

DEALING WITH ANNUAL LEAVE AFTER THE FURLOUGH SCHEME CLOSES

[Yvonne Devereux from Olyvetree HR](#) provides us with some useful guidance for employers on the subject of annual leave, especially that which may have accrued during the Covid-19 crisis.

Under normal circumstances at work, employees generally book and take their annual leave throughout the year spreading the cost of that leave evenly.

However, Coronavirus has caused a few (well a lot more than a few really!) challenges. During 'lockdown', individuals could not actually go away on holiday, so they were less likely to want to book it. This created a 'back up' of annual leave for companies to have to deal with. Once 'lockdown' eased many employees remained on Furlough Leave and a lot of employers did not actively manage annual leave for these employees.

So, what do you do if you, as an employer, are faced with an onslaught of potential holiday leave requests just when you need your employees the most?

Holiday entitlement is detailed in the Working Time (Amendment) Regulations 2007 which came into effect on 1st April 2009. The minimum statutory requirement for a full-time employee is 28 days or 5.6 weeks including bank holidays. For part-time employees, it is pro-rated. Employers can offer more annual leave, but they must not offer less than this and they should not 'buy out' annual leave or 'top up' pay to allow for it. Believe it or not, annual leave is a health and safety requirement ... many employers forget this.

For annual leave that was officially taken during furlough leave (including bank holidays), employers were obliged to pay 100% of normal pay rather than the 80%, but unless it was officially recorded as 'annual leave' each day the employee was off was likely to have been treated as a 'working day'.

For those facing challenges due to accrued annual leave, our recommendation would be to think creatively and work with your employees for a resolution that works for both sides. If it is practical to allow leave to be 'carried over' due to exceptional circumstances that is likely to be received positively by your employees, but always remember you remain in the 'driving seat' and you can set rules about how and when it should be taken. You could consider a temporary change to your holiday rules until things settle down and you can request that you employees take leave at specified times as long as you give them notice of at least twice the duration of the leave that must be taken.

For any help or guidance on this topic or any other employment related query, call Olyvetree HR on 01202 835963