



Brachers Bitesize
Managing employees' holidays in 2021
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Presented by:
Abigail Brightwell and Sarah Wimsett

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Today's presenters



Sarah Wimsett | Associate - Employment, Brachers LLP

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Sarah joined Brachers as a trainee in 2014 and qualified into the Employment team in September 2016.

She advises on a number of non-contentious matters such as negotiating settlement agreements, drafting employment contracts, handbooks, policies and procedures and advising on day to day workplace issues.

Sarah has a particular interest in employment tribunal work and it forms a regular part of her workload. She has experience dealing with contentious matters in an employment tribunal, including acting for claimants and respondents in unfair dismissal and discrimination cases.



Abigail Brightwell | Associate - Employment, Brachers LLP

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Abigail joined Brachers as a trainee in 2009 and qualified into the Employment team in September 2011. She has represented several NHS Trusts in cases covering unfair dismissal (including constructive dismissal), unlawful deduction from wages, discrimination and whistleblowing.

Abigail advises on a broad range of day-to-day workplace issues, both contentious and non-contentious, and is regularly called upon to give advice on settlement agreements.

Today's session

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Time off for testing

02

Last minute changes

03

Rescheduling due to self-isolation

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Restricting travel

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Issues during and post-annual leave

06

Carrying over unused holiday

Time off for tests?

- Do employers need to allow time off for tests?
- Options for those needing to take tests:
 - Annual leave
 - Making up the hours
 - Arranging appointment outside working hours
 - Unpaid leave

Last minute changes

Likely challenges this summer:

- Last minute requests to take holiday
 - Lots of requests to take holidays at once
 - Requests to change holiday dates
 - Last minute cancellations of holiday
- In the absence of a contrary agreement, see regulation 15 Working Time Regulations 1998 for provisions on notice

Re-scheduling holiday due to self-isolation

- Case law on statutory annual leave and sickness absence
- What is the reason for the self-isolation?
- Consider purpose of annual leave – relaxation and leisure

Restricting employees' travel

- Should employers restrict annual leave to amber and red countries?
- Encourage early communication of booked holidays abroad to allow both parties to plan
- Consider the legal risks of refusing and revoking annual leave
 - discrimination
 - breach of mutual trust and confidence

Employees stranded abroad



- What if an employee contracts COVID-19 abroad?
- Sick leave
- Annual leave
- What if an employee is unable to travel home?

Quarantine on return

- Should employees who can work from home receive full pay?
- Employees who cannot work from home the situation is more complicated
- Did the employee have knowledge quarantine was required on their return before travelling?
- SSP?
- Annual leave?

Employees travelling abroad despite denied request

- Declining requests
- Consider why they are travelling abroad
- Unauthorised leave *

Carrying over and unused holiday



- Encourage workers and employees to take their paid holiday
- 2020 law allowing employees and workers to carry over up to four weeks' statutory paid holiday into next two holiday leave years. (Working Time (Coronavirus) Amendment Regulations 2020)
- Holiday on certain dates or within a specified time period



Any Questions?

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About Brachers' Employment team

Our [Employment and HR team](#) take pride in delivering employment law and HR services that are tailored to your needs. We are dedicated to listening and learning about your business to understanding the challenges you face, your ambitions, and how to retain, your key asset, your people.

We are one of the largest employment and HR teams in the South East, working alongside businesses with 60,000 employees in the region.

We appreciate that business is about taking managed risks. Our commitment to you is that we will not sit on the fence but will make recommendations using the benefit of our judgment and experience.

Free online consultation

If you would like more information on how we can support you with the issues covered in this webinar, [book a 30-minute online appointment](#) with a lawyer from our Employment team for an initial discussion on your needs and to find out how we can help.

Presentation slides

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