

Construction Industry Joint Council (CIJC)

October 2011

Holiday Entitlement 2012 (incorporating the Queen's Diamond Jubilee)

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 2013.

The way holiday entitlement is calculated

From 2010 the way annual holiday entitlement is calculated under the CIJC Working Rule Agreement has changed.

The 21 days of industry holidays plus 8 days of Public/Bank holidays have been combined into a total entitlement of 29 days. The 29 days accrue on a week by week basis at the rate of 0.558 days per week of service. The 2012 holiday year started on Monday 9th January, on return from the Christmas break.

For 2012, the Queen's Diamond Jubilee of Tuesday 5th June has been recognised as a day of paid holiday, not part of the 29 days of normal annual entitlement. This extra day of holiday is to be granted to operatives actively working for the employer on 5th June 2012. *The provisions of WR.19.4 do not apply to this holiday and operatives required to work on this day will be granted an alternative day of paid holiday at a time to be agreed with the employer.*

Calculation of holiday entitlement for an operative who either leaves or joins during the year

To calculate accrued holiday entitlement for a leaver 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 – except the Queen's Diamond Jubilee) 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.

For an operative who joins part way through the year it is necessary to calculate the number of weeks remaining in the holiday year and multiply this by 0.558 – rounded to a whole number. This will give the total entitlement (inclusive of Public/Bank holidays) for the remainder of the year.

● Annual & Public/Bank Holidays 2012 - England & Wales

The following are days to be recognised as Public/Bank 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.

Good Friday	- Friday 6th April
Easter Monday	- Monday 9th April
May Bank Holiday	- Monday 7th May
Spring Bank Holiday	- Monday 4th June
Queen's Diamond Jubilee	- Tuesday 5th June (extra day see paragraph 3)
Summer Bank Holiday	- Monday 27th August
Christmas Day	- Tuesday 25th December
Boxing Day	- Wednesday 26th December
New Year's Day	- Tuesday 1st January 2013

● The Easter (Spring) Holiday

The fixed close-down during the Easter week has been 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 operatives 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 2 calendar weeks, not necessarily consecutive, to be granted in the 'summer period'.

● Winter Holiday and Associated Public/Bank Holidays

The Working Rule Agreement states that there shall be 7 working days taken in conjunction with Christmas Day, Boxing Day and New Year's Day to give a winter holiday of 2 calendar weeks. The winter break in 2012 will therefore extend from Saturday 22nd December 2012 to Sunday 6th January 2013 inclusive.

● Annual & Public/Bank Holidays 2012 - Scotland

The following are days to be recognised as Public/Bank 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.

Easter Monday	- Monday 9th April
The first Monday in May	- Monday 7th May
Spring Bank Holiday	- Monday 4th June
Queen's Diamond Jubilee	- Tuesday 5th June (extra day see paragraph 3)
Friday and Monday at the Autumn Holiday	- As fixed by the competent Local Authority
Christmas Day	- Tuesday 25th December
Boxing Day	- Wednesday 26th December
New Year's Day	- Tuesday 1st January 2013

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

● The Easter (Spring) Holiday

The fixed close-down during the Easter week has been 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 operative 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.

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Payments for holidays general

The provisions of the CIJC Working Rule Agreement provide that all holidays (annual, Public/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 the number of normal hours in the particular day, both as defined by the contract of employment.

Payment for work on Public/Bank Holidays

All hours worked on a day designated as a Public Holiday (except the Queen's Diamond Jubilee – see paragraph 3) shall be paid for at double time (WR.19.4). 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.

Night-work and Shift-work

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

Flexibility associated with the Winter Holiday

The Working Rule Agreement provides that all or some of the days of the winter holiday can be taken on alternative days (WR.18.1). Where it is agreed that the days should be changed the entitlement remains two weeks. By way of example, from Wednesday to Tuesday - a fortnight away, inclusive.

For further information please contact your trade association.