

Bank Holiday Pay – Full Time & Part Time Employees

Rules

Entitlement regarding public holidays is set out in the Organisation of Working Time Act 1997. Most employees are entitled to paid leave on public holidays. One exception is part-time employees who have not worked for their employer at least 40 hours in total in the 5 weeks before the public holiday.

Employees who qualify for public holiday benefit will be entitled to one of the following:

- A paid day off on the public holiday
- An additional day of annual leave
- An additional day's pay
- A paid day off within a month of the public holiday

The Organisation of Working Time Act provides that an employee may ask you at least 21 days before a public holiday, which of the alternatives will apply. If you fail to respond at least 14 days before the public holiday, then the employee is entitled to take the actual public holiday as a paid day off.

The Organisation of Working Time (Determination of Pay For Holidays) Regulations (SI 475/1997) set out the appropriate rate of daily pay.

Part-time employees

If your employee has worked at least 40 hours in the 5 weeks before the public holiday and the public holiday falls on a day they normally work they are entitled to a day's pay for the public holiday. If they are required to work that day they are entitled to an additional day's pay.

If they do not normally work on that particular day they should receive one-fifth of their weekly pay. Even if they may never be rostered to work on a public holiday they are entitled to one-fifth of their weekly pay as compensation for the public holiday.

If they do not have normal daily or weekly working hours, under SI 475/1997, an average of their day's pay or the fifth of their weekly pay is calculated over the 13 weeks they worked before the public holiday.

In all of the above situations you may choose to give your employee paid time off instead of pay for the public holiday.