

Time off & holidays

Working time series

Annual leave

How long do I have to work before I am entitled to holidays?

Your entitlement to paid holidays begins as soon as you start working regardless of whether you are a full-time or part-time employee.

How many weeks holidays should I get?

You are entitled to a minimum of **4 working weeks** during the year, plus the 9 **Public Holidays**. Your entitlement to holidays begins on the day you start work for your employer and it is usually worked out on a monthly basis.

In some instances you may be entitled to more than the statutory annual leave entitlement, which is generally the case in **unionised employments**. To check whether your entitlement is above the statutory minimum, contact your local union representative or **union office**.

How is my holiday entitlement calculated?

All time worked (including overtime) qualifies for holiday leave. Time spent on Annual Leave, Maternity Leave, Parental Leave, Force Majeure Leave, Adoptive Leave, or the first 13 weeks of Carer's Leave should also be included in the qualifying time for annual leave and public holidays.

Under the Organisation of Working Time Act 1997, the basic minimum holiday entitlement is **4 working weeks** in a leave year. Based on actual time worked (see inclusions above), your holiday entitlement can be calculated by any of the three methods below:

- 4 working weeks (20 days) in a **leave year** in which you have worked at least 1,365 hours (unless it is a year in which you change employment);
- 1/3 of a working week per calendar month in which you work at least 117 hours
- 8% of the actual hours worked in the **leave year** – but subject to a maximum of 4 working weeks.

Unionised employments generally have more favourable holiday entitlements for their members as unions often negotiate for additional holidays in excess of the minimum statutory entitlement. For more information on holiday entitlements contact your local **union representative or union office**.

Which calculation of holiday entitlement should be used?

If you can calculate your holiday entitlement on more than one of the options above, the one which gives the greatest entitlement to holidays is the one which should apply. However, the overall maximum of 4 working weeks per leave year still applies as the minimum.

What is a leave year?

A leave year is a period of 12 months within which workers holiday entitlements are calculated.

When does a leave year start and end?

It can run from **1 April to 31 March** but there are no restrictions on employers using a different 12 month period provided the same leave year is used consistently.

Many employers, with **agreement from their employees and their union**, have adopted either the calendar year, January to December, or a period from annual shut down to annual shut down, say August to July, as the Leave Year. Other employments may operate their leave year from 1st April to 31st March.

Do I get paid for my holidays?

Yes, all entitlements to annual leave are paid at the same rate as your normal rate of pay.

Pay for annual leave should be provided to you in advance of taking your holiday entitlement and is calculated at your normal weekly rate.

Can I take holidays whenever I want?

Time off for holidays is usually the subject of discussions between you and your employer or manager. Your employer can determine how the leave is taken due to work requirements. However, they must also consider an individual's circumstances, such as the need to reconcile work and family responsibilities and the need for rest and recreation.

If you have any concerns regarding taking your annual leave and need more information, contact your local **union representative or union office**.

Does my employer have to notify me of when I can take annual leave?

Yes, the legislation provides that employees and their unions must be consulted at least 1 month in advance of the dates selected for annual leave.

If this is not the case in your workplace, please contact your local union representative or **union office**.

Can I defer or can my employer prevent me from taking annual leave during the leave year?

In general, an employee's annual leave must be taken within the leave year to which it relates. However, **with an employee's consent** it can be taken within 6 months of the next leave year.

It is an employer's responsibility to ensure workers take their full statutory entitlement in the appropriate leave period. You may also, with your employer's consent, carry over to the next leave year, holidays in excess of the statutory minimum.

My employer wants to pay me instead of taking holidays, is this allowed?

No, under the Organisation of working time act this is not allowed. It is illegal to pay an allowance instead of your statutory entitlement to holidays. However, where you are leaving your employment, your employer may pay for the holidays you have accrued but not already taken.

If you feel you are not receiving your full holiday entitlements please contact your **local union representative or union office.**

Public Holidays

What are the 9 public holidays?

The 9 public holidays are:

- New Year's Day
- St. Patrick's Day
- Easter Monday
- 1st Monday in May
- 1st Monday in June
- 1st Monday in August
- Last Monday in October
- Christmas day
- St. Stephen's Day

What is the difference between public holidays and bank holidays?

