

Checking holiday entitlement

You're entitled to paid holiday ('annual leave' or 'statutory leave entitlement') whether you work full time, part time or are on a zero-hours contract.

The amount you get depends on:

- how many days or hours you work
- any extra agreements you have with your employer

You build up ('accrue') holiday from the day you start working, including when you're on:

- a probationary period
- sick leave
- maternity, paternity or adoption leave

Your employer can choose to give you more holiday than the statutory entitlement. Look in your contract or [written terms of employment](#) outlining your job rights and responsibilities to find out how much holiday you get.

1. Your statutory annual leave entitlement

Full time

If you work full time over 5 (or more) days a week you're entitled to at least 5.6 weeks' (28 days') paid holiday per year.

Part time

If you work part time you're entitled to at least 5.6 weeks' holiday pay pro rata (in proportion to the hours you worked). Your holiday entitlement is how many days you work multiplied by 5.6.

For example, if you work 3 days a week you're entitled to 16.8 days' holiday pay (3 x 5.6).

If your employer gives full-time employees more than the statutory amount of leave, for example they might give 30 days, then part-time employees must get the same, calculated pro rata.

Irregular hours

If you work irregular hours, for example shifts, term-time work or zero-hours contracts and you're not sure how much holiday you should get, you

can use the [holiday entitlement calculator on GOV.UK](#).

You're not usually entitled to paid holiday if you're self employed (run your own business), but it could depend if you've been employed on a contract as a worker. It's a good idea to check your [employment status](#) to see what your entitlement is.

Sick or maternity leave

You still accrue holiday if you're on sick, maternity, paternity or adoption leave.

For example, if you take a year of maternity leave, you will return with a whole year's accrued holiday. Your employer might let you take some of this before you go on maternity leave.

You must be paid the same amount when you're on holiday (annual leave) as you're paid when you're at work – whatever your working pattern.

You can use the [holiday entitlement calculator on GOV.UK](#) to work out how much holiday you should get.

Your calculation can be based on:

- days or hours worked per week
- casual or irregular hours
- annualised hours – where you work a certain number of hours across the year but have some flexibility around which hours
- compressed hours – working full-time hours over fewer days
- shifts

2. Fixed hours

If your working hours do not vary (part time or full time) your pay will be calculated using your usual pay rate.

Shift or rota work

If you work shifts (part time or full time) and have set hours and pay, your holiday pay should be the same as this set pay.

If you do not have fixed or regular hours or your pay is not always the same, your holiday should be calculated on the average number of hours you worked at your average hourly rate in the previous 12 weeks.

If any of the 12 weeks are completely unpaid (no pay at all), an earlier

week should be used for calculating in its place. If you get a small amount of pay for the week it should still be included in the 12-week average.

No fixed hours

If you do casual work with no normal hours, for example on a zero-hours contract, your holiday pay will be based on the average pay you got over the previous 12 weeks.

These should be weeks in which you were paid. If you were not paid in one of those 12 weeks (because you did not work), the last paid week before that should be used to calculate your holiday pay.

Rolled-up holiday pay

You must get your holiday pay when you take your annual leave. If your employer is spreading your holiday pay over the year by adding an amount on top of your hourly rate, this is known as 'rolled-up' holiday pay and your employer should not do this.

Overtime, commission and bonus

If you regularly get paid overtime, commission or bonuses, your employer must include these payments in at least 4 weeks of your paid holiday.

Some employers might include overtime, commission and bonus payments in your full 5.6 weeks' paid leave entitlement, but they do not have to. This is because judges in holiday pay cases use the EU Working Time Directive, which is 4 weeks' leave. The UK Working Time Regulations is 5.6 weeks.

Leave that's less than 1 full day

If you have part of a day's leave to take, for example 0.8 of a day, your employer might:

- let you leave work early or come in late one day
- round it up to the nearest full day (it cannot be rounded down)

If you think your holiday pay should be different

If you think you're not getting as much paid holiday as you're entitled to or are not sure how it's being calculated, you should [talk with your employer](#).

You could also check your contract or [written terms of employment](#).

Remember, if you believe your holiday pay is incorrect, you have 3 months

less 1 day from the date you received the last incorrect payment to take your claim to an [employment tribunal](#). So it's a good idea to talk to your employer as soon as possible.

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It's a good idea to ask for your holiday dates as far in advance as possible so that your employer can make arrangements.

You should give at least twice the amount of notice as the amount of time you want to take off, unless your contract or [written terms of employment](#) say otherwise.

For example, if you want 10 days off you'll need to ask at least 20 days in advance.

