### Delays due to Travel

If an employee is held up abroad due to a travel delay, there is no legal right for employees to be paid for this absence, although some employers may have contractual or custom and practice arrangements in place.

Employers should check their relevant policies and may offer alternatives, such as working remotely if applicable.

The information contained in this document provides background information only. The document may be misleading if relied upon as an exhaustive list of the legal issues involved. If any matter referred to in this document is sought to be relied upon, further information should be sought.