

This Week in Employment Law

What Are the Rules on Bank Holiday Working?

With the Easter weekend drawing closer, it can be helpful to understand the legal position on pay and time off for bank holidays. There are often a lot of misconceptions when it comes to this topic. With this in mind, we set the record straight on bank holiday working below:

- There is no legal requirement for staff to have a day off work on a bank holiday; whether they can or not depends on their contractual terms.
- Employers are free to set their own rules on Bank Holiday working.
- Employees have no statutory right to be paid more for working on a Bank Holiday; again this is down to the contract.
- A day off in lieu will need to be given where a bank holiday is worked if failure to do so will take the employee below the minimum 5.6 week annual leave entitlement.
- Paying double time for a worked Bank Holiday does not take the place of a day off in lieu
- Part-time staff mustn't be treated any less favourably; it's best practice to provide these employees with a pro-rata bank holiday entitlement based on their working pattern.
- Remember that Bank Holidays differ between England, Scotland and Wales so employers with staff in these areas should ensure contracts reflect this.

Clocks to 'Spring forward' this weekend

British Summer Time will officially begin this weekend when the clocks go forward by one hour at 1am on Sunday 31st March. As always this raises some interesting employment law questions, including how this 'lost hour' will affect pay for staff who are working at the time and how it will factor into working time calculations.

Did you know?

You should always follow the wording of your employment contracts and relevant workplace policies when it comes to paying staff. Failure to act in line with your contracts or policies could ultimately lead to claims for a breach of contract and unauthorised deduction of wages.

MP calls for gig economy cases to be fast tracked

Labour MP Frank Field has called on employment status disputes, such as those ongoing in the gig-economy, to be given preferential treatment and fast tracked through the tribunal system. He argues this is necessary to reduce any prolonged exploitation of workers' rights.

Did you know?

The prospect of having status cases fast tracked is unlikely to be well received by employers as staff will be more inclined raise a claim if they believe this will be resolved quickly. Therefore it will be increasingly important to have a firm grasp of employment status and workers rights.

Sturgeon predicts another Scottish referendum

First Minister Nicola Sturgeon has predicted that another referendum on Scotland leaving the UK is likely to occur following Brexit. If Scotland were to separate from the UK, this could cause uncertainty for English and Welsh employers who have staff that are based in, or regularly visit, Scotland for work.

Did you know?

At the moment there are only slight differences in employment law in Scotland when compared with England and Wales. However, these could become more significant if Scotland vote to be independent from the UK, which could create confusion for employers.

Given the confusion that often surrounds bank holiday working it is important that you make staff aware of your position on the matter in the weeks ahead. For more information on bank holiday working, or for assistance in dealing with an employee who is refusing to work on these days, you can contact our 24 hour Advisory Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.