Your employer can:

- refuse to give leave at certain times, for example during busy periods, but they cannot refuse to let you take any holiday at all
- make you take leave at certain times, such as [Christmas or bank holidays](#)
- restrict how much holiday you take at one time

3. If you are refused leave

An employer can refuse leave but they must give you at least the same amount of notice to refuse leave as the amount of holiday you have requested.

For example, you ask your employer for 7 days off. If they need to refuse your request, they must do this at least 7 days before your holiday is due to start.

Your employer should give good reason for refusing holiday dates and might suggest alternatives, so it's a good idea to [talk to them](#) about it.

If you are forced to take leave

Your employer can make you take:

- leave when they want, for example they might shut down over [Christmas](#)
- unpaid leave at times, if this is in your contract or [written terms of employment](#)

If your employer requires you to take leave in this way, the notice they give you should be at least twice as long as the period they want you to take.

For example, if they want you to take 5 days of holiday, they should tell

you at least 10 days before.

When you should take your holiday by

Your employer will have a start and end date when you should take your holiday by – called the 'leave year'.

When you start a job, you should be told when your workplace's leave year runs from and to.

You must take most of your statutory leave during the leave year.

Carrying over leave

You must take your legal minimum holiday during your leave year. If you get more than the legal minimum 5.6 weeks, your contract or [written terms of employment](#) should say if you can carry over holiday and how much.

When you're not able to use your paid holiday, for example if you're on maternity leave, you must be allowed to carry it over to the next leave year. It's a good idea to arrange this with your employer as early as possible.

If you're on long-term sick leave, you can carry over 4 weeks' paid holiday and it must be used within 18 months of the date it carried over from.

If you cannot take your full paid holiday for any other reason and you are worried about losing it, [talk to your employer](#) and try to reach an agreement.

Holiday when leaving a job

You may be able to take what's left of your annual leave during your notice period before leaving a job, or your employer might want you to.

How much you get depends on how far through the leave year you end the job.

Work out how much holiday you should get with the [holiday entitlement calculator on GOV.UK](#).

If there's any [statutory holiday](#) left that you have not taken by the time you leave, your employer must pay you for it ('payment in lieu').

If you've taken more holiday than your entitlement by the time your job ends, your employer can take money from your [final pay](#) if agreed beforehand in writing. This is sometimes known as a 'payback clause'.

Holiday when starting a job

You start to build up ('accrue') leave as soon as you start a job.

In the first year of a job your employer might use an 'accrual system' where leave is calculated as you go along.

For example, you build up one twelfth of your leave each month, so that by the end of the third month you can take a quarter of your annual leave.

Unpaid leave

If you have run out or do not want to use your paid holiday for some time off, you can ask your employer for unpaid leave.

It's up to your employer whether to agree or not, but you can explain the reason for your request and try to come to the best agreement together.

Unpaid leave and how you can request it might be set out in your contract or [written terms of employment](#).

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Your employer does not have to give you time off on a bank holiday or at Christmas if they're not included in your [leave entitlement](#) or contract. This is the same whether you work full time or part time.

Your employer can also make you take your leave on bank holidays or at Christmas. For example, the business might shut for these days.

Remember bank holidays might be included in your paid holiday entitlement – you can check in your [written terms of employment](#).

See which days are [bank holidays on GOV.UK](#).

It's a good idea to arrange your holiday dates with your employer as early as possible.

4. If your employer changes when they open or close

Your employer has the right to make changes to when you take holiday if they need to.

So for example, they can decide to shut over Christmas and force their employees to take paid leave, even if in previous years the business was

open over Christmas.

If your employer requires you to take paid leave, they should give good notice. They should give you at least twice as long as the period they want you to take.

For example, if they want you to take 1 week of holiday, they should tell you 2 weeks before.

Before making a change to the way staff take holidays, your employer might need to consider whether there has been [custom and practice](#).

If your employer is making significant, long-term changes, for example to the amount of holiday days or pay they give, they must follow the process for [changing a contract](#).

Bank holidays in lieu

If a bank holiday falls on one of your normal working days and you do not want to take the day as annual leave, you could ask your employer if you can work the bank holiday and take leave on another day instead.

This is taking a day's annual leave 'in lieu'. Your employer does not have to agree to this.

You can only get paid in lieu of bank holidays when they are part of untaken statutory leave when your employment ends.

If you work on a bank holiday, you must still get your full 5.6 weeks (pro rata if you're part time) of annual leave as paid time off.

Bank holidays if you are on sick or maternity leave

When you are on sick, maternity, paternity or adoption leave, you still build up ('accrue') paid days off for bank holidays if they are included in your holiday entitlement.

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