

This Week in Employment Law

Factoring Voluntary Overtime into Holiday Pay

The Court of Appeal have ruled on the case of East of England Ambulance Trust v Flowers which questioned when voluntary overtime should be included in workers' holiday pay. Join us as we take a look at the ruling below:

- The employees worked as part of the ambulance service and argued that payment for voluntary overtime - which they could choose to do or not as they pleased - should have been factored into their holiday pay.
- The Court of Appeal agreed, stating that voluntary overtime should be factored into holiday pay when it is 'sufficiently regular and settled'.
- This decision is binding and represents the highest Court decision on this topic. It will be key in any future disputes on voluntary overtime and holiday pay.
- There was no further guidance on how to determine if work was 'sufficiently regular' or 'settled', meaning employers will have to look at the facts of each case when determining holiday pay.
- Employers should remember that this decision only applies to the first 4 weeks of annual leave in the leave year.
- The decision could still be appealed to the Supreme Court, so employers may wish to factor this in when considering their position.

Early May Bank Holiday to be moved in 2020

The government have confirmed the Early May Bank Holiday will move from Monday 4th to Friday 8th May in 2020 to honour the 75th anniversary of VE Day. Worker entitlements may differ depending on the wording around Bank Holidays in their employment contracts.

Did you know?

Employers will need to review their approach to Bank Holidays and how this is outlined in their employment contracts. Those who need to alter their approach to adapt to next year's change should do so in good time and ensure staff still receive their full holiday entitlement in order to avoid legal proceedings.

National Carers Week looks to raise awareness in work

National Carers Week runs from 10th June to raise awareness of the efforts made by staff who balance work and care commitments. There are around 7 million working carers in the UK and employers are urged to do more to support them.

Did you know?

Whilst carers can rely on statutory rights to help them find a balance in their responsibilities, employers should consider other methods to help retain valuable employees. Having a policy on carers can help outline a company's stance and ensure carers are aware of the assistance that is provided.

US make-up stores close for racial sensitivity training

The US stores of make-up chain Sephora have been voluntarily closed to ensure staff are provided with racial sensitivity training. Similar steps were also taken last year by coffee retailer Starbucks over allegations of discriminatory behaviour by staff towards customers.

Did you know?

Discrimination can occur in a number of ways in the workplace and this can often take the form of unconscious bias. Therefore, it is important that staff undergo appropriate training to ensure racial bias does not influence their actions or decision making when hiring or promoting certain individuals.

Holiday pay calculations can be tricky, especially where staff work varied hours or participate in overtime on a regular basis. For any assistance working out holiday pay entitlements, including those which involve voluntary overtime, make sure to call 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.