

27<sup>th</sup> November 2009

## CONSTRUCTION INDUSTRY JOINT COUNCIL (CIJC)

### BRIEFING

#### Important Changes to Annual and Public Holiday Arrangements from 2010

#### INTRODUCTION

This briefing gives guidance on the programme of public holidays and annual holidays, which apply in England, Wales and Scotland until the New Year 2011. It also provides details of important changes to annual and public holiday arrangements from 2010.

#### **Changes to the way holiday entitlement is calculated.**

From 2010 the annual holiday entitlement under the CIJC Working Rule Agreement will remain 21 days of industry holidays plus 8 days of public & bank holidays. However, the combine entitlement of 29 days will now accrue in total on a week by week basis at the rate of 0.558 days per week of service. These new arrangements will commence on Monday 11<sup>th</sup> January 2010 which is the start of the new holiday year. The changes are needed in order that the collective agreement remains fully compliant with the provisions of the Working Time Regulations.

#### **Calculation of Holiday Entitlement for Operatives who Leaves during the year.**

To calculate accrued holiday entitlement it will be necessary to calculate how many weeks the operative has been employed during the holiday year and multiply the number of weeks by 0.558. This will give the accrued entitlement. It is then necessary to calculate how many days of paid holiday (both industry and public/bank) the operative has received during the same period. If the operative has been paid for less than the accrued entitlement then a payment in lieu of the difference must be made with the final wage. If, on the other hand, the operative has been paid for more holidays than accrued an appropriate deduction should be made from the final wage.

This change removes the anomaly whereby operatives working in the spring for a few months receive more paid public holidays than operatives working for a similar period during the autumn where there are fewer public holidays.

The CIJC Working Rule Agreement is in the process of being reproduced and a 2010 version will be published early in the New Year confirming full details of the above changes.

#### **ANNUAL & PUBLIC HOLIDAYS 2010 – ENGLAND & WALES**

The following are days to be recognised as public holidays for purpose of the Working Rule Agreement provided that such days are generally recognised as holidays in the locality in which the work is being done.

**27<sup>th</sup> November 2009**

Good Friday	- Friday 2 <sup>nd</sup> April
Easter Monday	- Monday 5 <sup>th</sup> April
May Bank Holiday	- Monday 3 <sup>rd</sup> May
Spring Bank Holiday	- Monday 31 <sup>st</sup> May
Summer Bank Holiday	- Monday 30 <sup>th</sup> August
Christmas Day	- Monday 27 <sup>th</sup> December (substitute)
Boxing Day	- Tuesday 28 <sup>th</sup> December (substitute)
New Years Day	- Monday 3 <sup>rd</sup> January 2011 (substitute)

### **The Easter (Spring) Holiday**

It has been agreed that the fixed close down during the Easter week will be discontinued releasing 4 days holiday to be taken at another time by agreement with the employer. If the employer wishes to continue with the Easter close down then the workforce affected should be notified at the beginning of the year. Similarly if the employer wishes to have a close down at some other time the operatives affected should be notified of the dates at the beginning of the holiday year.

### **Summer Holidays**

The Working Rule Agreement states that the summer holiday shall be two calendar weeks, not necessarily consecutive, to be granted in the 'summer period'.

### **Winter Holiday and Associated Public Holidays.**

The working Rule Agreement states that there shall be seven working days taken in conjunction with Christmas Day, Boxing Day and New Years Day to give winter holiday of two calendar weeks. The winter break in 2010 will therefore extend from Saturday 25<sup>th</sup> December 2010 to Sunday 9<sup>th</sup> January 2011 inclusive.

### **ANNUAL & PUBLIC HOLIDAYS 2010 – SCOTLAND**

The following are days to be recognised as Public Holidays for the purposes of the Working Rule Agreement, provided that such days are generally recognised as holidays in the locality in which the work is being done.

Monday in the Spring Holiday	- Monday 5 <sup>th</sup> April 2010 (Easter Monday)
The first Monday in May	- Monday 3 <sup>rd</sup> May
Friday immediately preceding the Annual Local Trades Holiday	- As fixed by the competent local authority
Friday and Monday at the Autumn Holiday	- As fixed by the competent local authority
Christmas Day	- Monday 27 <sup>th</sup> December (substitute)
Boxing Day	- Tuesday 28 <sup>th</sup> December (substitute)
New Years Day	- Monday 3 <sup>rd</sup> January 2011 (substitute)

Members who require further information about the dates of the holidays to be fixed by a local authority should consult the local authority where their business is located.

**27<sup>th</sup> November 2009**

### **The Spring Holiday and Associated Public Holidays**

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### **PAYMENTS FOR HOLIDAYS GENERAL**

The provisions of the CIJC Working Rule Agreement provide that all holidays (annual, Public and Bank) are paid at the same rate. Where the operative's pay does not vary with the amount of work done a week's pay is simply the normal weekly wage for the contractual weekly hours as defined by the contract of employment. Where the operative's pay varies with the amount of work done because of piece work or other productivity bonus arrangements, then a week's pay is arrived at by calculating the earnings during the normal working week as defined by the contract of employment, averaged over the 12 complete weeks worked immediately prior to the holiday week. A day's pay is calculated by dividing the week's pay as defined above by the number of hours in the normal week and multiplying it by normal hours in the particular day, both as defined by the contract of employment.

### **PAYMENT FOR WORK ON PUBLIC HOLIDAYS**

All hours worked on a day designated as a Public Holiday shall be paid for at double time (WR.19.3) An operative who has worked on a Public holiday should be given another paid day's holiday in lieu and not paid holiday pay for the day worked. The day in lieu should be taken by agreement between the operative and the employer.

### **NIGHTWORK AND SHIFTWORK**

In the case of night work or shift work, it is customary for a holiday period to commence and finish at that start of the shifts which include the midnight proceeding or the midnight at the end of the holiday period for normal day workers.