



This Week in Employment Law

12.09.2022

Bank holiday confirmed for date of The Queen's funeral

The government has announced that Monday 19 September 2022 will be a national bank holiday in all parts of the UK for Her Majesty Queen Elizabeth II's State Funeral.

- Government guidance provides that this bank holiday can be treated the same as other bank holidays, which means that some employers may choose to treat it the same as other additional bank holidays.
- There is no statutory right to time off so employers will need to review their contracts of employment to determine whether their staff are entitled to time off on this additional bank holiday.
- For example, contracts which say employees have a right to 20 days' annual leave plus time off on 8 public/bank holidays, where the bank holidays are listed and there is no extra flexibility in the wording, will not have an automatic right to time off.
- Where contracts do not include an automatic right to time off, employers can choose to give their employees an additional day of paid leave or staff can make an annual leave request in the usual way. The government guidance encourages employers to respond sensitively to requests from workers who wish to take time off.
- For workers who are required to work on the day of the funeral, there are no statutory rules regarding extra pay on bank holidays. This will depend on the wording of the worker's contract and any custom and practice that has been set on previous bank holidays.

Train strikes suspended following The Queen's death

Trade unions RMT and Aslef have announced that railway strikes planned to take place on 15 and 17 September 2022 have been suspended as a mark of respect for Her Majesty. Rail union TSSA has also postponed a 24 hour strike set to start from midday on Monday 26 September until Tuesday 27 September 2022. Railway workers across the UK were due to participate in strike action in an on-going dispute over pay, jobs and conditions.

Did you know?

Employers should still prepare for some travel disruption on Thursday 15 September 2022 as schedules need to be redrawn now that the strike action has been deferred.

Schools to close for The Queen's funeral

The government has confirmed that schools will be closed for the bank holiday on Monday 19 September 2022. Most nurseries and other childcare providers are also likely to close. Employees who are required to work will need to make alternative childcare arrangements but if this is not possible, options could include working from home, requesting to take annual leave or time in lieu or agreeing unpaid leave.

Did you know?

Time off for dependants may not be appropriate in this situation if employees have had time to make other plans but this should not be ruled out as it will depend on the individual circumstances.

Are staff entitled to time off to grieve?

If an employee asks for time off to grieve, the first step is to check the employee's contract for any right to compassionate or bereavement leave. Where these types of leave don't apply, the employer has a discretion whether to approve paid or unpaid leave, ensuring that any requests are treated consistently. Employees may want to request annual leave while The Queen is Lying-in-State at Westminster Hall.

Did you know?

Employers may want to remind staff about support that is available during this time, such as any Employee Assistance Programme (EAP) or counselling offered.

Employers should communicate with their employees to let them know if they can take time off on the additional bank holiday for The Queen's funeral or if they are required to work. Contact our 24-hour Advisory Service for up-to-date guidance on this and more.

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