A public holiday is sometimes called a bank holiday, but this is incorrect. Your entitlement to paid time off for a public holiday is provided for in the Organisation of Working Time Act 1997.

This law gives statutory holiday entitlements which provide for the minimum payment for holidays under law as well as paid annual leave. These entitlements can be supplemented with the rights under leave legislation.

Bank holidays are not provided for within the legislation as paid time off. For instance, **Good Friday is not a public holiday** and therefore there is no automatic or statutory entitlement to time off work on that day.

In a number of industries and sectors, such as the Retail Sector, unions have negotiated more favourable conditions in relation to pay and conditions during holiday periods. Please contact your local union official or union office for additional details relating to holidays and public holidays.

Is there a service requirement to avail of public holidays?

If you work **full-time**, there is no service requirement to entitle you to public holidays. However, if you work less than full-time you will have to qualify for public holiday entitlements.

To qualify for public holiday entitlements you have to have worked at least **40 hours** in the previous **5 weeks** ending on the day before the public holiday.

Should I get paid for public holidays?

If the public holiday is on a day which you would **normally be in work** then you are entitled to one of the following:

- A paid day off on the holiday
- A paid day off within a month
- An extra day's pay
- An extra day' annual leave

If you would **not normally be in work** on the day the public holiday falls, then you are entitled to 1/5 of your normal weekly wage for that day.

I have been asked to work one of the public holidays, do I get extra pay for that?

If asked to work on a public holiday, you are entitled to one of the following:

- An **additional** days pay
- A paid day off within a month of the day
- An additional day of paid annual leave

Payments for public holidays are generally specified either within your terms of employment or workplace collective agreements. If you need any further information or advice, related to your workplace, you should contact your local union representative.

Absences & public holidays

If I am sick am I still entitled to public holidays?

If you work full-time and take sick leave on a public holiday, you have an entitlement to time off work for the public holiday you missed.

If you are a part-time worker on sick leave during a public holiday, you have an entitlement to time off work for the public holiday, as long as you have worked at least 40 hours in the previous 5 weeks.

If you have been out of work for more than 26 weeks due to illness or more than 52 weeks due to an occupational injury, then you will **not be entitled** to the benefit of the public holiday.

If you are experiencing any difficulties with receiving the benefits of your statutory entitlement, please contact your local **union office or official**.

If I am absent from work, am I still entitled to public holidays?

Your entitlement to public holidays depends on the type of absence from work. If for instance you are on Maternity, Parental or Adoptive leave, you are entitled to leave for all public holidays.

However, you will not be entitled to public holiday benefits if you have been absent immediately before a public holiday due to:

- A strike
- Absence for more than 13 weeks
- Absence after the 1st 13 weeks of Carer's leave

If you feel that due to an absence you have not received your legal entitlement, contact your union representative or local union office immediately.

I am currently on maternity leave, am I still entitled to public holidays?

Once on maternity leave, you will be credited for any public holidays which occur during this period.

You are entitled to either:

- An extra day's pay
- A set paid day off within a month
- An extra day's annual leave per public holiday which occurred during the period of leave

I am currently on adoptive leave, am I still entitled to public holidays?

Yes, you retain your entitlement to any public holidays which occur during the period of adoptive leave which is either:

- An extra day's pay
- A set paid day off within a month
- An extra day's annual leave per public holiday which occurred during the period of leave

I am due to take parental leave soon, am I still entitled to public holidays?

Yes, you retain your entitlement to any public holidays which occur during the period of parental leave. Within the Parental Leave Act 1998 it provides that the number of public holidays which occurred during the period should be added to the end of the period of parental leave.

Again, if you feel that you have not received the correct entitlements or just need further information, you should contact your union representative who will be only too willing to assist you.

I am not receiving my entitlement to annual leave, what should I do?

If you feel you are not receiving your statutory entitlements there are a number of options which you can take to address the issue.

You can make the **complaint to your employer** and then refer it on to the **Rights Commissioner Service** or take a claim to the **Employment Appeals Tribunal**.

Alternatively, if after you notify your employer and there is no resolution, you can seek support and advice from your local union official who may be able to represent you on this issue in your workplace.

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